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RECEIVED
November 20, 2017
**Commission on
State Mandates**

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November 20, 2017

VIA DROP BOX

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: *San Diego Region Order No. R9-2015-0100 and Order No. R9-2015-0001, 15-TC-02, Second Response to Corrected Second Notice of Incomplete Test Claim*

Dear Ms. Halsey:

I am writing this letter on behalf of joint test claimants County of Orange, Orange County Flood Control District and the Cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente and San Juan Capistrano ("Joint Test Claimants") in response to the Corrected Second Notice of Incomplete Test Claim ("Second Notice") of October 5, 2017 issued with respect to the above-referenced Joint Test Claim. I am the designated Claimant Representative for all Joint Test Claimants.

This letter responds to a request which the Second Notice indicates is necessary to retain the original filing date of the Joint Test Claim. These are to provide a revised written narrative "that specifies the date costs were first incurred" under Order No. R9-2015-0001 (the "Permit"), and "declarations or other evidence to support a finding of the date of first incurring costs as a result of that order." In the Joint Test Claimants' Initial Response to the Second Notice, we provided a copy of the municipal stormwater permit amended by Order No. R9-2015-0001, as requested by Commission staff.

Another request, which your letter indicates was made "optionally," was to provide additional evidence regarding the costs incurred for each mandated activity in the Permit. The Joint Test Claimants sent a letter to you dated October 9, 2017, requesting that the Second Notice be clarified through the deletion of this request because, as the Second Notice itself indicated, provision of the additional cost evidence was not required

Ms. Heather Halsey

Page 2

November 20, 2017

to maintain the original filing date of the Joint Test Claim because it was not a jurisdictional issue. Your office has not responded to that October 9 letter. If you have any understanding different from that of the Joint Test Claimants, i.e., that the Claimants are not required at this point to respond to this request in order to maintain the original filing date, please inform us as soon as possible.

In response to the request for a revised written narrative and “declarations or other evidence” to support the date of incurrence of first costs under the Permit, attached please find a revised Narrative Statement (with an amended Section I.B) which addresses the alleged deficiency identified in the Second Notice. Also please find supplemental declarations from each Joint Test Claimant, along with two additional declarations from current and former OC Stormwater program employees, identifying key documents used to establish the dates of first incurrence of costs.

Please be advised that the Joint Test Claimants are submitting this additional evidence subject to a continuing objection as to its need. The Joint Test Claimants have already submitted declarations attesting to the date of first incurrence of costs. Those declarations were in full compliance with the requirement established by the Legislature in Govt. Code § 17553(b)(2): “The written narrative shall be supported by declarations under penalty of perjury, *based on the declarant’s personal knowledge, information, or belief*, and signed by persons who are authorized and competent to do so”(emphasis supplied).

The Commission’s own regulations, moreover, allow the submission of “written representations of fact . . . signed under penalty of perjury by persons who are authorized and competent to do so and must be based upon the declarant’s personal knowledge or *information or belief*.” 2 Cal. Code Reg. § 1187.5 (emphasis supplied). The declarations filed by the Joint Test Claimants on September 18 fulfilled this requirement in that they were made by authorized and competent individuals under their information and belief.

Significantly, the requirement that test claimants specify the *date* of first incurrence of costs is neither a statutory nor regulatory requirement. 2 Cal. Code Reg. § 1183.1 requires only that the test claim be filed within the fiscal year after costs were first incurred. This was established by the initial declarations filed with the Joint Test Claim, which indicated that costs were first incurred in Fiscal Year 2014-15, the fiscal year prior to the fiscal year in which the Joint Test Claim was filed. We continue to submit that the setting forth of this fact satisfies the timeliness requirement of the regulations. The regulation does not, contrary to the statement on page 2 of the Second Notice, require the claimants to “specify the date of first incurred costs as a result of this executive order.”

Despite these facts and the cited law and regulations, the Second Notice asserts that the declarations submitted on September 18 were impermissible “hearsay.” The

Ms. Heather Halsey

Page 3

November 20, 2017

Commission itself, however, allows hearsay evidence in the form of declarations made under penalty of perjury to support a factual finding.

This was explained in the Commission's Staff Report on Proposed Substantial Changes, Subject to 15 Day Comment Period General Cleanup Provisions, proposed to be adopted by the Commission at its December 1, 2017 hearing. In the Response to Comments on proposed changes in filing requirements on page 16, staff writes that under evidentiary requirements for courts,

written testimony in the form of a declaration or affidavit is considered hearsay because the declarant is an out-of-court witness making statements about the truth of the matters asserted and is not available for cross examination. However, under the relaxed rules of evidence in section 1187.5 of the Commission's regulations, *written testimony made under oath or affirmation is considered direct evidence and may be properly be used to support a fact.*

(emphasis supplied).

The declarations submitted on September 18 were written testimony submitted under oath and, under Section 1187.5's requirements that such testimony be signed either on personal knowledge *or* information or belief, are admissible to support a fact and should have been accepted. The Joint Test Claimants therefore submit that the requirement of Commission staff with regard to the form of the declaration is contradicted by the plain language of the statutory and regulatory provisions governing test claims.

As you know, this Joint Test Claim was initially filed on June 30, 2016, and has already undergone a previous completeness review. The evidentiary objections set forth in the Second Notice were not raised there nor in any previous test claim. With respect, the Joint Test Claimants have been prejudiced by having to spend additional resources and staff time preparing and executing updated declarations to address this issue.

Nevertheless, and subject to the objections set forth above, the declarations submitted with this response are based on the personal knowledge of the declarant and/or on documentary evidence, evidence which separately has been identified based on the personal knowledge of its preparer.

The Joint Test Claimants trust that with the submission of the documents attached hereto and the earlier submission of a copy of the municipal stormwater permit modified by Order No. R9-2015-0001, Commission staff will confirm that the Joint Test Claim is complete. The Joint Test Claimants will be responding in a separate filing with respect to the request regarding evidence as to increased costs.

BURHENN & GEST LLP

Ms. Heather Halsey
Page 4
November 20, 2017

Thank you for your consideration of these matters.

Very truly yours,



David W. Burhenn

DB:dwb

DECLARATIONS SUBMITTED IN RESPONSE TO CORRECTED SECOND NOTICE OF
INCOMPLETE TEST CLAIM, 15-TC-02

DECLARATION OF JULIE RIGGIO IN SUPPORT OF JOINT TEST CLAIM

I, Julie Riggio, declare and state as follows:

1. I make this declaration based upon my own personal knowledge. If called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am employed by Geosyntec Consultants as a Senior Staff Scientist. From October 2014 to November 2015, I was employed by the County of Orange ("County") in the Department of Public Works, Environmental Resource Division, as an Environmental Resource Specialist. By virtue of my activities while employed by the County, I have knowledge of the County's programs and activities set forth in this declaration.

3. I am familiar with California Regional Water Quality Control Board, San Diego Region Order No. R9-2013-0001 (NPDES No. CAS0109266) issued on May 8, 2013, as amended by Order No. R9-2015-0001 ("Amended Permit"), as well as the process under which the Amended Permit was first implemented.

4. Among my tasks while working for the County was the organization of meetings held among the municipalities within the County, including those covered by the provisions of the Amended Permit.

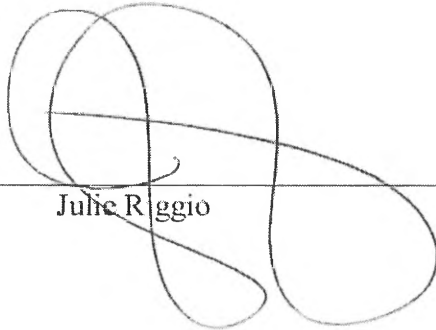
5. I attended such a meeting, of the NPDES LIP/PEA Sub-committee, held at the offices of the County stormwater program on April 15, 2015 (the "April 15 meeting"). During that meeting, the requirements of the Amended Permit were discussed.

6. Exhibit A to my Declaration is a true and correct copy of a document entitled "Meeting Attendance Sign-in Sheet: NPDES LIP/PEA Sub-committee." I created this sign-in sheet and caused it to be circulated among the attendees at the April 15 meeting. The presence of initials or other hand-written markings next to the printed names on Exhibit A reflected the

attendance of those individuals at the April 15 meeting, though some individuals who I knew to be in attendance at the meeting, namely Jennifer Shook, Richard Boon and myself, did not write on the document.

Executed November 8, 2017 at Huntington Beach, California.

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



Julie Riggio

EXHIBIT A

Meeting Attendance Sign-in Sheet: NPDES LIP/PEA Sub-committee

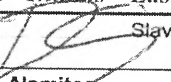
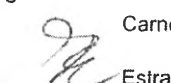
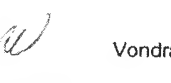
- Please initial and add/correct your contact information. Also edit/add/delete information of other staff with your city/agency.

- New attendees: please add your information at the end of the list. Last person with this list - Please return list to Committee Chairperson

Affiliation	Initials	Last Name	First	Title	Department:	E-Mail	Address	Zip	Phone	Fax
Cities of Brea and Yorba Linda (Fuscoe Engineering Consultant)										
1	HW	Wen	Howard			hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
City of Aliso Viejo										
2	RE	Curtin	Ryan	Environmental Associate	Public Works	myahya@cityofaliso.com	12 Journey, Suite 100	92656	(949) 425-2535	(949) 367-2852
City of Anaheim										
3		Heffernan	Jonathan	Contracts Specialist	Public Works - SSOs	jheffernan@anaheim.net	400 E. Vermont Ave.	92805	(714) 765-6903	(714) 765-6842
4		Linker	Keith	Principal Civil Engineer	Public Works	klinker@anaheim.net	200 S. Anaheim Blvd.	92805	(714) 765-4141	(714) 765-5225
City of Anaheim (Amec Consultant)										
5		Lentz	Matt	Authorized Inspector	Public Works	mlentz@anaheim.net			(949) 642-0245	
City of Brea										
6		Ingallinera	Brian	Environmental Services Coordinator	Public Works	briani@cityofbrea.net	1 Civic Center Plaza	92821	(714) 990-7672	(714) 990-2258
City of Buena Park										
7	HB	Brodowski	Doug	Senior Management Analyst	Public Works	dbrodowski@buenapark.com	6650 Beach Blvd., P.O. Box 5009	90622-5009	(714) 562-3652	(714) 562-3669
City of Costa Mesa										
8	MC	Fazeli	Fariba	Interim City Engineer		fariba.fazeli@costamesaca.gov	77 Fair Dr., PO Box 1220	92628	(714) 754-5378	(714) 754-5028
City of Cypress										
9		Vazquez	Gonzalo	Contract/ Env. Affairs Mgr.	Public Works	gvazquez@ci.cypress.ca.us	5272 Orange Avenue	90630	714-229-6752	714-229-0154
City of Dana Point										
10		Zawaski	Lisa	Senior Water Quality Engineer	Public Works	lzawaski@danapoint.org	33282 Golden Lantern	92629	(949) 248-3584	(949) 234-2826
City of Fullerton										
11		Miner	Grant	Environmental Compliance Specialist	Fire Department	grantm@fullertonfire.org	303 W. Commonwealth Ave.	92832	(714) 738-5359	
12		Phan	Trung Chanh	Stormwater/Waste water Compliance Specialist I		trungp@ci.fullerton.ca.us	303 W. Commonwealth Ave.	92832	(714) 738-5333	(714) 738-3115
City of Huntington Beach										
13		Elliott	Terri	Principal Civil Engineer	Public Works	telliott@surfcity-hb.org	2000 Main St., P.O. Box 190	92648	(714) 375-8494	(714) 374-1573
14		Hornik	Loriana		Public Works	Loriana.Hornik@surfcity-hb.org	2000 Main Street	92648	(714) 375-8445	

Wednesday, April 15, 2015

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
15		Merid	Jim	Environmental Specialist	Public Works	jmerid@surfcity-hb.org	200 Civic Center	92648	(714) 374-1548	
City of Irvine										
16		Burgh	Angie			aburgh@ci.irvine.ca.us				
17	ML	Carr	Amanda	Water Quality Administrator	Community Development	acarr@ci.irvine.ca.us	1 Civic Center Plaza	92623	(949) 724-6315	(949) 724-6490
18		Kao	Victor			vkao@ci.irvine.ca.us	One Civic Center Plaza	92623		
19		Kirkpatrick	Joe	Bldg. Principal Planner		jkirkpatrick@ci.irvine.ca.us	1 Civic Center Plaza	92606	949-724-6320	
20		Yang	Michael	Water Quality Administrator	Community Development	myang@ci.irvine.ca.us	1 Civic Center Plaza	92623	(949) 724-6327	(949) 724-6440
City of La Habra										
21		Herrick	Vaughan			VaughanH@lahabracity.com				
22		Tellez	Abraham	NPDES Program Inspector		abrahamt@lahabracity.com	201 E. La Habra Blvd.	90631	(562) 905-9720	(562) 905-9643
23		You	Melissa	NPDES Program Coordinator		MelissaY@lahabracity.com	201 E. La Habra Blvd.	90631	(562) 905-9607	(562) 905-9643
City of La Palma										
24		Acosta	Claudia	Code Enforcement Officer		claudiaa@cityoflapalma.org	7822 Walker St.	90623	(714) 690-3342	
25		Baldwin	Larry	Engineering Technician	Public Works	larryb@cityoflapalma.org	7822 Walker St.	90623	(714) 690-3325	(714) 523-2141
26		Hutter	Scott			scotth@cityoflapalma.org				
27		Moneda	Jeff	Director of Public Works/City Engineer		jeffm@cityoflapalma.org	7822 Walker St.	90623-1771	(714) 690-3310	(714) 523-2141
City of Laguna Beach										
28		Ingebrigtsen	Tracy	Senior Water Quality Analyst		tingebrigtsen@lagunabeachcity.net	505 Forest Avenue	92651	(949) 497-0781	(949) 494-1864
29		Phillips	Mike	Environmental Specialist	Water Quality	Mphillips@lagunabeachcity.net	505 Forest Avenue	92651	(949) 497-0390	(949) 494-1864
City of Laguna Hills										
30		Javed	Humza	Assist. Engineer		hjaved@ci.laguna-hills.ca.us	24035 El Toro Rd.	92653	(949) 707-2657	(949) 707-2633
City of Laguna Niguel										
31		Herrera	JC	Civil Engineer Tech/WQ Analyst		jherrera@cityoflagunaniguel.org	30111 Crown Valley Parkway	92677	(949) 362-4382	(949) 362-4385
32		Orduna	Jonathan	Senior Planner		jorduna@cityoflagunaniguel.org	30111 Crown Valley Parkway	92677	(949) 362-4357	(949) 362-4369
33		Palmer	Nancy	Senior Watershed Manager		npalmer@cityoflagunaniguel.org	30111 Crown Valley Parkway	92677	(949) 362-4384	(949) 362-4385
City of Laguna Woods										
34		Macon	Chris	City Manager	Public Works	cmacon@lagunawoodscity.org	24264 El Toro Road	92637	(949) 639-0525	(949) 639-0591
35		Yahya	Moy	Water Quality Project Manager	Water Quality	moyyahya@caaprofessionals.com	24264 El Toro Road	92637	(949) 279-4385	(949) 639-0591
City of Lake Forest										

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
36		Slaven	Devin	Water Quality Specialist	Public Works	dslaven@lakeforestca.gov	25550 Commercentre Dr. Ste 100	92630	(949) 461-3436	(949) 461-3511
City of Los Alamitos										
37		Melby	Paul			pmelby@ci.los-alamitos.ca.us				
38		Mendoza	Steven	Community Development Director		smendoza@ci.los-alamitos.ca.us	3191 Katella Ave., P.O. Box 3147	90720	(562) 431-3538	(562) 493-0678
City of Los Alamitos (Willdan Engineering)										
39		Kelley	Chris	Design Engineer		ckelley@willdan.com			(714) 978-8235	
City of Mission Viejo										
40		Ames	Joe	Associate Civil Engineer	Public Works	james@cityofmissionviejo.org	200 Civic Center Drive	92691	(949) 470-8419	(949) 581-5394
41		Carson	Deborah			dcarson@cityofmissionviejo.org	200 Civic Center	92691		
42		Schlesinger	Richard	City Engineer	Public Works	rschlesinger@cityofmissionviejo.org	200 Civic Center	92691	(949) 470-3079	(949) 581-5394
City of Newport Beach										
43		Burckle	Shane	Code & Water Quality Inspector	Code & Water Quality Enforcement	sburckle@newportbeachca.gov	3300 W. Newport Blvd.	92663	(949) 644-3214	(949) 718-1840
44		Kappeler	John	Water Quality Specialist	Code & Water Quality Enforcement	jkappeler@newportbeachca.gov	P.O. Box 1768	92658-8915	(949) 644-3218	(949) 718-1840
City of Orange										
45		Carney	Mike	Environmental Scientist	Public Works	mcarney@cityoforange.org	300 E. Chapman Ave	92866	(714) 532-6480	(714) 744-5573
46		Estrada	Gene	NPDES Coordinator	Public Works	gestrada@cityoforange.org	300 E. Chapman Ave, P.O. Box 449	92866	(714) 532-6480	(714) 744-5573
City of Placentia										
47		Castro-Graham	Antonia	Management Analyst		acgraham@placentia.org	401 E. Chapman Avenue	92870	(714) 993-8149	(714) 582-4640
48		Makowski	Robert	Environmental Compliance Officer		rmakowski@placentia.org	401 E. Chapman Avenue	92870	(714) 993-8219	(714) 691-0238
49		Nguyen	Bryan	Engineering Assistant			401 E. Chapman Avenue	92870	(714) 993-8149	(714) 582-4640
City of Rancho Santa Margarita										
50		Beimer	Rae	Stormwater Program Manager	Public Works	rbeimer@cityofrsm.org	22112 El Paseo	92688	(949) 635-1800	(949) 635-1667
51		Maximous	E. (Max)	Interim City Engineer	Public Works	emaximous@cityofrsm.org	22112 El Paseo	92688	(949) 635-1805	(949) 635-1667
52		Parco	Jerome	Principal Engineer		jparco@cityofrsm.org	22112 El Paseo	92688	(949) 635-1813	(949) 635-1667
City of San Clemente										
53		Bonigut	Tom	Principal Civil Engineer - Environmental	Public Works - Engineering	BonigutT@san-clemente.org	910 Calle Negocio, Ste. 100	92673	(949) 361-6187	(949) 361-8316
54		Casey	Zina	Acting Environmental Analyst		CaseyZ@san-clemente.org			(949) 361-6143	(949) 492-5289
55		Vondrak	Mary	Management Analyst II	Public Works - Environmental	VondrakM@san-clemente.org	910 Calle Negocio, Ste. 100	92673	(949) 361-8204	(949) 492-5289
City of San Juan Capistrano										

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
56		Shoucair	Sam	Assistant Public Works Director		sshoucair@sanjuancapistrano.org	32400 Paseo Adelanto	92675	(949) 443-6355	
57		Van Der Maaten	Keith	Utilities Director		kvandermaaten@sanjuancapistrano.org	32400 Paseo Adelanto	92675	(949) 443-6363	(949) 793-1251
City of Santa Ana										
58		Chesaneck	Tyrone	Principal Civil Engineer	Construction Engineering	tchesaneck@santa-ana.org	20 civic Center Plaza, M-22, P.O. Box 1988	92701	(714) 647-5045	
59		Lo	Thomas	Stormwater Coordinator	Construction Engineering	tlo@santa-ana.org	20 Civic Center Plaza, Public Works Agency M-22	92702	(714) 647-5659	(714) 647-5635
City of Seal Beach										
60	JB	Spitz	David	Associate Engineer	Public Works	dspitz@sealbeachca.gov	211 8th St.	90740	(562) 431-2527	(562) 430-8763
City of Stanton										
61		Guilliams	Nick	Deputy City Engineer	Public Works	nguilliams@ci.stanton.ca.us	7800 Katella Ave.	90680	(714) 379-9222	(714) 890-1443
City of Stanton (John L. Hunter & Associates)										
62	CM	McCullough	Cameron	Authorized Inspector	Public Works	cmccullough@jlha.net	7800 Katella Ave.	90680	(562) 802-7880	
City of Tustin										
63	AEW	Waite	Alex	Environmental Compliance Specialist	Public Works	awaite@tustinca.org	300 Centennial Way	92780	(714) 573-3305	(714) 734-8991
City of Tustin (Fuscoe Engineering Consultant)										
64	HW	Wen	Howard	Project Manager		hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
City of Villa Park										
65		Hildenbrand	Jarad	Assistant City Manager/City Clerk		jhildenbrand@villapark.org	17855 Santiago Blvd.	92667	(714) 998-1500	(714) 998-1508
66	CM	McClough	Akram	City Engineer		ahindiye@villapark.org	17855 Santiago Blvd.	92667	(714) 998-1500	(714) 998-1508
City of Westminster										
67	DM	Hsieh	Daniel	Engineer/Public Works	Public Works	Dhsieh@westminster-ca.gov	8200 Westminster	92683	(714) 898-3311	(714) 895-4499
68		Ngo	Jake Q.	Engineer/Public Works	Public Works	jaken@westminster-ca.gov	8200 Westminster	92683	(714) 898-3311	(714) 895-4499
City of Yorba Linda										
69		Simonetti	Matt	Senior Civil Engineer, P.E.		msimonetti@yorba-linda.org	4845 Casa Loma, P.O. Box 87014	92886	(714) 961-7174	
70		Weldon	Howard	Senior Community Preservation Officer		hweldon@yorba-linda.org	4845 Casa Loma Avenue, P.O. Box 87014	92886	(714) 961-7133	(714) 993-9148
City of Yorba Linda (Fuscoe Engineering Consultant)										
71		Wen	Howard	Project Manager		hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
County of Orange										
72		Boon	Richard	Supervising ERS	OC Public Works\OC Watersheds	richard.boon@ocpw.oc.gov	2301 N. Glassell Street	92865	(714) 955-0670	(714) 955-0638

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
73		Brenner	Larry		HCA\Environmental Health	lbrenner@ochca.com			(714) 433-6284	(714) 488-6481
74		Buss	Kimberly	Environmental Resource Specialist II	OC Public Works\Environmental Resources	kimberly.buss@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0675	
75	KC	Clapper	Kacen	Environmental Resource Specialist III	OC Public Works\OC Watersheds	kacen.clapper@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0652	
76		Dang	Ted			ted.dang@ocpw.ocgov.com				
77		Fortuna	James	Environmental Resources Specialist III	OC Public Works\OC Watersheds	james.fortuna@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0677	
78		Friedman	Doug	Environmental Engineering Specialist	OC Public Works\OC Planning	doug.friedman@ocpw.ocgov.com	300 N. Flower Street	92703	(714) 667-8841	(714) 667-7522
79		LaMont	Robin	NPDES Coordinator	OC Parks	robin.lamont@ocparks.com	13042 Old Myford Rd.		(714) 651-0618	(714) 973-3338
80		Maldonado	Ruby	Chief	OC Public Works\Community & Advance Planning Svcs	ruby.maldonado@ocpw.ocgov.com	300 N. Flower Street, Third Floor, P.O. Box 4048	92702	714-834-4414	(714) 834-6132
81		Martinez	Rosa		OC Parks	rosa.martinez@ocparks.com			(949) 585-6422	
82		Nguyen	Duc	Environmental Resource Specialist III	OC Public Works\OC Watersheds	Duc.Nguyen@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0676	
83		Riggio	Julie	Environmental Resource Specialist	OC Watersheds	julie.riggio@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0672	
84		Rodarte	Robert		OC Watersheds	robert.rodarte@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0642	
85		Ruano	Betty			betty.ruano@ocpw.ocgov.com				
86		Sharp	Grant	Supervisor	OC Public Works\OC Watersheds	grant.sharp@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0674	(714) 955-0638
87		Shook	Jennifer	Environmental Resource Specialist III	OC Public Works\OC Watersheds	jennifer.shook@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0671	(714) 955-0638
88		Suppes	Christy	Environmental Resource Specialist III	OC Public Works\OC Watersheds	christy.suppes@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0673	(714) 937-8956
89	AT	Yean	J.T.	Civil Engineer	OC Public Works	Jung-Tsun.Yean@ocpw.ocgov.com	300 N. Flower Street	92702-4048	(714) 667-8871	
Recupero and Associates, Inc.										
90		Diaz	Brian	for Assistant		bdiaz@recupero.net	31877 Del Obispo Street Suite 204	92675	(949) 429-6300	(949) 429-6303
91		Recupero	Michael			mrecupero@recupero.net	31877 Del Obispo Street Suite 204	92675	(949) 429-6300	(949) 429-6303
U.C. Cooperative Extension										
92		Haver	Darren	Watershed Resources Advisor		dihaver@ucanr.edu	7601 Irvine Blvd.	92618	(949) 053-1814	

**DECLARATION OF JENNIFER SHOOK ON BEHALF OF THE COUNTY OF
ORANGE IN SUPPORT OF TEST CLAIM**

I, Jennifer Shook, declare and state as follows:

1. I make this declaration based upon my own personal knowledge. If called upon to testify, I could and would competently testify to the matters set forth herein under oath.

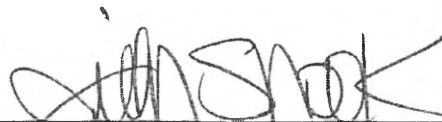
2. I am employed by the County of Orange ("County") in the Department of Public Works as Manager of Watershed Resources and Mitigation Program. In April, 2015, I was employed by the County Public Works Department as an Environmental Resource Specialist III in the OC Stormwater Program. I have knowledge of the County's programs and activities set forth in this declaration.

3. I am familiar with California Regional Water Quality Control Board, San Diego Region Order No. R9-2013-0001 (NPDES No. CAS0109266) issued on May 8, 2013, as amended by Order No. R9-2015-0001 ("Amended Permit"), as well as the process under which the Amended Permit was first implemented.

4. On April 23, 2015, in my capacity as a staff member of the OC Stormwater Program, I sent an e-mail to representatives of the permittees covered by the Amended Permit. I attached to that e-mail an Excel spreadsheet of primary permit requirements and deliverables set forth in the Amended Order, which I prepared. A true and correct copy of a printout of the e-mail that I prepared and sent to the recipients on that date is attached as Exhibit A to my declaration.

Executed November 8, 2017 at Orange, California.

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



Jennifer Shook

EXHIBIT A

From: Shook, Jennifer <Jennifer.Shook@ocpw.ocgov.com>
Sent: Thursday, April 23, 2015 11:01 AM
To: Mesa, Ann; Musacchia, Beatrice; Buss, Kimberly; Crompton, Chris; Suppes, Christy; Clapper, Kacen; Nguyen, Duc; Sharp, Grant; Mayo, Howard [HCA]; Fortuna, James; Shook, Jennifer; Brennler, Larry [HCA]; Pope, Maria [JWA]; Thoms, Marilyn; Martinez, Anthony [HCA]; Skorpanich, Mary Anne; Fennessy, Michael; Boon, Richard; Riggio, Julie; LaMont, Robin [OCCR]; Rodarte, Robert; Dang, Ted; Tucker, Matt; Angel Fuertes - Lake Forest; bfowler@danapoint.org; Brian Kurnow - Laguna Woods; Carlos Castellanos - Rancho Santa Margarita; Chris Macon - Laguna Woods; Deborah Carson; Devin Slaven - Lake Forest; dreilly@lagunawoodscity.org; Yi, Greg; Humza Javed - Laguna Hills; JC Herrera - Laguna Niguel; Joe Ames; Joe Mankawich - San Juan Capistrano; Jonathan Orduna - Laguna Niguel; Keith Van Der Maaten - San Juan Capistrano; krosenfield@ci.laguna-hills.ca.us; Lisa Zawaski - Dana Point; Mary Vondrak - San Clemente; Tucker, Matt; Mike Phillips - Laguna Beach; Moy Yahya - Aliso Viejo; Moy Yahya - Laguna Woods; Nancy Palmer - Laguna Niguel; Peter Meier - Lake Forest; Rae Beimer - Rancho Santa Margarita; Rich Schlesinger; Shaun Pelletier - Aliso Viejo; Tom Bonigut - San Clemente; Tracy Ingebrigtsen - Laguna Beach; Gin, Vincent
Subject: NPDES Stormater - San Diego Region: Table of Deliverables
Attachments: SDR Permit_5thTerm_Deliverables_4-22-15 DRAFT.xlsx

Good morning,

Please find attached a table of primary permit requirements and deliverables from the Fifth Term Permit (Order R9-2013-0001 as amended by R9-2015-0001). This is an updated draft from a previous version that was reviewed at January's General Permittee meeting.

Please note that the file is labeled as draft because as we dive deeper into implementation, we may find that our interpretation of some of the due dates was not as intended from the Permit (for example, we thought that the Fiscal Analysis was due with the transitional JRMP Annual Report, but after discussing this with Regional Board Staff, we learned that the Fiscal Analysis is not due until we submit the first WQIP Annual Report).

Please let me know if you have any questions.

Thanks!

Jennifer Shook
OC Stormwater Program
County of Orange – OC Public Works Department
2301 N. Glassell Street, Orange, CA 92865
(714) 955-0671 tel / (714) 955-0639 fax
jennifer.shook@ocpw.ocgov.com
www.ocwatersheds.com

Please note my working hours are 7:30 AM - 5:00 PM, Monday - Thursday, and 7:30 AM - 4:00 PM every other Friday. For the month of April I will be in the office on the following Fridays: 4/10 and 4/24

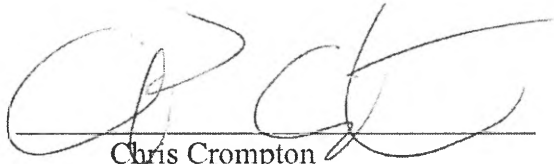
**SECOND SUPPLEMENTAL DECLARATION ON BEHALF OF THE COUNTY OF
ORANGE IN SUPPORT OF TEST CLAIM**

I, Chris Crompton, declare and state as follows:

1. I make this declaration based upon my own personal knowledge, and, if called upon to testify, I could and would competently testify to the matters set forth herein under oath.
2. I am employed by the County of Orange (hereafter, "County") as Manager, Water Quality Compliance in OC Public Works. I have knowledge of the County's programs and activities set forth in this declaration.
3. I am familiar with California Regional Water Quality Control Board, San Diego Region ("RWQCB") Order No. R9-2013-0001 (NPDES No. CAS0109266) issued on May 8, 2013, as amended by Order No. R9-2015-0001 ("Amended Permit"), as well as the process under which the Amended Permit was first implemented. I am one of the individuals responsible for management of the County's compliance with the Amended Permit.
4. The County first participated in activities concerning the requirements of the Amended Permit shortly after its adoption by the RWQCB on February 11, 2015. These efforts were continuing on and after the effective date of the Amended Permit, which was April 1, 2015, including through participation by County staff in reviewing the Amended Permit's requirements and organizing a meeting with other permittees concerning Amended Permit requirements, which was held on April 15, 2015. To my personal knowledge, the County first incurred costs to implement the Amended Permit on and after April 1, 2015.

Executed November 17, 2017 at Orange, California.

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

A handwritten signature in black ink, appearing to read 'C. Crompton', written over a horizontal line.

Chris Crompton
Manager, Water Quality Compliance
OC Public Works

**SECOND SUPPLEMENTAL DECLARATION ON BEHALF OF THE ORANGE
COUNTY FLOOD CONTROL DISTRICT IN SUPPORT OF TEST CLAIM**

I, Chris Crompton, declare and state as follows:

1. I make this declaration based upon my own personal knowledge, and, if called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am employed by the County of Orange (hereafter, "County") as Manager, Water Quality Compliance in OC Public Works. I am also familiar with the arrangements whereunder employees of OC Public Works perform services for the Orange County Flood Control District ("District"). Though an OC Public Works employee serves as Chief Engineer of the District, the District does not have its own employees, but uses OC Public Works employees to perform various functions, including those regarding compliance with municipal stormwater permit activities. The District pays the County for such work by OC Public Works employees. When OC Public Works employees work on matters concerning National Pollutant Discharge Elimination System ("NPDES") permits on behalf of the District, one of the codes used on their timesheets to indicate work performed on behalf of District is "EF03270."

2. I am familiar with California Regional Water Quality Control Board, San Diego Region ("RWQCB") Order No. R9-2013-0001 (NPDES No. CAS0109266) issued on May 8, 2013, as amended by Order No. R9-2015-0001 ("Amended Permit"), as well as the process under which the Amended Permit was first implemented. The Amended Permit is an NPDES permit.

3. The permittees covered by the Amended Permit (which include the District) first participated in activities concerning the requirements of the Amended Permit shortly after its adoption by the RWQCB on February 11, 2015. Following the effective date of the Amended

Permit, which was April 1, 2015, a meeting of the NPDES LIP/PEA Sub-committee was held at the offices of the OC Stormwater program on April 15, 2015 to discuss the requirements of the Amended Permit. I have reviewed the agenda for the NPDES LIP/PEA Sub-committee meeting of the April 15, 2015 meeting and therefore know that the meeting included a discussion of the requirements of the Amended Permit and the Work Plan related to its implementation.

4. Attached as Exhibit A to this Declaration is a true and correct copy of a Meeting Attendance Sign-in Sheet for this April 15 meeting which was provided to me by my staff. Page 5 of the exhibit shows the initials of Kacen Clapper and Duc Nguyen next to their names. Mr. Clapper was at that time, and Mr. Nguyen currently is, an employee of the Stormwater Compliance Section of OC Public Works.

5. I obtained from County time billing records time sheets for Mr. Clapper and Mr. Nguyen for the first two weeks of April 2015, including for April 15, 2015. Those time sheets reflect time charged to the District on April 15 by virtue of the use of the EF03270 code. True and correct copies of those time sheets are attached as Exhibit B to this Declaration.

6. Based on my knowledge of the work performed by Mr. Clapper and Mr. Nguyen and their attendance at the April 15 meeting which discussed the Amended Permit, and their participation at that meeting on behalf of the District (as reflected in their time entries), to the best of my personal knowledge, April 15, 2015 was the first date on which it can be documented that the District incurred costs to comply with the Amended Permit following its effective date.

Executed November 20, 2017 at Orange, California.

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

A handwritten signature in blue ink, appearing to read 'CC', is written over a horizontal line.

Chris Crompton
Manager, Water Quality Compliance
OC Public Works

EXHIBIT A

Meeting Attendance Sign-in Sheet: NPDES LIP/PEA Sub-committee

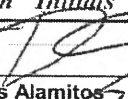


- Please initial and add/correct your contact information. Also edit/add/delete information of other staff with your city/agency.

- New attendees: please add your information at the end of the list. Last person with this list - Please return list to Committee Chairperson

Affiliation	Initials	Last Name	First	Title	Department:	E-Mail	Address	Zip	Phone	Fax
Cities of Brea and Yorba Linda (Fuscoe Engineering Consultant)										
1	HW	Wen	Howard			hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
2	EC	Yahya	Ryan Moy	Environmental Associate Environmental Programs Manager	Public Works	myahya@cityofaliso.com	12 Journey, Suite 100	92656	949-425-2535 (949) 425-2538	(949) 367-2852
City of Anaheim										
3		Heffernan	Jonathan	Contracts Specialist	Public Works - SSOs	jheffernan@anaheim.net	400 E. Vermont Ave.	92805	(714) 765-6903	(714) 765-6842
4		Linker	Keith	Principal Civil Engineer	Public Works	klinker@anaheim.net	200 S. Anaheim Blvd.	92805	(714) 765-4141	(714) 765-5225
City of Anaheim (Amec Consultant)										
5		Lentz	Matt	Authorized Inspector	Public Works	mlentz@anaheim.net			(949) 642-0245	
City of Brea										
6		Ingallinera	Brian	Environmental Services Coordinator	Public Works	briani@cityofbrea.net	1 Civic Center Plaza	92821	(714) 990-7672	(714) 990-2258
City of Buena Park										
7	HB	Brodowski	Doug	Senior Management Analyst	Public Works	dbrodowski@buenapark.com	6650 Beach Blvd., P.O. Box 5009	90622-5009	(714) 562-3652	(714) 562-3669
City of Costa Mesa										
8	FM	Fazeli	Fariba	Interim City Engineer		fariba.fazeli@costamesaca.gov	77 Fair Dr., PO Box 1220	92628	(714) 754-5378	(714) 754-5028
City of Cypress										
9		Vazquez	Gonzalo	Contract/ Env. Affairs Mgr.	Public Works	gvazquez@ci.cypress.ca.us	5272 Orange Avenue	90630	714-229-6752	714-229-0154
City of Dana Point										
10	LD	Zawaski	Lisa	Senior Water Quality Engineer	Public Works	lzawaski@danapoint.org	33282 Golden Lantern	92629	(949) 248-3584	(949) 234-2826
City of Fullerton										
11		Miner	Grant	Environmental Compliance Specialist	Fire Department	grantm@fullertonfire.org	303 W. Commonwealth Ave.	92832	(714) 738-5359	
12		Phan	Trung Chanh	Stormwater/Waste water Compliance Specialist I		trungp@ci.fullerton.ca.us	303 W. Commonwealth Ave.	92832	(714) 738-5333	(714) 738-3115
City of Huntington Beach										
13	TE	Elliott	Terri	Principal Civil Engineer	Public Works	telliott@surfcity-hb.org	2000 Main St., P.O. Box 190	92648	(714) 375-8494	(714) 374-1573
14		Hornik	Loriana		Public Works	Loriana.Hornik@surfcity-hb.org	2000 Main Street	92648	(714) 375-8445	

Wednesday, April 15, 2015

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
15		Merid	Jim	Environmental Specialist	Public Works	jmerid@surfcity-hb.org	200 Civic Center	92648	(714) 374-1548	
City of Irvine										
16		Choi	Bryan			aburgh@ci.irvine.ca.us				
17	ML	Burgh	Angle							
17		Carr	Amanda	Water Quality Administrator	Community Development	acarr@ci.irvine.ca.us	1 Civic Center Plaza	92623	(949) 724-6315	(949) 724-6490
18		Kao	Victor			vkao@ci.irvine.ca.us	One Civic Center Plaza	92623		
19		Kirkpatrick	Joe	Bldg. Principal Planner		jkirkpatrick@ci.irvine.ca.us	1 Civic Center Plaza	92606	949-724-6320	
20		Yang	Michael	Water Quality Administrator	Community Development	myang@ci.irvine.ca.us	1 Civic Center Plaza	92623	(949) 724-6327	(949) 724-6440
City of La Habra										
21		Herrick	Vaughan			VaughanH@lahabracity.com				
22		Tellez	Abraham	NPDES Program Inspector		abrahamt@lahabracity.com	201 E. La Habra Blvd.	90631	(562) 905-9720	(562) 905-9643
23		You	Melissa	NPDES Program Coordinator		MelissaY@lahabracity.com	201 E. La Habra Blvd.	90631	(562) 905-9607	(562) 905-9643
City of La Palma										
24		Acosta	Claudia	Code Enforcement Officer		claudiaa@cityoflapalma.org	7822 Walker St.	90623	(714) 690-3342	
25		Baldwin	Larry	Engineering Technician	Public Works	larryb@cityoflapalma.org	7822 Walker St.	90623	(714) 690-3325	(714) 523-2141
26		Hutter	Scott			scotth@cityoflapalma.org				
27		Moneda	Jeff	Director of Public Works/City Engineer		jeffm@cityoflapalma.org	7822 Walker St.	90623-1771	(714) 690-3310	(714) 523-2141
City of Laguna Beach										
28		Ingebrigtsen	Tracy	Senior Water Quality Analyst		tingebrigtsen@lagunabeachcity.net	505 Forest Avenue	92651	(949) 497-0781	(949) 494-1864
29		Phillips	Mike	Environmental Specialist	Water Quality	Mphillips@lagunabeachcity.net	505 Forest Avenue	92651	(949) 497-0390	(949) 494-1864
City of Laguna Hills										
30		Javed	Humza	Assist. Engineer		hjaved@ci.laguna-hills.ca.us	24035 El Toro Rd.	92653	(949) 707-2657	(949) 707-2633
City of Laguna Niguel										
31		Herrera	JC	Civil Engineer Tech/WQ Analyst		jherrera@cityoflagunaniguel.org	30111 Crown Valley Parkway	92677	(949) 362-4382	(949) 362-4385
32		Orduna	Jonathan	Senior Planner		jorduna@cityoflagunaniguel.org	30111 Crown Valley Parkway	92677	(949) 362-4357	(949) 362-4369
33		Palmer	Nancy	Senior Watershed Manager		npalmer@cityoflagunaniguel.org	30111 Crown Valley Parkway	92677	(949) 362-4384	(949) 362-4385
City of Laguna Woods										
34		Macon	Chris	City Manager	Public Works	cmacon@lagunawoodscity.org	24264 El Toro Road	92637	(949) 639-0525	(949) 639-0591
35		Yahya	Moy	Water Quality Project Manager	Water Quality	moyyahya@caaprofessionals.com	24264 El Toro Road	92637	(949) 279-4385	(949) 639-0591
City of Lake Forest										

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
36		Slaven	Devin	Water Quality Specialist	Public Works	dslaven@lakeforestca.gov	25550 Commercentre Dr. Ste 100	92630	(949) 461-3436	(949) 461-3511
City of Los Alamitos										
37		Melby	Paul			pmelby@ci.los-alamitos.ca.us				
38		Mendoza	Steven	Community Development Director		smendoza@ci.los-alamitos.ca.us	3191 Katella Ave., P.O. Box 3147	90720	(562) 431-3538	(562) 493-0678
City of Los Alamitos (Willdan Engineering)										
39		Kelley	Chris	Design Engineer		ckelley@willdan.com			(714) 978-8235	
City of Mission Viejo										
40		Ames	Joe	Associate Civil Engineer	Public Works	james@cityofmissionviejo.org	200 Civic Center Drive	92691	(949) 470-8419	(949) 581-5394
41		Carson	Deborah			dcarson@cityofmissionviejo.org	200 Civic Center	92691		
42		Schlesinger	Richard	City Engineer	Public Works	rschlesinger@cityofmissionviejo.org	200 Civic Center	92691	(949) 470-3079	(949) 581-5394
City of Newport Beach										
43		Burckle	Shane	Code & Water Quality Inspector	Code & Water Quality Enforcement	sburckle@newportbeachca.gov	3300 W. Newport Blvd.	92663	(949) 644-3214	(949) 718-1840
44		Kappeler	John	Water Quality Specialist	Code & Water Quality Enforcement	jkappeler@newportbeachca.gov	P.O. Box 1768	92658-8915	(949) 644-3218	(949) 718-1840
City of Orange										
45		Carney	Mike	Environmental Scientist	Public Works	mcarney@cityoforange.org	300 E. Chapman Ave	92866	(714) 532-6480	(714) 744-5573
46		Estrada	Gene	NPDES Coordinator	Public Works	gestrada@cityoforange.org	300 E. Chapman Ave, P.O. Box 449	92866	(714) 532-6480	(714) 744-5573
City of Placentia										
47		Castro-Graham	Antonia	Management Analyst		acgraham@placentia.org	401 E. Chapman Avenue	92870	(714) 993-8149	(714) 582-4640
48		Makowski	Robert	Environmental Compliance Officer		rmakowski@placentia.org	401 E. Chapman Avenue	92870	(714) 993-8219	(714) 691-0238
49		Nguyen	Bryan	Engineering Assistant			401 E. Chapman Avenue	92870	(714) 993-8149	(714) 582-4640
City of Rancho Santa Margarita										
50		Beimer	Rae	Stormwater Program Manager	Public Works	rbeimer@cityofrsm.org	22112 El Paseo	92688	(949) 635-1800	(949) 635-1667
51		Maximous	E. (Max)	Interim City Engineer	Public Works	emaximous@cityofrsm.org	22112 El Paseo	92688	(949) 635-1805	(949) 635-1667
52		Parco	Jerome	Principal Engineer		jparco@cityofrsm.org	22112 El Paseo	92688	(949) 635-1813	(949) 635-1667
City of San Clemente										
53		Bonigut	Tom	Principal Civil Engineer - Environmental	Public Works - Engineering	BonigutT@san-clemente.org	910 Calle Negocio, Ste. 100	92673	(949) 361-6187	(949) 361-8316
54		Casey	Zina	Acting Environmental Analyst		CaseyZ@san-clemente.org			(949) 361-6143	(949) 492-5289
55		Vondrak	Mary	Management Analyst II	Public Works - Environmental	VondrakM@san-clemente.org	910 Calle Negocio, Ste. 100	92673	(949) 361-8204	(949) 492-5289
City of San Juan Capistrano										

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
56		Shoucair	Sam	Assistant Public Works Director		sshoucair@sanjuancapistrano.org	32400 Paseo Adelanto	92675	(949) 443-6355	
57		Van Der Maaten	Keith	Utilities Director		kvandermaaten@sanjuancapistrano.org	32400 Paseo Adelanto	92675	(949) 443-6363	(949) 793-1251
City of Santa Ana										
58		Chesaneck	Tyrone	Principal Civil Engineer	Construction Engineering	tchesaneck@santa-ana.org	20 civic Center Plaza, M-22, P.O. Box 1988	92701	(714) 647-5045	
59		Lo	Thomas	Stormwater Coordinator	Construction Engineering	tlo@santa-ana.org	20 Civic Center Plaza, Public Works Agency M-22	92702	(714) 647-5659	(714) 647-5635
City of Seal Beach										
60	JB	Spitz	David	Associate Engineer	Public Works	dspitz@sealbeachca.gov	211 8th St.	90740	(562) 431-2527	(562) 430-8763
City of Stanton										
61		Guilliams	Nick	Deputy City Engineer	Public Works	nguilliams@ci.stanton.ca.us	7800 Katella Ave.	90680	(714) 379-9222	(714) 890-1443
City of Stanton (John L. Hunter & Associates)										
62	CM	McCullough	Cameron	Authorized Inspector	Public Works	cmccullough@jlha.net	7800 Katella Ave.	90680	(562) 802-7880	
City of Tustin										
63	AW	Waite	Alex	Environmental Compliance Specialist	Public Works	awaite@tustincal.org	300 Centennial Way	92780	(714) 573-3305	(714) 734-8991
City of Tustin (Fuscoe Engineering Consultant)										
64	HW	Wen	Howard	Project Manager		hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
City of Villa Park										
65		Hildenbrand	Jarad	Assistant City Manager/City Clerk		jhildenbrand@villapark.org	17855 Santiago Blvd.	92667	(714) 998-1500	(714) 998-1508
66	CM	McCullough	Akram	City Engineer		ahindiyeh@villapark.org	17855 Santiago Blvd.	92667	(714) 998-1500	(714) 998-1508
City of Westminster										
67	DM	Hsieh	Daniel	Engineer/Public Works	Public Works	dhsieh@westminster-ca.gov	8200 Westminster	92683	(714) 898-3311	(714) 895-4499
68		Ngo	Jake Q.	Engineer/Public Works	Public Works	jaken@westminster-ca.gov	8200 Westminster	92683	(714) 898-3311	(714) 895-4499
City of Yorba Linda										
69		Simonetti	Matt	Senior Civil Engineer, P.E.		msimonetti@yorba-linda.org	4845 Casa Loma, P.O. Box 87014	92886	(714) 961-7174	
70		Weldon	Howard	Senior Community Preservation Officer		hweldon@yorba-linda.org	4845 Casa Loma Avenue, P.O. Box 87014	92886	(714) 961-7133	(714) 993-9148
City of Yorba Linda (Fuscoe Engineering Consultant)										
71		Wen	Howard	Project Manager		hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
County of Orange										
72		Boon	Richard	Supervising ERS	OC Public Works\OC Watersheds	richard.boon@ocpw.org	2301 N. Glassell Street	92865	(714) 955-0670	(714) 955-0638

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
73		Brennler	Larry		HCA\Environmental Health	lbrennler@ochca.com			(714) 433-6284	(714) 488-6481
74		Buss	Kimberly	Environmental Resource Specialist II	OC Public Works\Environmental Resources	kimberly.buss@ocgov.com	2301 N. Glassell Street	92865	(714) 955-0675	
75	KL	Clapper	Kacen	Environmental Resource Specialist III	OC Public Works\OC Watersheds	kacen.clapper@ocgov.com	2301 N. Glassell Street	92865	(714) 955-0652	
76		Dang	Ted			ted.dang@ocgov.com				
77		Fortuna	James	Environmental Resources Specialist III	OC Public Works\OC Watersheds	james.fortuna@ocgov.com	2301 N. Glassell Street	92865	(714) 955-0677	
78		Friedman	Doug	Environmental Engineering Specialist	OC Public Works/OC Planning	doug.friedman@ocpw.org	300 N. Flower Street	92703	(714) 667-8841	(714) 667-7522
79		LaMont	Robin	NPDES Coordinator	OC Parks	robin.lamont@ocparks.com	13042 Old Myford Rd.		(714) 651-0618	(714) 973-3338
80		Maldonado	Ruby	Chief	OC Public Works\Community & Advance Planning Svcs	ruby.maldonado@ocpw.org	300 N. Flower Street, Third Floor, P.O. Box 4048	92702	714-834-4414	(714) 834-6132
81		Martinez	Rosa		OC Parks	rosa.martinez@ocparks.com			(949) 585-6422	
82		Nguyen	Duc	Environmental Resource Specialist III	OC Public Works\OC Watersheds	Duc.Nguyen@ocpw.org	2301 N. Glassell Street	92865	(714) 955-0676	
83		Riggio	Julie	Environmental Resource Specialist	OC Watersheds	julie.riggio@ocpw.org	2301 N. Glassell Street	92865	(714) 955-0672	
84		Rodarte	Robert		OC Watersheds	robert.rodarte@ocpw.org	2301 N. Glassell Street	92865	(714) 955-0642	
85		Ruano	Betty			betty.ruano@ocpw.org				
86		Sharp	Grant	Supervisor	OC Public Works\OC Watersheds	grant.sharp@ocpw.org	2301 N. Glassell Street	92865	(714) 955-0674	(714) 955-0638
87		Shook	Jennifer	Environmental Resource Specialist III	OC Public Works\OC Watersheds	jennifer.shook@ocpw.org	2301 N. Glassell Street	92865	(714) 955-0671	(714) 955-0638
88		Suppes	Christy	Environmental Resource Specialist III	OC Public Works\OC Watersheds	christy.suppes@ocpw.org	2301 N. Glassell Street	92865	(714) 955-0673	(714) 937-8956
89	AT	Yean	J.T.	Civil Engineer	OC Public Works	Jung-Tsun.Yean@ocpw.org	300 N. Flower Street	92702-4048	(714) 667-8871	
Recupero and Associates, Inc.										
90		Diaz	Brian	for Anna		bdiaz@recupero.net	31877 Del Obispo Street Suite 204	92675	(949) 429-6300	(949) 429-6303
91		Recupero	Michael			mrecupero@recupero.net	31877 Del Obispo Street Suite 204	92675	(949) 429-6300	(949) 429-6303
U.C. Cooperative Extension										
92		Haver	Darren	Watershed Resources Advisor		dlhaver@ucanr.edu	7601 Irvine Blvd.	92618	(949) 053-1814	

EXHIBIT B

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ADMIN

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SCHEDULE

Employee: #068813 CLAPPER, KACEN N

30 minutes left

Page: 1 of 1

Agency	Unit	Pay Location	Title Code	Available Leave Balances	Schedule	Pay Period Hours														Start	End
						Worked	Time Off	Total	Other	Overtime											
034	4700	034001	1821SM	<input checked="" type="checkbox"/> <input type="checkbox"/>		72.00	08.00	80.00	116.15	07.45							4/3/2015	04/16/2015			

#

Override

Unit

Job Number

Department

Object

Pay Code

Hours

Fri 4/3

Sat 4/4

Sun 4/5

Mon 4/6

Tue 4/7

Wed 4/8

Thu 4/9

Fri 4/10

Sat 4/11

Sun 4/12

Mon 4/13

Tue 4/14

Wed 4/15

Thu 4/16

Other Pay Code 1

Other Pay Code 2

Description

1

EF03270

CB

04.45

04.45

WATER POLLUTIO

2

EV03106

SOT

00.30

00.30

WATER POLLUTIO

3

EF03069

OC

116.15

07.30

15.30

19.15

24.00

14.00

14.30

14.30

07.00

ON-CALL

4

EAL8888

AL

08.00

08.00

5

EF03069

RH

29.30

04.30

04.30

04.30

04.00

06.00

04.30

01.30

6

EF03270

RH

32.30

04.30

04.30

04.30

02.30

02.00

07.15

04.15

03.00

7

EF58069

RH

03.00

02.00

01.00

8

EV00572

RH

02.00

00.30

01.00

00.30

9

EV85057

RH

00.30

00.30

10

EV03106

RH

00.30

00.30

11

EV85098

RH

00.30

00.30

12

ER68210

RH

01.00

00.15

00.15

13

EC29188

RH

02.30

02.30

14

EC29188

SOT

02.30

02.30

15

DAILY TOTALS

08.00

09.00

09.00

09.00

16.30

15.30

24.00

24.00

23.30

23.30

18.30

User Signature:

CLAPPER, KACEN N - 4/16/2015 8:43:37 AM

Supervisor Signature:

CROMPTON, CHRISTOPHER P - 4/16/2015 9:16:03 AM

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SCHEDULE

Employee: #038697 NGUYEN, DUC H

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Page: 1 of 1

Agency034

Unit4700

Pay Location034001

Title Code1763GE

Available Leave Balances

Schedule

Pay Period Hours

Worked70.30

Time Off09.30

Total80.00

Other114.00

Overtime07.30

Start4/3/2015

End04/16/2015

#	Override	Unit	Job Number	Department	Object	Pay Code	Hours	Fri 4/3	Sat 4/4	Sun 4/5	Mon 4/6	Tue 4/7	Wed 4/8	Thu 4/9	Fri 4/10	Sat 4/11	Sun 4/12	Mon 4/13	Tue 4/14	Wed 4/15	Thu 4/16	Other Pay Code 1	Other Pay Code 2	Description
1			EV03106			RH	09.00				01.00	01.00	01.00	01.00				01.00	01.00	02.00	01.00			note
2			EF03069			RH	38.45				04.30	06.00	07.00	03.00				06.00	02.15	04.00	06.00			note
3			EF03270			RH	10.00				02.00	02.00	01.00					01.00	01.00	01.00	02.00			note
4			ERU2782			RH	03.45												03.45					note
5			EF68010			RH	00.45													00.45				note
6			EC29186			RH	05.00						05.00											PNR 9481
7			EAL8888			PIPL2	09.30	08.00			01.30													note
8			EF68210			RH	00.45												00.45					note
9			EC30047			RH	00.45													00.45				note
10			EC29187			RH	01.15											01.00	00.15					OCSD CASE 15-06
11			EF68050			RH	00.30													00.30				note
12			EF03089			OC	114.00	15.00	23.30	18.00	14.30	14.30	14.00	14.30										ON-CALL
13			EF03089			SOT	01.30	00.30	00.30				00.30											WATER POLLUT
14			EF03089			CB	06.00			06.00														WATER POLLUT
15																								note
16																								note
17																								note
18																								note
DAILY TOTALS								23.30	24.00	24.00	23.30	23.30	23.30	23.30				09.00	09.00	09.00	09.00			

User Signature:
NGUYEN, DUC H - 4/16/2015 7:56:11 AM

Supervisor Signature:
CLAPPER, KACEN N - 4/16/2015 8:29:42 AM

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**SECOND SUPPLEMENTAL DECLARATION ON BEHALF OF THE CITY OF ALISO
VIEJO IN SUPPORT OF TEST CLAIM**

I, Moy Yahya, declare and state as follows:

1. I make this declaration based upon my own personal knowledge. If called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am an onsite consultant for the City of Aliso Viejo (hereafter, "City") and serve as the Environmental Programs Manager. I have knowledge of the City's programs and activities set forth in this declaration.

3. I am familiar with California Regional Water Quality Control Board, San Diego Region Order No. R9-2013-0001 (NPDES No. CAS0109266) issued on May 8, 2013, as amended by Order No. R9-2015-0001 ("Amended Permit"), as well as the process under which the Amended Permit was first implemented.

4. As the Environmental Programs Manager, I instructed Ryan Curtin, an onsite Environmental Associate at the City of Aliso Viejo, to attend a meeting held at the offices of the Orange County stormwater program on April 15, 2015, at which the requirements of the Amended Permit were discussed. This was shortly after the date the Amended Permit took effect, which was April 1, 2015. To the best of my personal knowledge, the date Ryan Curtin attended the meeting, April 15, 2015, was the first day on which the City incurred costs to comply with the Amended Permit after it took effect.

5. Exhibit A to this Declaration is a true and correct copy of a document entitled, "Meeting Attendance Sign-in Sheet: NPDES LIP/PEA Sub-committee," which was circulated at the April 15, 2015 meeting. That document bears Ryan Curtin initials on page 1.

Executed November 20, 2017 at Aliso Viejo, California.

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



Moy Yahya

EXHIBIT A

Meeting Attendance Sign-in Sheet: NPDES LIP/PEA Sub-committee

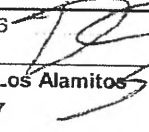


- Please initial and add/correct your contact information. Also edit/add/delete information of other staff with your city/agency.

- New attendees: please add your information at the end of the list. Last person with this list - Please return list to Committee Chairperson

Affiliation	Initials	Last Name	First	Title	Department:	E-Mail	Address	Zip	Phone	Fax
Cities of Brea and Yorba Linda (Fusco Engineering Consultant)										
1	HW	Wen	Howard			hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
2	EC	Yahya	Ryan Moy	Environmental Associate Environmental Programs Manager	Public Works	myahya@cityofaliso.com	12 Journey, Suite 100	92656	(949) 425-2538	(949) 367-2852
3		Heffernan	Jonathan	Contracts Specialist	Public Works - SSOs	jheffernan@anaheim.net	400 E. Vermont Ave.	92805	(714) 765-6903	(714) 765-6842
4		Linker	Keith	Principal Civil Engineer	Public Works	klinker@anaheim.net	200 S. Anaheim Blvd.	92805	(714) 765-4141	(714) 765-5225
City of Anaheim (Amec Consultant)										
5		Lentz	Matt	Authorized Inspector	Public Works	mlentz@anaheim.net			(949) 642-0245	
City of Brea										
6		Ingallinera	Brian	Environmental Services Coordinator	Public Works	briani@cityofbrea.net	1 Civic Center Plaza	92821	(714) 990-7672	(714) 990-2258
City of Buena Park										
7	DB	Brodowski	Doug	Senior Management Analyst	Public Works	dbrodowski@buenapark.com	6650 Beach Blvd., P.O. Box 5009	90622-5009	(714) 562-3652	(714) 562-3669
City of Costa Mesa										
8	FF	Fazeli	Fariba	Interim City Engineer		fariba.fazeli@costamesaca.gov	77 Fair Dr., PO Box 1220	92628	(714) 754-5378	(714) 754-5028
City of Cypress										
9		Vazquez	Gonzalo	Contract/ Env. Affairs Mgr.	Public Works	gvazquez@ci.cypress.ca.us	5272 Orange Avenue	90630	714-229-6752	714-229-0154
City of Dana Point										
10	LZ	Zawaski	Lisa	Senior Water Quality Engineer	Public Works	lzawaski@danapoint.org	33282 Golden Lantern	92629	(949) 248-3584	(949) 234-2826
City of Fullerton										
11		Miner	Grant	Environmental Compliance Specialist	Fire Department	grantm@fullertonfire.org	303 W. Commonwealth Ave.	92832	(714) 738-5359	
12		Phan	Trung Chanh	Stormwater/Waste water Compliance Specialist I		trungp@ci.fullerton.ca.us	303 W. Commonwealth Ave.	92832	(714) 738-5333	(714) 738-3115
City of Huntington Beach										
13	TE	Elliott	Terri	Principal Civil Engineer	Public Works	telliott@surfcity-hb.org	2000 Main St., P.O. Box 190	92648	(714) 375-8494	(714) 374-1573
14		Hornik	Loriana		Public Works	Loriana.Hornik@surfcity-hb.org	2000 Main Street	92648	(714) 375-8445	

Wednesday, April 15, 2015

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
15		Merid	Jim	Environmental Specialist	Public Works	jmerid@surfcity-hb.org	200 Civic Center	92648	(714) 374-1548	
City of Irvine										
16		Choi	Bryan			aburgh@ci.irvine.ca.us				
17	JL	Burgh Carr	Angie	Water Quality Administrator	Community Development	acarr@ci.irvine.ca.us	1 Civic Center Plaza	92623	(949) 724-6315	(949) 724-6490
18		Kao	Victor			vkao@ci.irvine.ca.us	One Civic Center Plaza	92623		
19		Kirkpatrick	Joe	Bldg. Principal Planner		jkirkpatrick@ci.irvine.ca.us	1 Civic Center Plaza	92606	949-724-6320	
20		Yang	Michael	Water Quality Administrator	Community Development	myang@ci.irvine.ca.us	1 Civic Center Plaza	92623	(949) 724-6327	(949) 724-6440
City of La Habra										
21		Herrick	Vaughan			VaughanH@lahabracity.com				
22		Tellez	Abraham	NPDES Program Inspector		abrahamt@lahabracity.com	201 E. La Habra Blvd.	90631	(562) 905-9720	(562) 905-9643
23		You	Melissa	NPDES Program Coordinator		MelissaY@lahabracity.com	201 E. La Habra Blvd.	90631	(562) 905-9607	(562) 905-9643
City of La Palma										
24		Acosta	Claudia	Code Enforcement Officer		claudiaa@cityoflapalma.org	7822 Walker St.	90623	(714) 690-3342	
25		Baldwin	Larry	Engineering Technician	Public Works	larryb@cityoflapalma.org	7822 Walker St.	90623	(714) 690-3325	(714) 523-2141
26		Hutter	Scott			scotth@cityoflapalma.org				
27		Moneda	Jeff	Director of Public Works/City Engineer		jeffm@cityoflapalma.org	7822 Walker St.	90623-1771	(714) 690-3310	(714) 523-2141
City of Laguna Beach										
28		Ingebrigtsen	Tracy	Senior Water Quality Analyst		tingebrigtsen@lagunabeachcity.net	505 Forest Avenue	92651	(949) 497-0781	(949) 494-1864
29		Phillips	Mike	Environmental Specialist	Water Quality	Mphillips@lagunabeachcity.net	505 Forest Avenue	92651	(949) 497-0390	(949) 494-1864
City of Laguna Hills										
30		Javed	Humza	Assist. Engineer		hjaved@ci.laguna-hills.ca.us	24035 El Toro Rd.	92653	(949) 707-2657	(949) 707-2633
City of Laguna Niguel										
31		Herrera	JC	Civil Engineer Tech/WQ Analyst		jherrera@cityoflagunaniguel.org	30111 Crown Valley Parkway	92677	(949) 362-4382	(949) 362-4385
32		Orduna	Jonathan	Senior Planner		jorduna@cityoflagunaniguel.org	30111 Crown Valley Parkway	92677	(949) 362-4357	(949) 362-4369
33		Palmer	Nancy	Senior Watershed Manager		npalmer@cityoflagunaniguel.org	30111 Crown Valley Parkway	92677	(949) 362-4384	(949) 362-4385
City of Laguna Woods										
34		Macon	Chris	City Manager	Public Works	cmacon@lagunawoods.org	24264 El Toro Road	92637	(949) 639-0525	(949) 639-0591
35		Yahya	Moy	Water Quality Project Manager	Water Quality	moyyahya@caaprofessionals.com	24264 El Toro Road	92637	(949) 279-4385	(949) 639-0591
City of Lake Forest										

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
36		Slaven	Devin	Water Quality Specialist	Public Works	dslaven@lakeforestca.gov	25550 Commercentre Dr. Ste 100	92630	(949) 461-3436	(949) 461-3511
City of Los Alamitos										
37		Melby	Paul			pmelby@ci.los-alamitos.ca.us				
38		Mendoza	Steven	Community Development Director		smendoza@ci.los-alamitos.ca.us	3191 Katella Ave., P.O. Box 3147	90720	(562) 431-3538	(562) 493-0678
City of Los Alamitos (Willdan Engineering)										
39		Kelley	Chris	Design Engineer		ckelley@willdan.com			(714) 978-8235	
City of Mission Viejo										
40		Ames	Joe	Associate Civil Engineer	Public Works	james@cityofmissionviejo.org	200 Civic Center Drive	92691	(949) 470-8419	(949) 581-5394
41		Carson	Deborah			dcarson@cityofmissionviejo.org	200 Civic Center	92691		
42		Schlesinger	Richard	City Engineer	Public Works	rschlesinger@cityofmissionviejo.org	200 Civic Center	92691	(949) 470-3079	(949) 581-5394
City of Newport Beach										
43		Burckle	Shane	Code & Water Quality Inspector	Code & Water Quality Enforcement	sburckle@newportbeachca.gov	3300 W. Newport Blvd.	92663	(949) 644-3214	(949) 718-1840
44		Kappeler	John	Water Quality Specialist	Code & Water Quality Enforcement	jkappeler@newportbeachca.gov	P.O. Box 1768	92658-8915	(949) 644-3218	(949) 718-1840
City of Orange										
45		Carney	Mike	Environmental Scientist	Public Works	mcarney@cityoforange.org	300 E. Chapman Ave	92866	(714) 532-6480	(714) 744-5573
46		Estrada	Gene	NPDES Coordinator	Public Works	gestrada@cityoforange.org	300 E. Chapman Ave, P.O. Box 449	92866	(714) 532-6480	(714) 744-5573
City of Placentia										
47		Castro-Graham	Antonia	Management Analyst		acgraham@placentia.org	401 E. Chapman Avenue	92870	(714) 993-8149	(714) 582-4640
48		Makowski	Robert	Environmental Compliance Officer		rmakowski@placentia.org	401 E. Chapman Avenue	92870	(714) 993-8219	(714) 691-0238
49		Nguyen	Bryan	Engineering Assistant			401 E. Chapman Avenue	92870	(714) 993-8149	(714) 582-4640
City of Rancho Santa Margarita										
50		Beimer	Rae	Stormwater Program Manager	Public Works	rbeimer@cityofrsm.org	22112 El Paseo	92688	(949) 635-1800	(949) 635-1667
51		Maximous	E. (Max)	Interim City Engineer	Public Works	emaximous@cityofrsm.org	22112 El Paseo	92688	(949) 635-1805	(949) 635-1667
52		Parco	Jerome	Principal Engineer		jparco@cityofrsm.org	22112 El Paseo	92688	(949) 635-1813	(949) 635-1667
City of San Clemente										
53		Bonigut	Tom	Principal Civil Engineer - Environmental	Public Works - Engineering	BonigutT@san-clemente.org	910 Calle Negocio, Ste. 100	92673	(949) 361-6187	(949) 361-8316
54		Casey	Zina	Acting Environmental Analyst		CaseyZ@san-clemente.org			(949) 361-6143	(949) 492-5289
55		Vondrak	Mary	Management Analyst II	Public Works - Environmental	VondrakM@san-clemente.org	910 Calle Negocio, Ste. 100	92673	(949) 361-8204	(949) 492-5289
City of San Juan Capistrano										

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
56		Shoucair	Sam	Assistant Public Works Director		sshoucair@sanjuancapistrano.org	32400 Paseo Adelanto	92675	(949) 443-6355	
57		Van Der Maaten	Keith	Utilities Director		kvandermaaten@sanjuancapistrano.org	32400 Paseo Adelanto	92675	(949) 443-6363	(949) 793-1251
City of Santa Ana										
58		Chesaneck	Tyrone	Principal Civil Engineer	Construction Engineering	tchesaneck@santa-ana.org	20 civic Center Plaza, M-22, P.O. Box 1988	92701	(714) 647-5045	
59		Lo	Thomas	Stormwater Coordinator	Construction Engineering	tlo@santa-ana.org	20 Civic Center Plaza, Public Works Agency M-22	92702	(714) 647-5659	(714) 647-5635
City of Seal Beach										
60	JB	Spitz	David	Associate Engineer	Public Works	dspitz@sealbeachca.gov	211 8th St.	90740	(562) 431-2527	(562) 430-8763
City of Stanton										
61		Guilliams	Nick	Deputy City Engineer	Public Works	nguilliams@ci.stanton.ca.us	7800 Katella Ave.	90680	(714) 379-9222	(714) 890-1443
City of Stanton (John L. Hunter & Associates)										
62	CM	McCullough	Cameron	Authorized Inspector	Public Works	cmccullough@jlha.net	7800 Katella Ave.	90680	(562) 802-7880	
City of Tustin										
63	AW	Waite	Alex	Environmental Compliance Specialist	Public Works	awaite@tustinca.org	300 Centennial Way	92780	(714) 573-3305	(714) 734-8991
City of Tustin (Fuscoe Engineering Consultant)										
64	HW	Wen	Howard	Project Manager		hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
City of Villa Park										
65		Hildenbrand	Jarad	Assistant City Manager/City Clerk		jhildenbrand@villapark.org	17855 Santiago Blvd.	92667	(714) 998-1500	(714) 998-1508
66	CM	Hindiye	Akram	City Engineer		ahindiye@villapark.org	17855 Santiago Blvd.	92667	(714) 998-1500	(714) 998-1508
City of Westminster										
67	DM	Hsieh	Daniel	Engineer/Public Works	Public Works	Dhsieh@westminster-ca.gov	8200 Westminster	92683	(714) 898-3311	(714) 895-4499
68		Ngo	Jake Q.	Engineer/Public Works	Public Works	jaken@westminster-ca.gov	8200 Westminster	92683	(714) 898-3311	(714) 895-4499
City of Yorba Linda										
69		Simonetti	Matt	Senior Civil Engineer, P.E.		msimonetti@yorba-linda.org	4845 Casa Loma, P.O. Box 87014	92886	(714) 961-7174	
70		Weldon	Howard	Senior Community Preservation Officer		hweldon@yorba-linda.org	4845 Casa Loma Avenue, P.O. Box 87014	92886	(714) 961-7133	(714) 993-9148
City of Yorba Linda (Fuscoe Engineering Consultant)										
71		Wen	Howard	Project Manager		hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
County of Orange										
72		Boon	Richard	Supervising ERS	OC Public Works\OC Watersheds	richard.boon@ocpw.oc.gov	2301 N. Glassell Street	92865	(714) 955-0670	(714) 955-0638

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
73		Brennler	Larry		HCA\Environmental Health	lbrennler@ochca.com				
74		Buss	Kimberly	Environmental Resource Specialist II	OC Public Works\Environmental Resources	kimberly.buss@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 433-6284	(714) 488-6481
75	KL	Clapper	Kacen	Environmental Resource Specialist III	OC Public Works\OC Watersheds	kacen.clapper@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0675	
76		Dang	Ted			ted.dang@ocpw.ocgov.com				
77		Fortuna	James	Environmental Resources Specialist III	OC Public Works\OC Watersheds	james.fortuna@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0677	
78		Friedman	Doug	Environmental Engineering Specialist	OC Public Works\OC Planning	doug.friedman@ocpw.ocgov.com	300 N. Flower Street	92703	(714) 667-8841	(714) 667-7522
79		LaMont	Robin	NPDES Coordinator	OC Parks	robin.lamont@ocparks.com	13042 Old Myford Rd.		(714) 651-0618	(714) 973-3338
80		Maldonado	Ruby	Chief	OC Public Works\Community & Advance Planning Svcs	ruby.maldonado@ocpw.ocgov.com	300 N. Flower Street, Third Floor, P.O. Box 4048	92702	714-834-4414	(714) 834-6132
81		Martinez	Rosa		OC Parks	rosa.martinez@ocparks.com				
82		Nguyen	Duc	Environmental Resource Specialist III	OC Public Works\OC Watersheds	Duc.Nguyen@ocpw.ocgov.com	2301 N. Glassell Street	92865	(949) 585-6422	
83		Riggio	Julie	Environmental Resource Specialist	OC Watersheds	julie.riggio@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0676	
84		Rodarte	Robert		OC Watersheds	robert.rodarte@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0672	
85		Ruano	Betty			betty.ruano@ocpw.ocgov.com				
86		Sharp	Grant	Supervisor	OC Public Works\OC Watersheds	grant.sharp@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0642	
87		Shook	Jennifer	Environmental Resource Specialist III	OC Public Works\OC Watersheds	jennifer.shook@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0674	(714) 955-0638
88		Suppes	Christy	Environmental Resource Specialist III	OC Public Works\OC Watersheds	christy.suppes@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0671	(714) 955-0638
89		Yean	J.T.	Civil Engineer	OC Public Works	Jung-Tsun.Yean@ocpw.ocgov.com	300 N. Flower Street	92702-4048	(714) 955-0673	(714) 937-8956
Recupero and Associates, Inc.										
90		Diaz	Brian	for Annette		bdiaz@recupero.net	31877 Del Obispo Street Suite 204	92675	(949) 429-6300	(949) 429-6303
91		Recupero	Michael			mrecupero@recupero.net	31877 Del Obispo Street Suite 204	92675	(949) 429-6300	(949) 429-6303
U.C. Cooperative Extension										
92		Haver	Darren	Watershed Resources Advisor		dlhaver@ucanr.edu	7601 Irvine Blvd.	92618	(949) 053-1814	

Wednesday, April 15, 2015

**SECOND SUPPLEMENTAL DECLARATION ON BEHALF OF THE CITY OF DANA
POINT IN SUPPORT OF TEST CLAIM**

I, Lisa G. Zawaski, declare and state as follows:

1. I make this declaration based upon my own personal knowledge. If called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am employed by the City of Dana Point (hereafter, "City") as a Senior Water Quality Engineer. I have knowledge of the City's programs and activities set forth in this declaration.

3. I am familiar with California Regional Water Quality Control Board, San Diego Region Order No. R9-2013-0001 (NPDES No. CAS0109266) issued on May 8, 2013, as amended by Order No. R9-2015-0001 ("Amended Permit"), as well as the process under which the Amended Permit was first implemented.

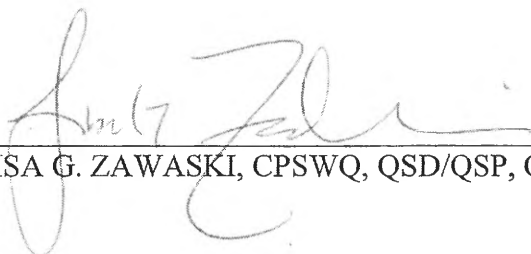
4. I attended a meeting held at the offices of the Orange County stormwater program on April 15, 2015, at which the requirements of the Amended Permit were discussed. This was shortly after the date the Amended Permit took effect, which was April 1, 2015.

5. To the best of my personal knowledge, April 15, 2015, the date on which I attended the meeting, was the date that the City first incurred costs to comply with the Amended Permit after it took effect.

6. Exhibit A to this Declaration is a true and correct copy of a document entitled "Meeting Attendance Sign-in Sheet: NPDES LIP/PEA Sub-committee" that was circulated at the April 15, 2015 meeting. That document bears my initials on page 1.

Executed November 8, 2017 at Dana Point, California.

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



LISA G. ZAWASKI, CPSWQ, QSD/QSP, QISP, CFM

EXHIBIT A

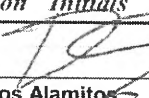


Meeting Attendance Sign-in Sheet: NPDES LIP/PEA Sub-committee

- Please initial and add/correct your contact information. Also edit/add/delete information of other staff with your city/agency.

- New attendees: please add your information at the end of the list. Last person with this list - Please return list to Committee Chairperson

Affiliation	Initials	Last Name	First	Title	Department	E-Mail	Address	Zip	Phone	Fax
Cities of Brea and Yorba Linda (Fusco Engineering Consultant)										
1	HW	Wen	Howard			hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
2	EC	Yahya	Ryan Moy	Environmental Associate Environmental Programs Manager	Public Works	myahya@cityofaliso Viejo.com	12 Journey, Suite 100	92656	949-425-2535 (949) 425-2538	(949) 367-2852
City of Anaheim										
3		Heffernan	Jonathan	Contracts Specialist	Public Works - SSOs	jheffernan@anaheim.net	400 E. Vermont Ave.	92805	(714) 765-6903	(714) 765-6842
4		Linker	Keith	Principal Civil Engineer	Public Works	klinker@anaheim.net	200 S. Anaheim Blvd.	92805	(714) 765-4141	(714) 765-5225
City of Anaheim (Amec Consultant)										
5		Lentz	Matt	Authorized Inspector	Public Works	mlentz@anaheim.net			(949) 642-0245	
City of Brea										
6		Ingallinera	Brian	Environmental Services Coordinator	Public Works	briani@cityofbrea.net	1 Civic Center Plaza	92821	(714) 990-7672	(714) 990-2258
City of Buena Park										
7	HB	Brodowski	Doug	Senior Management Analyst	Public Works	dbrodowski@buenapark.com	6650 Beach Blvd., P.O. Box 5009	90622-5009	(714) 562-3652	(714) 562-3669
City of Costa Mesa										
8	FM	Fazeli	Fariba	Interim City Engineer		fariba.fazeli@costamesaca.gov	77 Fair Dr., PO Box 1220	92628	(714) 754-5378	(714) 754-5028
City of Cypress										
9		Vazquez	Gonzalo	Contract/ Env. Affairs Mgr.	Public Works	gvazquez@ci.cypress.ca.us	5272 Orange Avenue	90630	714-229-6752	714-229-0154
City of Dana Point										
10	LD	Zawaski	Lisa	Senior Water Quality Engineer	Public Works	lzawaski@danapoint.org	33282 Golden Lantern	92629	(949) 248-3584	(949) 234-2826
City of Fullerton										
11		Miner	Grant	Environmental Compliance Specialist	Fire Department	grantm@fullertonfire.org	303 W. Commonwealth Ave.	92832	(714) 738-5359	
12		Phan	Trung Chanh	Stormwater/Waste water Compliance Specialist I		trungp@ci.fullerton.ca.us	303 W. Commonwealth Ave.	92832	(714) 738-5333	(714) 738-3115
City of Huntington Beach										
13	TE	Elliott	Terri	Principal Civil Engineer	Public Works	telliott@surfcity-hb.org	2000 Main St., P.O. Box 190	92648	(714) 375-8494	(714) 374-1573
14		Hornik	Loriana		Public Works	Loriana.Hornik@surfcity-hb.org	2000 Main Street	92648	(714) 375-8445	

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
15		Merid	Jim	Environmental Specialist	Public Works	jmerid@surfcity-hb.org	200 Civic Center	92648	(714) 374-1548	
City of Irvine										
16		Burgh	Angie			aburgh@ci.irvine.ca.us				
17	MC	Carr	Amanda	Water Quality Administrator	Community Development	acarr@ci.irvine.ca.us	1 Civic Center Plaza	92623	(949) 724-6315	(949) 724-6490
18		Kao	Victor			vkao@ci.irvine.ca.us	One Civic Center Plaza	92623		
19		Kirkpatrick	Joe	Bldg. Principal Planner		jkirkpatrick@ci.irvine.ca.us	1 Civic Center Plaza	92606	949-724-6320	
20		Yang	Michael	Water Quality Administrator	Community Development	myang@ci.irvine.ca.us	1 Civic Center Plaza	92623	(949) 724-6327	(949) 724-6440
City of La Habra										
21		Herrick	Vaughan			VaughanH@lahabracity.com				
22		Tellez	Abraham	NPDES Program Inspector		abrahamt@lahabracity.com	201 E. La Habra Blvd.	90631	(562) 905-9720	(562) 905-9643
23		You	Melissa	NPDES Program Coordinator		MelissaY@lahabracity.com	201 E. La Habra Blvd.	90631	(562) 905-9607	(562) 905-9643
City of La Palma										
24		Acosta	Claudia	Code Enforcement Officer		claudiaa@cityoflapalma.org	7822 Walker St.	90623	(714) 690-3342	
25		Baldwin	Larry	Engineering Technician	Public Works	larryb@cityoflapalma.org	7822 Walker St.	90623	(714) 690-3325	(714) 523-2141
26		Hutter	Scott			scotth@cityoflapalma.org				
27		Moneda	Jeff	Director of Public Works/City Engineer		jeffm@cityoflapalma.org	7822 Walker St.	90623-1771	(714) 690-3310	(714) 523-2141
City of Laguna Beach										
28		Ingebrigtsen	Tracy	Senior Water Quality Analyst		tingebrigtsen@lagunabeachcity.net	505 Forest Avenue	92651	(949) 497-0781	(949) 494-1864
29		Phillips	Mike	Environmental Specialist	Water Quality	Mphillips@lagunabeachcity.net	505 Forest Avenue	92651	(949) 497-0390	(949) 494-1864
City of Laguna Hills										
30		Javed	Humza	Assist. Engineer		hjaved@ci.laguna-hills.ca.us	24035 El Toro Rd.	92653	(949) 707-2657	(949) 707-2633
City of Laguna Niguel										
31		Herrera	JC	Civil Engineer Tech/WQ Analyst		jherrera@cityoflagunaniguel.org	30111 Crown Valley Parkway	92677	(949) 362-4382	(949) 362-4385
32		Orduna	Jonathan	Senior Planner		jorduna@cityoflagunaniguel.org	30111 Crown Valley Parkway	92677	(949) 362-4357	(949) 362-4369
33		Palmer	Nancy	Senior Watershed Manager		npalmer@cityoflagunaniguel.org	30111 Crown Valley Parkway	92677	(949) 362-4384	(949) 362-4385
City of Laguna Woods										
34		Macon	Chris	City Manager	Public Works	cmacon@lagunawoodscity.org	24264 El Toro Road	92637	(949) 639-0525	(949) 639-0591
35		Yahya	Moy	Water Quality Project Manager	Water Quality	moyyahya@caaprofessionals.com	24264 El Toro Road	92637	(949) 279-4385	(949) 639-0591
City of Lake Forest										

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
36		Slaven	Devin	Water Quality Specialist	Public Works	dslaven@lakeforestca.gov	25550 Commercentre Dr. Ste 100	92630	(949) 461-3436	(949) 461-3511
City of Los Alamitos										
37		Melby	Paul			pmelby@ci.los-alamitos.ca.us				
38		Mendoza	Steven	Community Development Director		smendoza@ci.los-alamitos.ca.us	3191 Katella Ave., P.O. Box 3147	90720	(562) 431-3538	(562) 493-0678
City of Los Alamitos (Willdan Engineering)										
39		Kelley	Chris	Design Engineer		ckelley@willdan.com			(714) 978-8235	
City of Mission Viejo										
40		Ames	Joe	Associate Civil Engineer	Public Works	james@cityofmissionviejo.org	200 Civic Center Drive	92691	(949) 470-8419	(949) 581-5394
41		Carson	Deborah			dcarson@cityofmissionviejo.org	200 Civic Center	92691		
42		Schlesinger	Richard	City Engineer	Public Works	rschlesinger@cityofmissionviejo.org	200 Civic Center	92691	(949) 470-3079	(949) 581-5394
City of Newport Beach										
43		Burckle	Shane	Code & Water Quality Inspector	Code & Water Quality Enforcement	sburckle@newportbeachca.gov	3300 W. Newport Blvd.	92663	(949) 644-3214	(949) 718-1840
44		Kappeler	John	Water Quality Specialist	Code & Water Quality Enforcement	jkappeler@newportbeachca.gov	P.O. Box 1768	92658-8915	(949) 644-3218	(949) 718-1840
City of Orange										
45		Carney	Mike	Environmental Scientist	Public Works	mcarney@cityoforange.org	300 E. Chapman Ave	92866	(714) 532-6480	(714) 744-5573
46		Estrada	Gene	NPDES Coordinator	Public Works	gestrada@cityoforange.org	300 E. Chapman Ave, P.O. Box 449	92866	(714) 532-6480	(714) 744-5573
City of Placentia										
47		Castro-Graham	Antonia	Management Analyst		acgraham@placentia.org	401 E. Chapman Avenue	92870	(714) 993-8149	(714) 582-4640
48		Makowski	Robert	Environmental Compliance Officer		rmakowski@placentia.org	401 E. Chapman Avenue	92870	(714) 993-8219	(714) 691-0238
49		Nguyen	Bryan	Engineering Assistant			401 E. Chapman Avenue	92870	(714) 993-8149	(714) 582-4640
City of Rancho Santa Margarita										
50		Beimer	Rae	Stormwater Program Manager	Public Works	rbeimer@cityofrsm.org	22112 El Paseo	92688	(949) 635-1800	(949) 635-1667
51		Maximous	E. (Max)	Interim City Engineer	Public Works	emaximous@cityofrsm.org	22112 El Paseo	92688	(949) 635-1805	(949) 635-1667
52		Parco	Jerome	Principal Engineer		jparco@cityofrsm.org	22112 El Paseo	92688	(949) 635-1813	(949) 635-1667
City of San Clemente										
53		Bonigut	Tom	Principal Civil Engineer - Environmental	Public Works - Engineering	BonigutT@san-clemente.org	910 Calle Negocio, Ste. 100	92673	(949) 361-6187	(949) 361-8316
54		Casey	Zina	Acting Environmental Analyst		CaseyZ@san-clemente.org			(949) 361-6143	(949) 492-5289
55		Vondrak	Mary	Management Analyst II	Public Works - Environmental	VondrakM@san-clemente.org	910 Calle Negocio, Ste. 100	92673	(949) 361-8204	(949) 492-5289
City of San Juan Capistrano										

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
56		Shoucair	Sam	Assistant Public Works Director		sshoucair@sanjuancapistrano.org	32400 Paseo Adelanto	92675	(949) 443-6355	
57		Van Der Maaten	Keith	Utilities Director		kvandermaaten@sanjuancapistrano.org	32400 Paseo Adelanto	92675	(949) 443-6363	(949) 793-1251
City of Santa Ana										
58		Chesanek	Tyrone	Principal Civil Engineer	Construction Engineering	tchesanek@santa-ana.org	20 civic Center Plaza, M-22, P.O. Box 1988	92701	(714) 647-5045	
59		Lo	Thomas	Stormwater Coordinator	Construction Engineering	tlo@santa-ana.org	20 Civic Center Plaza, Public Works Agency M-22	92702	(714) 647-5659	(714) 647-5635
City of Seal Beach										
60	JB	Spitz	David	Associate Engineer	Public Works	dspitz@sealbeachca.gov	211 8th St.	90740	(562) 431-2527	(562) 430-8763
City of Stanton										
61		Guilliams	Nick	Deputy City Engineer	Public Works	nguilliams@ci.stanton.ca.us	7800 Katella Ave.	90680	(714) 379-9222	(714) 890-1443
City of Stanton (John L. Hunter & Associates)										
62	CM	McCullough	Cameron	Authorized Inspector	Public Works	cmccullough@jlha.net	7800 Katella Ave.	90680	(562) 802-7880	
City of Tustin										
63	AW	Waite	Alex	Environmental Compliance Specialist	Public Works	await@tustinca.org	300 Centennial Way	92780	(714) 573-3305	(714) 734-8991
City of Tustin (Fuscoe Engineering Consultant)										
64	HW	Wen	Howard	Project Manager		hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
City of Villa Park										
65		Hildenbrand	Jarad	Assistant City Manager/City Clerk		jhildenbrand@villapark.org	17855 Santiago Blvd.	92667	(714) 998-1500	(714) 998-1508
66	CM	Hindiyeh	Akram	City Engineer		ahindiyeh@villapark.org	17855 Santiago Blvd.	92667	(714) 998-1500	(714) 998-1508
City of Westminster										
67	PH	Hsieh	Daniel	Engineer/Public Works	Public Works	Dhsieh@westminster-ca.gov	8200 Westminster	92683	(714) 898-3311	(714) 895-4499
68		Ngo	Jake Q.	Engineer/Public Works	Public Works	jaken@westminster-ca.gov	8200 Westminster	92683	(714) 898-3311	(714) 895-4499
City of Yorba Linda										
69		Simonetti	Matt	Senior Civil Engineer, P.E.		msimonetti@yorbalinda.org	4845 Casa Loma, P.O. Box 87014	92886	(714) 961-7174	
70		Weldon	Howard	Senior Community Preservation Officer		hweldon@yorbalinda.org	4845 Casa Loma Avenue, P.O. Box 87014	92886	(714) 961-7133	(714) 993-9148
City of Yorba Linda (Fuscoe Engineering Consultant)										
71		Wen	Howard	Project Manager		hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
County of Orange										
72		Boon	Richard	Supervising ERS	OC Public Works\OC Watersheds	richard.boon@ocpw.oc.gov	2301 N. Glassell Street	92865	(714) 955-0670	(714) 955-0638

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
73		Brennler	Larry		HCA\Environmental Health	lbrennler@ochca.com			(714) 433-6284	(714) 488-6481
74		Buss	Kimberly	Environmental Resource Specialist II	OC Public Works\Environmental Resources	kimberly.buss@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0675	
75	KL	Clapper	Kacen	Environmental Resource Specialist III	OC Public Works\OC Watersheds	kacen.clapper@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0652	
76		Dang	Ted			ted.dang@ocpw.ocgov.com				
77		Fortuna	James	Environmental Resources Specialist III	OC Public Works\OC Watersheds	james.fortuna@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0677	
78		Friedman	Doug	Environmental Engineering Specialist	OC Public Works\OC Planning	doug.friedman@ocpw.ocgov.com	300 N. Flower Street	92703	(714) 667-8841	(714) 667-7522
79		LaMont	Robin	NPDES Coordinator	OC Parks	robin.lamont@ocparks.com	13042 Old Myford Rd.		(714) 651-0618	(714) 973-3338
80		Maldonado	Ruby	Chief	OC Public Works\Community & Advance Planning Svcs	ruby.maldonado@ocpw.ocgov.com	300 N. Flower Street, Third Floor, P.O. Box 4048	92702	714-834-4414	(714) 834-6132
81		Martinez	Rosa		OC Parks	rosa.martinez@ocparks.com			(949) 585-6422	
82		Nguyen	Duc	Environmental Resource Specialist III	OC Public Works\OC Watersheds	Duc.Nguyen@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0676	
83		Riggio	Julie	Environmental Resource Specialist	OC Watersheds	julie.riggio@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0672	
84		Rodarte	Robert		OC Watersheds	robert.rodarte@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0642	
85		Ruano	Betty			betty.ruano@ocpw.ocgov.com				
86		Sharp	Grant	Supervisor	OC Public Works\OC Watersheds	grant.sharp@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0674	(714) 955-0638
87		Shook	Jennifer	Environmental Resource Specialist III	OC Public Works\OC Watersheds	jennifer.shook@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0671	(714) 955-0638
88		Suppes	Christy	Environmental Resource Specialist III	OC Public Works\OC Watersheds	christy.suppes@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0673	(714) 937-8956
89	AT	Yean	J.T.	Civil Engineer	OC Public Works	Jung-Tsun.Yean@ocpw.ocgov.com	300 N. Flower Street	92702-4048	(714) 667-8871	
Recupero and Associates, Inc.										
90		Diaz	Brian	for Annette		bdiaz@recupero.net	31877 Del Obispo Street Suite 204	92675	(949) 429-6300	(949) 429-6303
91		Recupero	Michael			mrecupero@recupero.net	31877 Del Obispo Street Suite 204	92675	(949) 429-6300	(949) 429-6303
U.C. Cooperative Extension										
92		Haver	Darren	Watershed Resources Advisor		dihaver@ucanr.edu	7601 Irvine Blvd.	92618	(949) 053-1814	

**SECOND SUPPLEMENTAL DECLARATION ON BEHALF OF THE CITY OF
LAGUNA BEACH IN SUPPORT OF TEST CLAIM**

I, David Shissler, declare and state as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief and, if called upon to testify, I could and would competently testify to the matters set forth herein under oath.

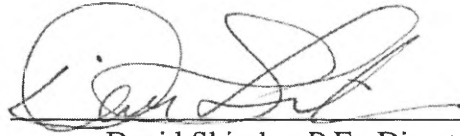
2. I am employed by the City of Laguna Beach (hereafter, "City") as Director of Water Quality. I have knowledge of the City programs and activities set forth in this declaration.

3. I am familiar with California Regional Water Quality Control Board, San Diego Region Order No. R9-2013-0001 (NPDES No. CAS0109266) issued on May 8, 2013, as amended by Order No. R9-2015-0001 ("Amended Permit"), as well as the process under which the Amended Permit was first implemented.

4. I have reviewed a document (a true and correct copy of that document is attached as Exhibit A to this Declaration) provided by the County of Orange and bearing the title "Meeting Attendance Sign-in Sheet: NPDES LIP/PEA Sub-committee," bearing the date of Wednesday, April 15, 2015 and reflecting the names of attendees at that meeting. I am informed and believe that the requirements of the Amended Permit were discussed at that meeting. On page 2 of Exhibit A are the initials of Tracy Ingebrigtsen, who at that time was a Senior Water Quality Analyst for the City, indicating that she attended that meeting on behalf of the City. To the best of my personal knowledge, when Ms. Ingebrigtsen attended the April 15, 2015 meeting, that was the date when the City first incurred costs to comply with the Amended Permit after it took effect.

Executed November 8, 2017 at Laguna Beach, California.

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

A handwritten signature in black ink, appearing to read 'David Shissler', is written over a horizontal line.

David Shissler, P.E., Director of Water Quality

EXHIBIT A

2545/053733-0431
11621291.1
a11/08/17

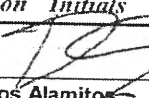


Meeting Attendance Sign-in Sheet: NPDES LIP/PEA Sub-committee

- Please initial and add/correct your contact information. Also edit/add/delete information of other staff with your city/agency.

- New attendees: please add your information at the end of the list. Last person with this list - Please return list to Committee Chairperson

Affiliation	Initials	Last Name	First	Title	Department	E-Mail	Address	Zip	Phone	Fax
Cities of Brea and Yorba Linda (Fusco Engineering Consultant)										
1	HW	Wen	Howard			hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
2	EC	Yahya	Ryan Moy	Environmental Associate Environmental Programs Manager	Public Works	myahya@cityofalisoviej o.com	12 Journey, Suite 100	92656	949-425-2535 (949) 425-2538	(949) 367-2852
City of Anaheim										
3		Heffernan	Jonathan	Contracts Specialist	Public Works - SSOs	jheffernan@anaheim.net	400 E. Vermont Ave.	92805	(714) 765-6903	(714) 765-6842
4		Linker	Keith	Principal Civil Engineer	Public Works	klinker@anaheim.net	200 S. Anaheim Blvd.	92805	(714) 765-4141	(714) 765-5225
City of Anaheim (Amec Consultant)										
5		Lentz	Matt	Authorized Inspector	Public Works	mlentz@anaheim.net			(949) 642-0245	
City of Brea										
6		Ingallinera	Brian	Environmental Services Coordinator	Public Works	briani@cityofbrea.net	1 Civic Center Plaza	92821	(714) 990-7672	(714) 990-2258
City of Buena Park										
7	HB	Brodowski	Doug	Senior Management Analyst	Public Works	dbrodowski@buenapar k.com	6650 Beach Blvd., P.O. Box 5009	90622-5009	(714) 562-3652	(714) 562-3669
City of Costa Mesa										
8	MC	Fazeli	Fariba	Interim City Engineer		fariba.fazeli@costames aca.gov	77 Fair Dr., PO Box 1220	92628	(714) 754-5378	(714) 754-5028
City of Cypress										
9		Vazquez	Gonzalo	Contract/ Env. Affairs Mgr.	Public Works	gvazquez@ci.cypress.c a.us	5272 Orange Avenue	90630	714-229-6752	714-229-0154
City of Dana Point										
10	DP	Zawaski	Lisa	Senior Water Quality Engineer	Public Works	lzawaski@danapoint.or g	33282 Golden Lantern	92629	(949) 248-3584	(949) 234-2826
City of Fullerton										
11		Miner	Grant	Environmental Compliance Specialist	Fire Department	grantm@fullertonfire.or g	303 W. Commonwealth Ave.	92832	(714) 738-5359	
12		Phan	Trung Chanh	Stormwater/Waste water Compliance Specialist I		trungp@ci.fullerton.ca.u s	303 W. Commonwealth Ave.	92832	(714) 738-5333	(714) 738-3115
City of Huntington Beach										
13	HB	Elliott	Terri	Principal Civil Engineer	Public Works	telliott@surfcity-hb.org	2000 Main St., P.O. Box 190	92648	(714) 375-8494	(714) 374-1573
14		Hornik	Loriana		Public Works	Loriana.Hornik@surfcit y-hb.org	2000 Main Street	92648	(714) 375-8445	

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
15		Merid	Jim	Environmental Specialist	Public Works	jmerid@surfcity-hb.org	200 Civic Center	92648	(714) 374-1548	
City of Irvine										
16		Choi	Bryan			aburgh@ci.irvine.ca.us				
17		Burgh	Angie							
17		Carr	Amanda	Water Quality Administrator	Community Development	acarr@ci.irvine.ca.us	1 Civic Center Plaza	92623	(949) 724-6315	(949) 724-6490
18		Kao	Victor			vkao@ci.irvine.ca.us	One Civic Center Plaza	92623		
19		Kirkpatrick	Joe	Bldg. Principal Planner		jkirkpatrick@ci.irvine.ca.us	1 Civic Center Plaza	92606	949-724-6320	
20		Yang	Michael	Water Quality Administrator	Community Development	myang@ci.irvine.ca.us	1 Civic Center Plaza	92623	(949) 724-6327	(949) 724-6440
City of La Habra										
21		Herrick	Vaughan			VaughanH@lahabracity.com				
22		Tellez	Abraham	NPDES Program Inspector		abrahamt@lahabracity.com	201 E. La Habra Blvd.	90631	(562) 905-9720	(562) 905-9643
23		You	Melissa	NPDES Program Coordinator		MelissaY@lahabracity.com	201 E. La Habra Blvd.	90631	(562) 905-9607	(562) 905-9643
City of La Palma										
24		Acosta	Claudia	Code Enforcement Officer		claudiaa@cityoflapalma.org	7822 Walker St.	90623	(714) 690-3342	
25		Baldwin	Larry	Engineering Technician	Public Works	larryb@cityoflapalma.org	7822 Walker St.	90623	(714) 690-3325	(714) 523-2141
26		Hutter	Scott			scotth@cityoflapalma.org				
27		Moneda	Jeff	Director of Public Works/City Engineer		jeffm@cityoflapalma.org	7822 Walker St.	90623-1771	(714) 690-3310	(714) 523-2141
City of Laguna Beach										
28		Ingebrigtsen	Tracy	Senior Water Quality Analyst		tingebrigtsen@lagunabeachcity.net	505 Forest Avenue	92651	(949) 497-0781	(949) 494-1864
29		Phillips	Mike	Environmental Specialist	Water Quality	Mphillips@lagunabeachcity.net	505 Forest Avenue	92651	(949) 497-0390	(949) 494-1864
City of Laguna Hills										
30		Javed	Humza	Assist. Engineer		hjaved@ci.laguna-hills.ca.us	24035 El Toro Rd.	92653	(949) 707-2657	(949) 707-2633
City of Laguna Niguel										
31		Herrera	JC	Civil Engineer Tech/WQ Analyst		jherrera@cityoflagunaniguel.org	30111 Crown Valley Parkway	92677	(949) 362-4382	(949) 362-4385
32		Orduna	Jonathan	Senior Planner		jorduna@cityoflagunaniguel.org	30111 Crown Valley Parkway	92677	(949) 362-4357	(949) 362-4369
33		Palmer	Nancy	Senior Watershed Manager		npalmer@cityoflagunaniguel.org	30111 Crown Valley Parkway	92677	(949) 362-4384	(949) 362-4385
City of Laguna Woods										
34		Macon	Chris	City Manager	Public Works	cmacon@lagunawoods.org	24264 El Toro Road	92637	(949) 639-0525	(949) 639-0591
35		Yahya	Moy	Water Quality Project Manager	Water Quality	moyyahya@caaprofessionals.com	24264 El Toro Road	92637	(949) 279-4385	(949) 639-0591
City of Lake Forest										

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
36		Slaven	Devin	Water Quality Specialist	Public Works	dslaven@lakeforestca.gov	25550 Commercentre Dr. Ste 100	92630	(949) 461-3436	(949) 461-3511
City of Los Alamitos										
37		Melby	Paul			pmelby@ci.los-alamitos.ca.us				
38		Mendoza	Steven	Community Development Director		smendoza@ci.los-alamitos.ca.us	3191 Katella Ave., P.O. Box 3147	90720	(562) 431-3538	(562) 493-0678
City of Los Alamitos (Willdan Engineering)										
39		Kelley	Chris	Design Engineer		ckelley@willdan.com			(714) 978-8235	
City of Mission Viejo										
40		Ames	Joe	Associate Civil Engineer	Public Works	james@cityofmissionviejo.org	200 Civic Center Drive	92691	(949) 470-8419	(949) 581-5394
41		Carson	Deborah			dcarson@cityofmissionviejo.org	200 Civic Center	92691		
42		Schlesinger	Richard	City Engineer	Public Works	rschlesinger@cityofmissionviejo.org	200 Civic Center	92691	(949) 470-3079	(949) 581-5394
City of Newport Beach										
43		Burckle	Shane	Code & Water Quality Inspector	Code & Water Quality Enforcement	sburckle@newportbeachca.gov	3300 W. Newport Blvd.	92663	(949) 644-3214	(949) 718-1840
44		Kappeler	John	Water Quality Specialist	Code & Water Quality Enforcement	jkappeler@newportbeachca.gov	P.O. Box 1768	92658-8915	(949) 644-3218	(949) 718-1840
City of Orange										
45		Carney	Mike	Environmental Scientist	Public Works	mcarney@cityoforange.org	300 E. Chapman Ave	92866	(714) 532-6480	(714) 744-5573
46		Estrada	Gene	NPDES Coordinator	Public Works	gestrada@cityoforange.org	300 E. Chapman Ave, P.O. Box 449	92866	(714) 532-6480	(714) 744-5573
City of Placentia										
47		Castro-Graham	Antonia	Management Analyst		acgraham@placentia.org	401 E. Chapman Avenue	92870	(714) 993-8149	(714) 582-4640
48		Makowski	Robert	Environmental Compliance Officer		rmakowski@placentia.org	401 E. Chapman Avenue	92870	(714) 993-8219	(714) 691-0238
49		Nguyen	Bryan	Engineering Assistant			401 E. Chapman Avenue	92870	(714) 993-8149	(714) 582-4640
City of Rancho Santa Margarita										
50		Beimer	Rae	Stormwater Program Manager	Public Works	rbeimer@cityofrsm.org	22112 El Paseo	92688	(949) 635-1800	(949) 635-1667
51		Maximous	E. (Max)	Interim City Engineer	Public Works	emaximous@cityofrsm.org	22112 El Paseo	92688	(949) 635-1805	(949) 635-1667
52		Parco	Jerome	Principal Engineer		jparco@cityofrsm.org	22112 El Paseo	92688	(949) 635-1813	(949) 635-1667
City of San Clemente										
53		Bonigut	Tom	Principal Civil Engineer - Environmental	Public Works - Engineering	BonigutT@san-clemente.org	910 Calle Negocio, Ste. 100	92673	(949) 361-6187	(949) 361-8316
54		Casey	Zina	Acting Environmental Analyst		CaseyZ@san-clemente.org			(949) 361-6143	(949) 492-5289
55		Vondrak	Mary	Management Analyst II	Public Works - Environmental	VondrakM@san-clemente.org	910 Calle Negocio, Ste. 100	92673	(949) 361-8204	(949) 492-5289
City of San Juan Capistrano										

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
56		Shoucair	Sam	Assistant Public Works Director		sshoucair@sanjuancapistrano.org	32400 Paseo Adelanto	92675	(949) 443-6355	
57		Van Der Maaten	Keith	Utilities Director		kvandermaaten@sanjuancapistrano.org	32400 Paseo Adelanto	92675	(949) 443-6363	(949) 793-1251
City of Santa Ana										
58		Chesaneck	Tyrone	Principal Civil Engineer	Construction Engineering	tchesaneck@santa-ana.org	20 civic Center Plaza, M-22, P.O. Box 1988	92701	(714) 647-5045	
59		Lo	Thomas	Stormwater Coordinator	Construction Engineering	tlo@santa-ana.org	20 Civic Center Plaza, Public Works Agency M-22	92702	(714) 647-5659	(714) 647-5635
City of Seal Beach										
60	JB	Spitz	David	Associate Engineer	Public Works	dspitz@sealbeachca.gov	211 8th St.	90740	(562) 431-2527	(562) 430-8763
City of Stanton										
61		Guilliams	Nick	Deputy City Engineer	Public Works	nguilliams@ci.stanton.ca.us	7800 Katella Ave.	90680	(714) 379-9222	(714) 890-1443
City of Stanton (John L. Hunter & Associates)										
62	CM	McCullough	Cameron	Authorized Inspector	Public Works	cmccullough@jlha.net	7800 Katella Ave.	90680	(562) 802-7880	
City of Tustin										
63	AW	Waite	Alex	Environmental Compliance Specialist	Public Works	awaite@tustinca.org	300 Centennial Way	92780	(714) 573-3305	(714) 734-8991
City of Tustin (Fuscoe Engineering Consultant)										
64	HW	Wen	Howard	Project Manager		hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
City of Villa Park										
65		Hildenbrand	Jarad	Assistant City Manager/City Clerk		jhildenbrand@villapark.org	17855 Santiago Blvd.	92667	(714) 998-1500	(714) 998-1508
66	CM	McClough	Akram	City Engineer		ahindiyeh@villapark.org	17855 Santiago Blvd.	92667	(714) 998-1500	(714) 998-1508
City of Westminster										
67	DM	Hsieh	Daniel	Engineer/Public Works	Public Works	Dhsieh@westminster-ca.gov	8200 Westminster	92683	(714) 898-3311	(714) 895-4499
68		Ngo	Jake Q.	Engineer/Public Works	Public Works	jaken@westminster-ca.gov	8200 Westminster	92683	(714) 898-3311	(714) 895-4499
City of Yorba Linda										
69		Simonetti	Matt	Senior Civil Engineer, P.E.		msimonetti@yorba-linda.org	4845 Casa Loma, P.O. Box 87014	92886	(714) 961-7174	
70		Weldon	Howard	Senior Community Preservation Officer		hweldon@yorba-linda.org	4845 Casa Loma Avenue, P.O. Box 87014	92886	(714) 961-7133	(714) 993-9148
City of Yorba Linda (Fuscoe Engineering Consultant)										
71		Wen	Howard	Project Manager		hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
County of Orange										
72		Boon	Richard	Supervising ERS	OC Public Works\OC Watersheds	richard.boon@ocpw.oc.gov	2301 N. Glassell Street	92865	(714) 955-0670	(714) 955-0638

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
73		Brennler	Larry		HCA/Environmental Health	lbrennler@ochca.com			(714) 433-6284	(714) 488-6481
74		Buss	Kimberly	Environmental Resource Specialist II	OC Public Works/Environmental Resources	kimberly.buss@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0675	
75	KC	Clapper	Kacen	Environmental Resource Specialist III	OC Public Works\OC Watersheds	kacen.clapper@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0652	
76		Dang	Ted			ted.dang@ocpw.ocgov.com				
77		Fortuna	James	Environmental Resources Specialist III	OC Public Works\OC Watersheds	james.fortuna@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0677	
78		Friedman	Doug	Environmental Engineering Specialist	OC Public Works/OC Planning	doug.friedman@ocpw.ocgov.com	300 N. Flower Street	92703	(714) 667-8841	(714) 667-7522
79		LaMont	Robin	NPDES Coordinator	OC Parks	robin.lamont@ocparks.com	13042 Old Myford Rd.		(714) 651-0618	(714) 973-3338
80		Maldonado	Ruby	Chief	OC Public Works\Community & Advance Planning Svcs	ruby.maldonado@ocpw.ocgov.com	300 N. Flower Street, Third Floor, P.O. Box 4048	92702	714-834-4414	(714) 834-6132
81		Martinez	Rosa		OC Parks	rosa.martinez@ocparks.com			(949) 585-6422	
82		Nguyen	Duc	Environmental Resource Specialist III	OC Public Works\OC Watersheds	Duc.Nguyen@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0676	
83		Riggio	Julie	Environmental Resource Specialist	OC Watersheds	julie.riggio@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0672	
84		Rodarte	Robert		OC Watersheds	robert.rodarte@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0642	
85		Ruano	Betty			betty.ruano@ocpw.ocgov.com				
86		Sharp	Grant	Supervisor	OC Public Works\OC Watersheds	grant.sharp@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0674	(714) 955-0638
87		Shook	Jennifer	Environmental Resource Specialist III	OC Public Works\OC Watersheds	jennifer.shook@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0671	(714) 955-0638
88		Suppes	Christy	Environmental Resource Specialist III	OC Public Works\OC Watersheds	christy.suppes@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0673	(714) 937-8956
89	AT	Yean	J.T.	Civil Engineer	OC Public Works	Jung-Tsun.Yean@ocpw.ocgov.com	300 N. Flower Street	92702-4048	(714) 667-8871	
Recupero and Associates, Inc.										
90		Diaz	Brian	for Annette		bdiaz@recupero.net	31877 Del Obispo Street Suite 204	92675	(949) 429-6300	(949) 429-6303
91		Recupero	Michael			mrecupero@recupero.net	31877 Del Obispo Street Suite 204	92675	(949) 429-6300	(949) 429-6303
U.C. Cooperative Extension										
92		Haver	Darren	Watershed Resources Advisor		dlhaver@ucanr.edu	7601 Irvine Blvd.	92618	(949) 053-1814	

Wednesday, April 15, 2015

**SECOND SUPPLEMENTAL DECLARATION OF KENNETH H. ROSENFELD, P.E.,
ON BEHALF OF THE CITY OF LAGUNA HILLS IN SUPPORT OF TEST CLAIM**

I, Kenneth H. Rosenfield, declare and state as follows:

1. I make this declaration based upon my own personal knowledge, and if called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am employed by the City of Laguna Hills (hereafter, "City") as Director of Public Services/City Engineer. I have knowledge of the City's programs and activities set forth in this declaration.

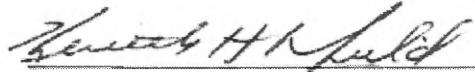
3. I am familiar with California Regional Water Quality Control Board, San Diego Region ("RWQCB") Order No. R9-2013-0001 (NPDES No. CAS0109266) issued on May 8, 2013, as amended by Order No. R9-2015-0001 ("Amended Permit"), as well as the process under which the Amended Permit was first implemented.

4. On April 23, 2015, I received and reviewed an e-mail from Jennifer Shook of the County of Orange Department of Public Works, a true and correct copy of a printout of which is attached as Exhibit A to my declaration. That e-mail was accompanied by an attachment containing an Excel spreadsheet of primary permit requirements and deliverables set forth in the Amended Permit, which I also reviewed on April 23, 2015. I received and reviewed this e-mail and attachment following the effective date of the Amended Permit, which was April 1, 2015. My name is on the list of addressees of the e-mail.

5. To the best of my personal knowledge, the date of my review of the table, April 23, 2015, was the first date on which the City incurred costs to comply with the Amended Permit after it took effect.

Executed this November 15, 2017 at Laguna Hills, California.

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

A handwritten signature in black ink, appearing to read "Kenneth H. Rosenfield", written over a horizontal line.

Kenneth H. Rosenfield
Director of Public Services/City Engineer
City of Laguna Hills, California

EXHIBIT A

From: Shook, Jennifer <Jennifer.Shook@ocpw.ocgov.com>
Sent: Thursday, April 23, 2015 11:01 AM
To: Mesa, Ann; Musacchia, Beatrice; Buss, Kimberly; Crompton, Chris; Suppes, Christy; Clapper, Kacen; Nguyen, Duc; Sharp, Grant; Mayo, Howard [HCA]; Fortuna, James; Shook, Jennifer; Brennler, Larry [HCA]; Pope, Maria [JWA]; Thoms, Marilyn; Martinez, Anthony [HCA]; Skorpanich, Mary Anne; Fennessy, Michael; Boon, Richard; Riggio, Julie; LaMont, Robin [OCCR]; Rodarte, Robert; Dang, Ted; Tucker, Matt; Angel Fuertes - Lake Forest; bfowler@danapoint.org; Brian Kurnow - Laguna Woods; Carlos Castellanos - Rancho Santa Margarita; Chris Macon - Laguna Woods; Deborah Carson; Devin Slaven - Lake Forest; dreilly@lagunawoodscity.org; Yi, Greg; Humza Javed - Laguna Hills; JC Herrera - Laguna Niguel; Joe Ames; Joe Mankawich - San Juan Capistrano; Jonathan Orduna - Laguna Niguel; Keith Van Der Maaten - San Juan Capistrano; krosenfield@ci.laguna-hills.ca.us; Lisa Zawaski - Dana Point; Mary Vondrak - San Clemente; Tucker, Matt; Mike Phillips - Laguna Beach; Moy Yahya - Aliso Viejo; Moy Yahya - Laguna Woods; Nancy Palmer - Laguna Niguel; Peter Meier - Lake Forest; Rae Beimer - Rancho Santa Margarita; Rich Schlesinger; Shaun Pelletier - Aliso Viejo; Tom Bonigut - San Clemente; Tracy Ingebrigtsen - Laguna Beach; Gin, Vincent
Subject: NPDES Stormwater - San Diego Region: Table of Deliverables
Attachments: SDR Permit_5thTerm_Deliverables_4-22-15 DRAFT.xlsx

Good morning,

Please find attached a table of primary permit requirements and deliverables from the Fifth Term Permit (Order R9-2013-0001 as amended by R9-2015-0001). This is an updated draft from a previous version that was reviewed at January's General Permittee meeting.

Please note that the file is labeled as draft because as we dive deeper into implementation, we may find that our interpretation of some of the due dates was not as intended from the Permit (for example, we thought that the Fiscal Analysis was due with the transitional JRMP Annual Report, but after discussing this with Regional Board Staff, we learned that the Fiscal Analysis is not due until we submit the first WQIP Annual Report).

Please let me know if you have any questions.

Thanks!

Jennifer Shook
OC Stormwater Program
County of Orange – OC Public Works Department
2301 N. Glassell Street, Orange, CA 92865
(714) 955-0671 tel / (714) 955-0639 fax
jennifer.shook@ocpw.ocgov.com
www.ocwatersheds.com

Please note my working hours are 7:30 AM - 5:00 PM, Monday - Thursday, and 7:30 AM - 4:00 PM every other Friday. For the month of April I will be in the office on the following Fridays: 4/10 and 4/24

**SECOND SUPPLEMENTAL DECLARATION ON BEHALF OF THE CITY OF
LAGUNA NIGUEL IN SUPPORT OF TEST CLAIM**

I, Ziad Mazboudi, declare and state as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief and, if called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am employed by the City of Laguna Niguel (hereafter, "City") as Engineering Services Manager. I have knowledge of the City's programs and activities set forth in this declaration.

3. I am familiar with California Regional Water Quality Control Board, San Diego Region Order No. R9-2013-0001 (NPDES No. CAS0109266) issued on May 8, 2013, as amended by Order No. R9-2015-0001 ("Amended Permit"), as well as the process under which the Amended Permit was first implemented.

4. I have reviewed a document (a true and correct copy of which is attached as Exhibit A to this Declaration) provided by the County of Orange and bearing the title, "Meeting Attendance Sign-in Sheet: NPDES LIP/PEA Sub-committee." This document bears the date of Wednesday, April 15, 2015, and reflects the names of attendees at that meeting. I am informed and believe that the requirements of the Amended Permit were discussed at that meeting. On page 2 of Exhibit A are the initials of J.C. Herrera, an Assistant Civil Engineer and Engineering Tech/WQ Analyst for the City, indicating that he attended that meeting on behalf of the City. To the best of my personal knowledge, the date Mr. Herrera attended the meeting, April 15, 2015, was the first date on which the City incurred costs to implement the Amended Permit following its effective date.

its effective date.

Executed October 25, 2017 at Laguna Niguel, California.

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

A handwritten signature in black ink, appearing to read 'Ziad Mazboudi', is written over a horizontal line.

Ziad Mazboudi, Engineering Services Manager

EXHIBIT A

Meeting Attendance Sign-in Sheet: NPDES LIP/PEA Sub-committee




- Please initial and add/correct your contact information. Also edit/add/delete information of other staff with your city/agency.

- New attendees: please add your information at the end of the list. Last person with this list - Please return list to Committee Chairperson

Affiliation	Initials	Last Name	First	Title	Department:	E-Mail	Address	Zip	Phone	Fax
Cities of Brea and Yorba Linda (Fusco Engineering Consultant)										
1	HW	Wen	Howard			hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
2	EC	Yahya	Ryan Moy	Environmental Associate Environmental Programs Manager	Public Works	myahya@cityofaliso.com	12 Journey, Suite 100	92656	949-425-2585 (949) 425-2538	(949) 367-2852
City of Anaheim										
3		Heffernan	Jonathan	Contracts Specialist	Public Works - SSOs	jheffernan@anaheim.net	400 E. Vermont Ave.	92805	(714) 765-6903	(714) 765-6842
4		Linker	Keith	Principal Civil Engineer	Public Works	klinker@anaheim.net	200 S. Anaheim Blvd.	92805	(714) 765-4141	(714) 765-5225
City of Anaheim (Amec Consultant)										
5		Lentz	Matt	Authorized Inspector	Public Works	mlentz@anaheim.net			(949) 642-0245	
City of Brea										
6		Ingallinera	Brian	Environmental Services Coordinator	Public Works	briani@cityofbrea.net	1 Civic Center Plaza	92821	(714) 990-7672	(714) 990-2258
City of Buena Park										
7	HB	Brodowski	Doug	Senior Management Analyst	Public Works	dbrodowski@buenapark.com	6650 Beach Blvd., P.O. Box 5009	90622-5009	(714) 562-3652	(714) 562-3669
City of Costa Mesa										
8	FM	Fazeli	Fariba	Interim City Engineer		fariba.fazeli@costamesaca.gov	77 Fair Dr., PO Box 1220	92628	(714) 754-5378	(714) 754-5028
City of Cypress										
9		Vazquez	Gonzalo	Contract/ Env. Affairs Mgr.	Public Works	gvazquez@cl.cypress.ca.us	5272 Orange Avenue	90630	714-229-6752	714-229-0154
City of Dana Point										
10	LD	Zawaski	Lisa	Senior Water Quality Engineer	Public Works	lzawaski@danapoint.org	33282 Golden Lantern	92629	(949) 248-3584	(949) 234-2826
City of Fullerton										
11		Miner	Grant	Environmental Compliance Specialist	Fire Department	grantm@fullertonfire.org	303 W. Commonwealth Ave.	92832	(714) 738-5359	
12		Phan	Trung Chanh	Stormwater/Waste water Compliance Specialist I		trungp@ci.fullerton.ca.us	303 W. Commonwealth Ave.	92832	(714) 738-5333	(714) 738-3115
City of Huntington Beach										
13	TE	Elliott	Terri	Principal Civil Engineer	Public Works	telliott@surfcity-hb.org	2000 Main St., P.O. Box 190	92648	(714) 375-8494	(714) 374-1573
14		Homik	Loriana		Public Works	Loriana.Homik@surfcity-hb.org	2000 Main Street	92648	(714) 375-8445	

Wednesday, April 15, 2015

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
15		Merid	Jim	Environmental Specialist	Public Works	jmerid@surfcity-hb.org	200 Civic Center	92648	(714) 374-1548	
City of Irvine										
16	Cho	Burgh	Angie			aburgh@ci.irvine.ca.us				
17	DL	Carr	Amanda	Water Quality Administrator	Community Development	acarr@ci.irvine.ca.us	1 Civic Center Plaza	92623	(949) 724-6315	(949) 724-6490
18		Kao	Victor			vkao@ci.irvine.ca.us	One Civic Center Plaza	92623		
19		Kirkpatrick	Joe	Bldg Principal Planner		jkirkpatrick@ci.irvine.ca.us	1 Civic Center Plaza	92606	949-724-6320	
20		Yang	Michael	Water Quality Administrator	Community Development	myang@ci.irvine.ca.us	1 Civic Center Plaza	92623	(949) 724-6327	(949) 724-6440
City of La Habra										
21		Herrick	Vaughan			VaughanH@lahabracity.com				
22		Tellez	Abraham	NPDES Program Inspector		abrahamt@lahabracity.com	201 E. La Habra Blvd.	90631	(562) 905-9720	(562) 905-9643
23		You	Melissa	NPDES Program Coordinator		MelissaY@lahabracity.com	201 E. La Habra Blvd.	90631	(562) 905-9607	(562) 905-9643
City of La Palma										
24		Acosta	Claudia	Code Enforcement Officer		claudiaa@cityoflapalma.org	7822 Walker St.	90623	(714) 690-3342	
25		Baldwin	Larry	Engineering Technician	Public Works	larryb@cityoflapalma.org	7822 Walker St	90623	(714) 690-3325	(714) 523-2141
26		Hutter	Scott			scotth@cityoflapalma.org				
27		Moneda	Jeff	Director of Public Works/City Engineer		jeffm@cityoflapalma.org	7822 Walker St.	90623-1771	(714) 690-3310	(714) 523-2141
City of Laguna Beach										
28		Ingebngtsen	Tracy	Senior Water Quality Analyst		tingebngtsen@lagunabeachcity.net	505 Forest Avenue	92651	(949) 497-0781	(949) 494-1864
29		Phillips	Mike	Environmental Specialist	Water Quality	Mphillips@lagunabeachcity.net	505 Forest Avenue	92651	(949) 497-0390	(949) 494-1864
City of Laguna Hills										
30		Javed	Humza	Assist. Engineer		hjaved@ci.laguna-hills.ca.us	24035 El Toro Rd.	92653	(949) 707-2657	(949) 707-2633
City of Laguna Niguel										
31		Herrera	JC	Civil Engineer Tech/WQ Analyst		jherrera@cityoflagunaniguel.org	30111 Crown Valley Parkway	92677	(949) 362-4382	(949) 362-4385
32		Orduna	Jonathan	Senior Planner		jorduna@cityoflagunaniguel.org	30111 Crown Valley Parkway	92677	(949) 362-4357	(949) 362-4369
33		Palmer	Nancy	Senior Watershed Manager		npalmer@cityoflagunaniguel.org	30111 Crown Valley Parkway	92677	(949) 362-4384	(949) 362-4385
City of Laguna Woods										
34		Macon	Chris	City Manager	Public Works	cmacon@lagunawoods.org	24264 El Toro Road	92637	(949) 639-0525	(949) 639-0591
35		Yahya	Moy	Water Quality Project Manager	Water Quality	moyyahya@caaprofessionals.com	24264 El Toro Road	92637	(949) 279-4385	(949) 639-0591
City of Lake Forest										

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
36		Slaven	Devin	Water Quality Specialist	Public Works	dsraven@lakeforestca.gov	25550 Commercentre Dr. Ste 100	92630	(949) 461-3436	(949) 461-3511
City of Los Alamitos										
37		Melby	Paul			pmelby@ci.los-alamitos.ca.us				
38		Mendoza	Steven	Community Development Director		smendoza@ci.los-alamitos.ca.us	3191 Katella Ave., P.O. Box 3147	90720	(562) 431-3538	(562) 493-0678
City of Los Alamitos (Willdan Engineering)										
39		Kelley	Chns	Design Engineer		ckelley@willdan.com			(714) 978-8235	
City of Mission Viejo										
40		Ames	Joe	Associate Civil Engineer	Public Works	james@cityofmissionviejo.org	200 Civic Center Drive	92691	(949) 470-8419	(949) 581-5394
41		Carson	Deborah			dcarson@cityofmissionviejo.org	200 Civic Center	92691		
42		Schlesinger	Richard	City Engineer	Public Works	rschlesinger@cityofmissionviejo.org	200 Civic Center	92691	(949) 470-3079	(949) 581-5394
City of Newport Beach										
43		Burckle	Shane	Code & Water Quality Inspector	Code & Water Quality Enforcement	sburckle@newportbeachca.gov	3300 W. Newport Blvd.	92663	(949) 644-3214	(949) 718-1840
44		Kappeler	John	Water Quality Specialist	Code & Water Quality Enforcement	jkappeler@newportbeachca.gov	P.O. Box 1768	92658-8915	(949) 644-3218	(949) 718-1840
City of Orange										
45		Carney	Mike	Environmental Scientist	Public Works	mcarney@cityoforange.org	300 E. Chapman Ave	92866	(714) 532-6480	(714) 744-5573
46		Estrada	Gene	NPDES Coordinator	Public Works	gestrada@cityoforange.org	300 E. Chapman Ave, P.O. Box 449	92866	(714) 532-6480	(714) 744-5573
City of Placentia										
47		Castro-Graham	Antonia	Management Analyst		acgraham@placentia.org	401 E. Chapman Avenue	92870	(714) 993-8149	(714) 582-4640
48		Makowski	Robert	Environmental Compliance Officer		rmakowski@placentia.org	401 E. Chapman Avenue	92870	(714) 993-8219	(714) 691-0238
49		Nguyen	Bryan	Engineering Assistant			401 E. Chapman Avenue	92870	(714) 993-8149	(714) 582-4640
City of Rancho Santa Margarita										
50		Beimer	Rae	Stormwater Program Manager	Public Works	rbeimer@cityofrsm.org	22112 El Paseo	92688	(949) 635-1800	(949) 635-1667
51		Maximous	E. (Max)	Interim City Engineer	Public Works	emaximous@cityofrsm.org	22112 El Paseo	92688	(949) 635-1805	(949) 635-1667
52		Parco	Jerome	Principal Engineer		jparco@cityofrsm.org	22112 El Paseo	92688	(949) 635-1813	(949) 635-1667
City of San Clemente										
53		Bonigut	Tom	Principal Civil Engineer - Environmental	Public Works - Engineering	BonigutT@san-clemente.org	910 Calle Negocio, Ste. 100	92673	(949) 361-6187	(949) 361-8316
54		Casey	Zina	Acting Environmental Analyst		CaseyZ@san-clemente.org			(949) 361-6143	(949) 492-5289
55		Vondrak	Mary	Management Analyst II	Public Works - Environmental	VondrakM@san-clemente.org	910 Calle Negocio, Ste. 100	92673	(949) 361-8204	(949) 492-5289
City of San Juan Capistrano										

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
56		Shoucair	Sam	Assistant Public Works Director		sshoucair@sanjuancapistrano.org	32400 Paseo Adelanto	92675	(949) 443-6355	
57		Van Der Maaten	Keith	Utilities Director		kvandermaaten@sanjuancapistrano.org	32400 Paseo Adelanto	92675	(949) 443-6363	(949) 793-1251
City of Santa Ana										
58		Chesaneck	Tyrone	Principal Civil Engineer	Construction Engineering	tchesaneck@santa-ana.org	20 civic Center Plaza, M-22, P.O. Box 1988	92701	(714) 647-5045	
59		Lo	Thomas	Stormwater Coordinator	Construction Engineering	tlo@santa-ana.org	20 Civic Center Plaza, Public Works Agency M-22	92702	(714) 647-5659	(714) 647-5635
City of Seal Beach										
60	JB	Spitz	David	Associate Engineer	Public Works	dspitz@sealbeachca.gov	211 8th St.	90740	(562) 431-2527	(562) 430-8763
City of Stanton										
61		Guilliams	Nick	Deputy City Engineer	Public Works	nguilliams@ci.stanton.ca.us	7800 Katella Ave.	90680	(714) 379-9222	(714) 890-1443
City of Stanton (John L. Hunter & Associates)										
62	CM	McCullough	Cameron	Authorized Inspector	Public Works	cmccullough@jlha.net	7800 Katella Ave.	90680	(562) 802-7880	
City of Tustin										
63	AW	Waite	Alex	Environmental Compliance Specialist	Public Works	awaite@tustinca.org	300 Centennial Way	92780	(714) 573-3305	(714) 734-8991
City of Tustin (Fuscoe Engineering Consultant)										
64	HW	Wen	Howard	Project Manager		hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
City of Villa Park										
65		Hildenbrand	Jarad	Assistant City Manager/City Clerk		jhildenbrand@villapark.org	17855 Santiago Blvd.	92667	(714) 998-1500	(714) 998-1508
66	CM	Hindiyeh	Akram	City Engineer		ahindiyeh@villapark.org	17855 Santiago Blvd.	92667	(714) 998-1500	(714) 998-1508
City of Westminster										
67		Hsieh	Daniel	Engineer/Public Works	Public Works	Dhsieh@westminster-ca.gov	8200 Westminster	92683	(714) 898-3311	(714) 895-4499
68		Ngo	Jake Q.	Engineer/Public Works	Public Works	jaken@westminster-ca.gov	8200 Westminster	92683	(714) 898-3311	(714) 895-4499
City of Yorba Linda										
69		Simonetti	Matt	Senior Civil Engineer, P.E.		msimonetti@yorba-linda.org	4845 Casa Loma, P.O. Box 87014	92886	(714) 961-7174	
70		Weldon	Howard	Senior Community Preservation Officer		hweldon@yorba-linda.org	4845 Casa Loma Avenue, P.O. Box 87014	92886	(714) 961-7133	(714) 993-9148
City of Yorba Linda (Fuscoe Engineering Consultant)										
71		Wen	Howard	Project Manager		hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
County of Orange										
72		Boon	Richard	Supervising ERS	OC Public Works\OC Watersheds	richard.boon@ocpw.oc.gov	2301 N. Glassell Street	92865	(714) 955-0670	(714) 955-0638

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
73		Brennler	Larry		HCA\Environmental Health	lbrennler@ochca.com			(714) 433-6284	(714) 488-6481
74		Buss	Kimberly	Environmental Resource Specialist II	OC Public Works\Environmental Resources	kimberly.buss@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0675	
75	KE	Clapper	Kacen	Environmental Resource Specialist III	OC Public Works\OC Watersheds	kacen.clapper@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0652	
76		Dang	Ted			ted.dang@ocpw.ocgov.com				
77		Fortuna	James	Environmental Resources Specialist III	OC Public Works\OC Watersheds	james.fortuna@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0677	
78		Friedman	Doug	Environmental Engineering Specialist	OC Public Works\OC Planning	doug.friedman@ocpw.ocgov.com	300 N. Flower Street	92703	(714) 667-8841	(714) 667-7522
79		LaMont	Robin	NPDES Coordinator	OC Parks	robin.lamont@ocparks.com	13042 Old Myford Rd.		(714) 651-0618	(714) 973-3338
80		Maldonado	Ruby	Chief	OC Public Works\Community & Advance Planning Svcs	ruby.maldonado@ocpw.ocgov.com	300 N. Flower Street, Third Floor, P.O. Box 4048	92702	714-834-4414	(714) 834-6132
81		Martinez	Rosa		OC Parks	rosa.martinez@ocparks.com			(949) 585-6422	
82		Nguyen	Duc	Environmental Resource Specialist III	OC Public Works\OC Watersheds	Duc.Nguyen@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0676	
83		Riggio	Julie	Environmental Resource Specialist	OC Watersheds	julie.riggio@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0672	
84		Rodarte	Robert		OC Watersheds	robert.rodarte@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0642	
85		Ruano	Betty			betty.ruano@ocpw.ocgov.com				
86		Sharp	Grant	Supervisor	OC Public Works\OC Watersheds	grant.sharp@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0674	(714) 955-0638
87		Shook	Jennifer	Environmental Resource Specialist III	OC Public Works\OC Watersheds	jennifer.shook@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0671	(714) 955-0638
88		Suppes	Christy	Environmental Resource Specialist III	OC Public Works\OC Watersheds	christy.suppes@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0673	(714) 937-8956
89	AT	Yean	J.T.	Civil Engineer	OC Public Works	Jung-Tsun.Yean@ocpw.ocgov.com	300 N. Flower Street	92702-4048	(714) 667-8871	
Recupero and Associates, Inc.										
90		Diaz	Brian	for Annette		bdiaz@recupero.net	31877 Del Obispo Street Suite 204	92675	(949) 429-6300	(949) 429-6303
91		Recupero	Michael			mrecupero@recupero.net	31877 Del Obispo Street Suite 204	92675	(949) 429-6300	(949) 429-6303
U.C. Cooperative Extension										
92		Haver	Darren	Watershed Resources Advisor		dihaver@ucanr.edu	7601 Irvine Blvd.	92618	(949) 053-1814	

**SECOND SUPPLEMENTAL DECLARATION ON BEHALF OF THE CITY OF LAKE
FOREST IN SUPPORT OF TEST CLAIM**

I, Devin Slaven, declare and state as follows:

1. I make this declaration based upon my own personal knowledge. If called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am employed by the City of Lake Forest (hereafter, "City") as the Environmental Manager in the Public Works Department. I have knowledge of the City's programs and activities set forth in this declaration.

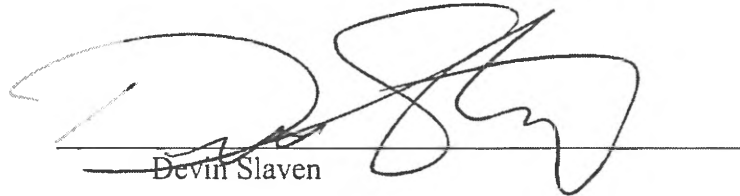
3. I am familiar with California Regional Water Quality Control Board, San Diego Region Order No. R9-2013-0001 (NPDES No. CAS0109266) issued on May 8, 2013, as amended by Order No. R9-2015-0001 ("Amended Permit"), as well as the process under which the Amended Permit was first implemented.

4. I attended a meeting held at the County of Orange, OC Watersheds offices on April 15, 2015, at which the requirements of the Amended Permit were discussed. This was shortly after the date the Amended Permit took effect, which was April 1, 2015. To the best of my personal knowledge, the day I attended the meeting, April 15, 2015, was the first date on which the City incurred costs to comply with the Amended Permit after it took effect.

5. Exhibit A to this Declaration is a true and correct copy of a document bearing the title, "Meeting Attendance Sign-in Sheet: NPDES LIP/PEA Sub-committee." This document was circulated at the April 15 meeting. I initialed that document, and my initials can be found on page 3 of Exhibit A.

Executed November 16, 2017 at Lake Forest, California.

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



Devin Slaven

EXHIBIT A

Meeting Attendance Sign-in Sheet: NPDES LIP/PEA Sub-committee

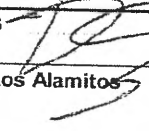


- Please initial and add/correct your contact information. Also edit/add/delete information of other staff with your city/agency.

- New attendees: please add your information at the end of the list. Last person with this list - Please return list to Committee Chairperson

Affiliation	Initials	Last Name	First	Title	Department:	E-Mail	Address	Zip	Phone	Fax
Cities of Brea and Yorba Linda (Fusco Engineering Consultant)										
1	HW	Wen	Howard			hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
2	EC	Yahya	Ryan Moy	Environmental Associate Environmental Programs Manager	Public Works	myahya@cityofalisoviejo.com	12 Journey, Suite 100	92656	949-425-2535 (949) 425-2538	(949) 367-2852
3		Heffernan	Jonathan	Contracts Specialist	Public Works - SSOs	jheffernan@anaheim.net	400 E. Vermont Ave.	92805	(714) 765-6903	(714) 765-6842
4		Linker	Keith	Principal Civil Engineer	Public Works	klinker@anaheim.net	200 S. Anaheim Blvd.	92805	(714) 765-4141	(714) 765-5225
City of Anaheim (Amec Consultant)										
5		Lentz	Matt	Authorized Inspector	Public Works	mlentz@anaheim.net			(949) 642-0245	
City of Brea										
6		Ingallinera	Brian	Environmental Services Coordinator	Public Works	briani@cityofbrea.net	1 Civic Center Plaza	92821	(714) 990-7672	(714) 990-2258
City of Buena Park										
7	HB	Brodowski	Doug	Senior Management Analyst	Public Works	dbrodowski@buenapark.com	6650 Beach Blvd., P.O. Box 5009	90622-5009	(714) 562-3652	(714) 562-3669
City of Costa Mesa										
8	MF	Fazeli	Fariba	Interim City Engineer		fariba.fazeli@costamesaca.gov	77 Fair Dr., PO Box 1220	92628	(714) 754-5378	(714) 754-5028
City of Cypress										
9		Vazquez	Gonzalo	Contract/ Env. Affairs Mgr.	Public Works	gvazquez@ci.cypress.ca.us	5272 Orange Avenue	90630	714-229-6752	714-229-0154
City of Dana Point										
10		Zawaski	Lisa	Senior Water Quality Engineer	Public Works	lzawaski@danapoint.org	33282 Golden Lantern	92629	(949) 248-3584	(949) 234-2826
City of Fullerton										
11		Miner	Grant	Environmental Compliance Specialist	Fire Department	grantm@fullertonfire.org	303 W. Commonwealth Ave.	92832	(714) 738-5359	
12		Phan	Trung Chanh	Stormwater/Waste water Compliance Specialist I		trungp@ci.fullerton.ca.us	303 W. Commonwealth Ave.	92832	(714) 738-5333	(714) 738-3115
City of Huntington Beach										
13		Elliott	Terri	Principal Civil Engineer	Public Works	telliott@surfcity-hb.org	2000 Main St., P.O. Box 190	92648	(714) 375-8494	(714) 374-1573
14		Hornik	Loriana		Public Works	Loriana.Hornik@surfcity-hb.org	2000 Main Street	92648	(714) 375-8445	

Wednesday, April 15, 2015

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
15		Merid	Jim	Environmental Specialist	Public Works	jmerid@surfcity-hb.org	200 Civic Center	92648	(714) 374-1548	
City of Irvine										
16		Choi	Bryan	-Burgh		aburgh@ci.irvine.ca.us				
17		Carr	Amanda	Water Quality Administrator	Community Development	acarr@ci.irvine.ca.us	1 Civic Center Plaza	92623	(949) 724-6315	(949) 724-6490
18		Kao	Victor			vkao@ci.irvine.ca.us	One Civic Center Plaza	92623		
19		Kirkpatrick	Joe	Bldg. Principal Planner		jkirkpatrick@ci.irvine.ca.us	1 Civic Center Plaza	92606	949-724-6320	
20		Yang	Michael	Water Quality Administrator	Community Development	myang@ci.irvine.ca.us	1 Civic Center Plaza	92623	(949) 724-6327	(949) 724-6440
City of La Habra										
21		Herrick	Vaughan			VaughanH@lahabracity.com				
22		Tellez	Abraham	NPDES Program Inspector		abrahamt@lahabracity.com	201 E. La Habra Blvd.	90631	(562) 905-9720	(562) 905-9643
23		You	Melissa	NPDES Program Coordinator		MelissaY@lahabracity.com	201 E. La Habra Blvd.	90631	(562) 905-9607	(562) 905-9643
City of La Palma										
24		Acosta	Claudia	Code Enforcement Officer		claudiaa@cityoflapalma.org	7822 Walker St.	90623	(714) 690-3342	
25		Baldwin	Larry	Engineering Technician	Public Works	larryb@cityoflapalma.org	7822 Walker St.	90623	(714) 690-3325	(714) 523-2141
26		Hutter	Scott			scotth@cityoflapalma.org				
27		Moneda	Jeff	Director of Public Works/City Engineer		jeffm@cityoflapalma.org	7822 Walker St.	90623-1771	(714) 690-3310	(714) 523-2141
City of Laguna Beach										
28		Ingebrigtsen	Tracy	Senior Water Quality Analyst		tingebrigtsen@lagunabeachcity.net	505 Forest Avenue	92651	(949) 497-0781	(949) 494-1864
29		Phillips	Mike	Environmental Specialist	Water Quality	Mphillips@lagunabeachcity.net	505 Forest Avenue	92651	(949) 497-0390	(949) 494-1864
City of Laguna Hills										
30		Javed	Humza	Assist. Engineer		hjaved@ci.laguna-hills.ca.us	24035 El Toro Rd.	92653	(949) 707-2657	(949) 707-2633
City of Laguna Niguel										
31		Herrera	JC	Civil Engineer Tech/WQ Analyst		jherrera@cityoflagunani-guel.org	30111 Crown Valley Parkway	92677	(949) 362-4382	(949) 362-4385
32		Orduna	Jonathan	Senior Planner		jorduna@cityoflagunani-guel.org	30111 Crown Valley Parkway	92677	(949) 362-4357	(949) 362-4369
33		Palmer	Nancy	Senior Watershed Manager		npalmer@cityoflagunani-guel.org	30111 Crown Valley Parkway	92677	(949) 362-4384	(949) 362-4385
City of Laguna Woods										
34		Macon	Chris	City Manager	Public Works	cmacon@lagunawoods-city.org	24264 El Toro Road	92637	(949) 639-0525	(949) 639-0591
35		Yahya	Moy	Water Quality Project Manager	Water Quality	moyyahya@caaprofessionals.com	24264 El Toro Road	92637	(949) 279-4385	(949) 639-0591
City of Lake Forest										

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
36		Slaven	Devin	Water Quality Specialist	Public Works	dslaven@lakeforestca.gov	25550 Commercentre Dr. Ste 100	92630	(949) 461-3436	(949) 461-3511
City of Los Alamitos										
37		Melby	Paul			pmelby@ci.los-alamitos.ca.us				
38		Mendoza	Steven	Community Development Director		smendoza@ci.los-alamitos.ca.us	3191 Katella Ave., P.O. Box 3147	90720	(562) 431-3538	(562) 493-0678
City of Los Alamitos (Willdan Engineering)										
39		Kelley	Chris	Design Engineer		ckelley@willdan.com			(714) 978-8235	
City of Mission Viejo										
40		Ames	Joe	Associate Civil Engineer	Public Works	james@cityofmissionviejo.org	200 Civic Center Drive	92691	(949) 470-8419	(949) 581-5394
41		Carson	Deborah			dcarson@cityofmissionviejo.org	200 Civic Center	92691		
42		Schlesinger	Richard	City Engineer	Public Works	rschlesinger@cityofmissionviejo.org	200 Civic Center	92691	(949) 470-3079	(949) 581-5394
City of Newport Beach										
43		Burckle	Shane	Code & Water Quality Inspector	Code & Water Quality Enforcement	sburckle@newportbeachca.gov	3300 W. Newport Blvd.	92663	(949) 644-3214	(949) 718-1840
44		Kappeler	John	Water Quality Specialist	Code & Water Quality Enforcement	jkappeler@newportbeachca.gov	P.O. Box 1768	92658-8915	(949) 644-3218	(949) 718-1840
City of Orange										
45		Carney	Mike	Environmental Scientist	Public Works	mcarney@cityoforange.org	300 E. Chapman Ave	92866	(714) 532-6480	(714) 744-5573
46		Estrada	Gene	NPDES Coordinator	Public Works	gestrada@cityoforange.org	300 E. Chapman Ave, P.O. Box 449	92866	(714) 532-6480	(714) 744-5573
City of Placentia										
47		Castro-Graham	Antonia	Management Analyst		acgraham@placentia.org	401 E. Chapman Avenue	92870	(714) 993-8149	(714) 582-4640
48		Makowski	Robert	Environmental Compliance Officer		rmakowski@placentia.org	401 E. Chapman Avenue	92870	(714) 993-8219	(714) 691-0238
49		Nguyen	Bryan	Engineering Assistant			401 E. Chapman Avenue	92870	(714) 993-8149	(714) 582-4640
City of Rancho Santa Margarita										
50		Beimer	Rae	Stormwater Program Manager	Public Works	rbeimer@cityofrsm.org	22112 El Paseo	92688	(949) 635-1800	(949) 635-1667
51		Maximous	E. (Max)	Interim City Engineer	Public Works	emaximous@cityofrsm.org	22112 El Paseo	92688	(949) 635-1805	(949) 635-1667
52		Parco	Jerome	Principal Engineer		jparco@cityofrsm.org	22112 El Paseo	92688	(949) 635-1813	(949) 635-1667
City of San Clemente										
53		Bonigut	Tom	Principal Civil Engineer - Environmental	Public Works - Engineering	BonigutT@san-clemente.org	910 Calle Negocio, Ste. 100	92673	(949) 361-6187	(949) 361-8316
54		Casey	Zina	Acting Environmental Analyst		CaseyZ@san-clemente.org			(949) 361-6143	(949) 492-5289
55		Vondrak	Mary	Management Analyst II	Public Works - Environmental	VondrakM@san-clemente.org	910 Calle Negocio, Ste. 100	92673	(949) 361-8204	(949) 492-5289
City of San Juan Capistrano										

Wednesday, April 15, 2015

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
56		Shoucair	Sam	Assistant Public Works Director		sshoucair@sanjuancapistrano.org	32400 Paseo Adelanto	92675	(949) 443-6355	
57		Van Der Maaten	Keith	Utilities Director		kvandermaaten@sanjuancapistrano.org	32400 Paseo Adelanto	92675	(949) 443-6363	(949) 793-1251
City of Santa Ana										
58		Chesaneck	Tyrone	Principal Civil Engineer	Construction Engineering	tchesaneck@santa-ana.org	20 civic Center Plaza, M-22, P.O. Box 1988	92701	(714) 647-5045	
59		Lo	Thomas	Stormwater Coordinator	Construction Engineering	tlo@santa-ana.org	20 Civic Center Plaza, Public Works Agency M-22	92702	(714) 647-5659	(714) 647-5635
City of Seal Beach										
60	JB	Spitz	David	Associate Engineer	Public Works	dspitz@sealbeachca.gov	211 8th St.	90740	(562) 431-2527	(562) 430-8763
City of Stanton										
61		Guilliams	Nick	Deputy City Engineer	Public Works	nguilliams@ci.stanton.ca.us	7800 Katella Ave.	90680	(714) 379-9222	(714) 890-1443
City of Stanton (John L. Hunter & Associates)										
62	CM	McCullough	Cameron	Authorized Inspector	Public Works	cmccullough@jlha.net	7800 Katella Ave.	90680	(562) 802-7880	
City of Tustin										
63	AW	Waite	Alex	Environmental Compliance Specialist	Public Works	await@tustinca.org	300 Centennial Way	92780	(714) 573-3305	(714) 734-8991
City of Tustin (Fuscoe Engineering Consultant)										
64	HW	Wen	Howard	Project Manager		hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
City of Villa Park										
65		Hildenbrand	Jarad	Assistant City Manager/City Clerk		jhildenbrand@villapark.org	17855 Santiago Blvd.	92667	(714) 998-1500	(714) 998-1508
66	CM	Hindiyeh	Akram	City Engineer		ahindiyeh@villapark.org	17855 Santiago Blvd.	92667	(714) 998-1500	(714) 998-1508
City of Westminster										
67		Hsieh	Daniel	Engineer/Public Works	Public Works	Dhsieh@westminster-ca.gov	8200 Westminster	92683	(714) 898-3311	(714) 895-4499
68		Ngo	Jake Q.	Engineer/Public Works	Public Works	jaken@westminster-ca.gov	8200 Westminster	92683	(714) 898-3311	(714) 895-4499
City of Yorba Linda										
69		Simonetti	Matt	Senior Civil Engineer, P.E.		msimonetti@yorbalinda.org	4845 Casa Loma, P.O. Box 87014	92886	(714) 961-7174	
70		Weldon	Howard	Senior Community Preservation Officer		hweldon@yorbalinda.org	4845 Casa Loma Avenue, P.O. Box 87014	92886	(714) 961-7133	(714) 993-9148
City of Yorba Linda (Fuscoe Engineering Consultant)										
71		Wen	Howard	Project Manager		hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
County of Orange										
72		Boon	Richard	Supervising ERS	OC Public Works/OC Watersheds	richard.boon@ocpw.oc.gov	2301 N. Glassell Street	92865	(714) 955-0670	(714) 955-0638

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
73		Brennler	Larry		HCA\Environmental Health	lbrennler@ochca.com			(714) 433-6284	(714) 488-6481
74		Buss	Kimberly	Environmental Resource Specialist II	OC Public Works\Environmental Resources	kimberly.buss@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0675	
75	KL	Clapper	Kacen	Environmental Resource Specialist III	OC Public Works\OC Watersheds	kacen.clapper@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0652	
76		Dang	Ted			ted.dang@ocpw.ocgov.com				
77		Fortuna	James	Environmental Resources Specialist III	OC Public Works\OC Watersheds	james.fortuna@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0677	
78		Friedman	Doug	Environmental Engineering Specialist	OC Public Works\OC Planning	doug.friedman@ocpw.ocgov.com	300 N. Flower Street	92703	(714) 667-8841	(714) 667-7522
79		LaMont	Robin	NPDES Coordinator	OC Parks	robin.lamont@ocparks.com	13042 Old Myford Rd.		(714) 651-0618	(714) 973-3338
80		Maldonado	Ruby	Chief	OC Public Works\Community & Advance Planning Svcs	ruby.maldonado@ocpw.ocgov.com	300 N. Flower Street, Third Floor, P.O. Box 4048	92702	714-834-4414	(714) 834-6132
81		Martinez	Rosa		OC Parks	rosa.martinez@ocparks.com			(949) 585-6422	
82		Nguyen	Duc	Environmental Resource Specialist III	OC Public Works\OC Watersheds	Duc.Nguyen@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0676	
83		Riggio	Julie	Environmental Resource Specialist	OC Watersheds	julie.riggio@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0672	
84		Rodarte	Robert		OC Watersheds	robert.rodarte@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0642	
85		Ruano	Betty			betty.ruano@ocpw.ocgov.com				
86		Sharp	Grant	Supervisor	OC Public Works\OC Watersheds	grant.sharp@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0674	(714) 955-0638
87		Shook	Jennifer	Environmental Resource Specialist III	OC Public Works\OC Watersheds	jennifer.shook@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0671	(714) 955-0638
88		Suppes	Christy	Environmental Resource Specialist III	OC Public Works\OC Watersheds	christy.suppes@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0673	(714) 937-8956
89	AT	Yean	J.T.	Civil Engineer	OC Public Works	Jung-Tsun.Yean@ocpw.ocgov.com	300 N. Flower Street	92702-4048	(714) 667-8871	
Recupero and Associates, Inc.										
90		Diaz	Brian	for Austin		bdiaz@recupero.net	31877 Del Obispo Street Suite 204	92675	(949) 429-6300	(949) 429-6303
91		Recupero	Michael			mrecupero@recupero.net	31877 Del Obispo Street Suite 204	92675	(949) 429-6300	(949) 429-6303
U.C. Cooperative Extension										
92		Haver	Darren	Watershed Resources Advisor		dihaver@ucanr.edu	7601 Irvine Blvd.	92618	(949) 053-1814	

Wednesday, April 15, 2015

**SECOND SUPPLEMENTAL DECLARATION ON BEHALF OF THE CITY OF
MISSION VIEJO IN SUPPORT OF TEST CLAIM**

I, Joe Ames, declare and state as follows:

1. I make this declaration based upon my own personal knowledge. If called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am employed by the City of Mission Viejo (hereafter, "City") as the Assistant City Engineer. I have knowledge of the City's programs and activities set forth in this declaration.

3. I am familiar with California Regional Water Quality Control Board, San Diego Region Order No. R9-2013-0001 (NPDES No. CAS0109266) issued on May 8, 2013, as amended by Order No. R9-2015-0001 ("Amended Permit"), as well as the process under which the Amended Permit was first implemented.

4. On April 23, 2015, I received an e-mail from Jennifer Shook of Orange County Public Works. That e-mail, a true and correct copy of a printout of which is attached as Exhibit A to my declaration, attached a table of primary permit requirements and deliverables mandated by the Amended Permit. I received this e-mail following the effective date of the Amended Permit, which was April 1, 2015. My name is on the list of addressees of the e-mail.

5. On April 23, 2015, I reviewed the table attached to the e-mail from Ms. Shook. To the best of my personal knowledge, the date of my review of the table, April 23, 2015, was the first date on which the City incurred costs to comply with the Amended Permit after it took effect.

Executed October 25, 2017 at Mission Viejo, California.

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



Joe Ames

EXHIBIT A

From: Shook, Jennifer <Jennifer.Shook@ocpw.ocgov.com>
Sent: Thursday, April 23, 2015 11:01 AM
To: Mesa, Ann; Musacchia, Beatrice; Buss, Kimberly; Crompton, Chris; Suppes, Christy; Clapper, Kacen; Nguyen, Duc; Sharp, Grant; Mayo, Howard [HCA]; Fortuna, James; Shook, Jennifer; Brennler, Larry [HCA]; Pope, Maria [JWA]; Thoms, Marilyn; Martinez, Anthony [HCA]; Skorpanich, Mary Anne; Fennessy, Michael; Boon, Richard; Riggio, Julie; LaMont, Robin [OCCR]; Rodarte, Robert; Dang, Ted; Tucker, Matt; Angel Fuertes - Lake Forest; bfowler@danapoint.org; Brian Kurnow - Laguna Woods; Carlos Castellanos - Rancho Santa Margarita; Chris Macon - Laguna Woods; Deborah Carson; Devin Slaven - Lake Forest; dreilly@lagunawoodscity.org; Yi, Greg; Humza Javed - Laguna Hills; JC Herrera - Laguna Niguel; Joe Ames; Joe Mankawich - San Juan Capistrano; Jonathan Orduna - Laguna Niguel; Keith Van Der Maaten - San Juan Capistrano; krosenfield@ci.laguna-hills.ca.us; Lisa Zawaski - Dana Point; Mary Vondrak - San Clemente; Tucker, Matt; Mike Phillips - Laguna Beach; Moy Yahya - Aliso Viejo; Moy Yahya - Laguna Woods; Nancy Palmer - Laguna Niguel; Peter Meier - Lake Forest; Rae Beimer - Rancho Santa Margarita; Rich Schlesinger; Shaun Pelletier - Aliso Viejo; Tom Bonigut - San Clemente; Tracy Ingebrigtsen - Laguna Beach; Gin, Vincent
Subject: NPDES Stormater - San Diego Region: Table of Deliverables
Attachments: SDR Permit_5thTerm_Deliverables_4-22-15 DRAFT.xlsx

Good morning,

Please find attached a table of primary permit requirements and deliverables from the Fifth Term Permit (Order R9-2013-0001 as amended by R9-2015-0001). This is an updated draft from a previous version that was reviewed at January's General Permittee meeting.

Please note that the file is labeled as draft because as we dive deeper into implementation, we may find that our interpretation of some of the due dates was not as intended from the Permit (for example, we thought that the Fiscal Analysis was due with the transitional JRMP Annual Report, but after discussing this with Regional Board Staff, we learned that the Fiscal Analysis is not due until we submit the first WQIP Annual Report).

Please let me know if you have any questions.

Thanks!

Jennifer Shook
OC Stormwater Program
County of Orange – OC Public Works Department
2301 N. Glassell Street, Orange, CA 92865
(714) 955-0671 tel / (714) 955-0639 fax
jennifer.shook@ocpw.ocgov.com
www.ocwatersheds.com

Please note my working hours are 7:30 AM - 5:00 PM, Monday - Thursday, and 7:30 AM - 4:00 PM every other Friday. For the month of April I will be in the office on the following Fridays: 4/10 and 4/24

**SECOND SUPPLEMENTAL DECLARATION OF EHAB MAXIMOUS ON BEHALF OF
THE CITY OF RANCHO SANTA MARGARITA IN SUPPORT OF TEST CLAIM**

I, Ehab Maximous, declare and state as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein 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 testify to the matters set forth herein under oath.

2. I am employed by the City of Rancho Santa Margarita ("City") as Public Works Director/City Engineer. I have knowledge of the City's programs and activities set forth in this declaration.

3. I am familiar with California Regional Water Quality Control Board, San Diego Region ("RWQCB") Order No. R9-2013-0001 (NPDES No. CAS0109266) issued on May 8, 2013, as amended by Order No. R9-2015-0001 ("Amended Permit"), as well as the process under which the Amended Permit was first implemented.

4. In my capacity as the City's Public Works Director/City Engineer, I am responsible for managing the City's Stormwater Program and overseeing other City employees and consultants to the City performing tasks associated with management of the City's stormwater Program and implementation of the Amended Permit.

5. Charles Abbott Associates, Inc. ("Charles Abbott") provided Engineering staff augmentation services to the City from July 1, 2011 through June 30, 2016. The services provided by Charles Abbott to the City during this period included providing staff support for management of the City's Stormwater Program, including tasks associated with implementation

of the Amended Permit. Rae Beimer was employed by Charles Abbott and provided said Stormwater Program support services to the City on behalf of Charles Abbott.

6. I have reviewed a copy of an e-mail dated April 23, 2015 from Jennifer Shook of the County of Orange Department of Public Works to representatives of the permittees covered by the Amended Permit, a true and correct copy of a printout of which is attached as Exhibit A to my declaration. That e-mail was accompanied by an attachment containing an Excel spreadsheet of primary permit requirements and deliverables set forth in the Amended Permit. This e-mail is dated after the effective date of the Amended Permit, which was April 1, 2015. Rae Beimer is included in the list of addressees of the e-mail in her capacity as a representative of the City. I am informed and believe that Rae Beimer received and reviewed this e-mail and the attached spreadsheet.

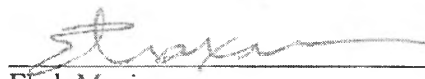
7. On May 20, 2015, I reviewed and approved an invoice from Charles Abbott for services provided by Charles Abbott during the month of April, 2015. A true and correct copy of this invoice and a check request bearing my signature is attached as Exhibit B to my declaration. Said invoice reflects the time billed to the City by Charles Abbott for support services associated with the City's Stormwater Program provided on specified dates by specified Charles Abbott employees, including time attributed to Rae Beimer on April 24, 2015. I am informed and believe that the time attributed to Rae Beimer on April 24, 2015 includes time she spent on

behalf of the City reviewing the April 23, 2015 e-mail from Jennifer Shook and the attached spreadsheet of primary permit requirements and deliverables set forth in the Amended Permit.

8. To the best of my personal knowledge, April 24, 2015, the date Rae Beimer received and reviewed the e-mail and attached spreadsheet from Jennifer Shook, was the first date on which the City incurred costs to comply with the Amended Permit after it took effect.

Executed November 17, 2017 at Rancho Santa Margarita, California.

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



Ehab Maximous
Public Works Director/City Engineer
City of Rancho Santa Margarita, California

EXHIBIT A

From: Shook, Jennifer <Jennifer.Shook@ocpw.ocgov.com>
Sent: Thursday, April 23, 2015 11:01 AM
To: Mesa, Ann; Musacchia, Beatrice; Buss, Kimberly; Crompton, Chris; Suppes, Christy; Clapper, Kacen; Nguyen, Duc; Sharp, Grant; Mayo, Howard [HCA]; Fortuna, James; Shook, Jennifer; Brennler, Larry [HCA]; Pope, Maria [JWA]; Thoms, Marilyn; Martinez, Anthony [HCA]; Skorpanich, Mary Anne; Fennessy, Michael; Boon, Richard; Riggio, Julie; LaMont, Robin [OCCR]; Rodarte, Robert; Dang, Ted; Tucker, Matt; Angel Fuertes - Lake Forest; bfowler@danapoint.org; Brian Kurnow - Laguna Woods; Carlos Castellanos - Rancho Santa Margarita; Chris Macon - Laguna Woods; Deborah Carson; Devin Slaven - Lake Forest; dreilly@lagunawoodscity.org; Yi, Greg; Humza Javed - Laguna Hills; JC Herrera - Laguna Niguel; Joe Ames; Joe Mankawich - San Juan Capistrano; Jonathan Orduna - Laguna Niguel; Keith Van Der Maaten - San Juan Capistrano; krosenfield@ci.laguna-hills.ca.us; Lisa Zawaski - Dana Point; Mary Vondrak - San Clemente; Tucker, Matt; Mike Phillips - Laguna Beach; Moy Yahya - Aliso Viejo; Moy Yahya - Laguna Woods; Nancy Palmer - Laguna Niguel; Peter Meier - Lake Forest; Rae Beimer - Rancho Santa Margarita; Rich Schlesinger; Shaun Pelletier - Aliso Viejo; Tom Bonigut - San Clemente; Tracy Ingebrigtsen - Laguna Beach; Gin, Vincent
Subject: NPDES Stormater - San Diego Region: Table of Deliverables
Attachments: SDR Permit_5thTerm_Deliverables_4-22-15 DRAFT.xlsx

Good morning,

Please find attached a table of primary permit requirements and deliverables from the Fifth Term Permit (Order R9-2013-0001 as amended by R9-2015-0001). This is an updated draft from a previous version that was reviewed at January's General Permittee meeting.

Please note that the file is labeled as draft because as we dive deeper into implementation, we may find that our interpretation of some of the due dates was not as intended from the Permit (for example, we thought that the Fiscal Analysis was due with the transitional JRMP Annual Report, but after discussing this with Regional Board Staff, we learned that the Fiscal Analysis is not due until we submit the first WQIP Annual Report).

Please let me know if you have any questions.

Thanks!

Jennifer Shook
OC Stormwater Program
County of Orange – OC Public Works Department
2301 N. Glassell Street, Orange, CA 92865
(714) 955-0671 tel / (714) 955-0639 fax
jennifer.shook@ocpw.ocgov.com
www.ocwatersheds.com

Please note my working hours are 7:30 AM - 5:00 PM, Monday - Thursday, and 7:30 AM - 4:00 PM every other Friday. For the month of April I will be in the office on the following Fridays: 4/10 and 4/24

EXHIBIT B

City of Rancho Santa Margarita

22112 El Paseo, Rancho Santa Margarita, CA 92688

(949) 635-1800

CHECK REQUEST

(NOTE: Attach original invoice, related PO or other supporting documentation.)

MAKE CHECK PAYABLE TO:

Charles Abbott Associates, Inc.
27401 Los Altos
Suite 220
Mission Viejo, CA 92691

Date Requested: 5/20/2015
DEPARTMENT: Public Works
Date REQUIRED: **Net 30**
Vendor No.: 1284

DESCRIPTION	INVOICE DATE	INVOICE NO.	REFERENCE (PO No.)	AMOUNT
Engineering Services				
Apr-15	4/30/2015	54581		\$ 29,947.09
CHECK TOTAL				\$ 29,947.09

Department Head/Division Supervisor/Manager Checkoffs:**For services per contract agreement:**

- ☒ Services performed conform to agreement scope and budget, **AND**
☒ Total of all billed & unbilled work to date does not exceed agreement and budgeted account **OR**
☐ Backup attached for offsetting budget savings, budget adjustment or other change authorization

For non-professional services, supplies, equipment per purchase order or purchase requisition:

- ☐ All items were received, inspected and conform to specifications, **OR**
☐ Other Items - utilities, membership, class refunds

CHARGE TO:

Budget Year: FY 2014-15
CIP Project No.:

GL ACCT #	ACCT DESCRIPTION	
100-610-700.008	PS - Non-recoverable	\$ 7,680.48
100-610-700.013	PS - Recoverable PW	\$ 5,470.25
410-900-911.000	Annual Slurry Seal Program	\$ 296.84
410-900-934.001	Annual Concrete Repair Program	\$ 2,417.09
410-900-952.002	Chiquita Ridge Habitat Restoration	\$ 84.81
100-620-700.019	Street Maintenance Contract (CAA)	\$ 4,961.39
100-640-640.102	BTRCC Maintenance	\$ 169.62
100-640-640.003	City Hall Facility Mgmt.	\$ 424.05
100-610-650.000	Storm Water (NPDES)	\$ 7,462.62
100-610-660.000	Solid Waste Management	\$ 979.94
CHECK TOTAL		\$ 29,947.08

Requested By:	Date: 5/20/15
Department/Division Head:	Date: 5/20/15
City Manager (if applicable)	Date:
Finance:	Date:
Account Audit:	Date:

\$29,947.09☐ Prepaid Check

Approved:

City of Rancho Santa Margarita

22112 El Paseo, Rancho Santa Margarita, CA 92688

(949) 635-1800

CHECK REQUEST**(NOTE: Attach original invoice, related PO or other supporting documentation.)**

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- ☐ All items were received, inspected and conform to specifications, **OR**
☐ Other Items - utilities, membership, class refunds

CHARGE TO:

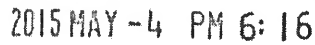
Budget Year: FY 2014-15

CIP Project No.:

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100-610-650.000	Storm Water (NPDES)	\$ 7,462.62
100-610-660.000	Solid Waste Management	\$ 979.94
CHECK TOTAL		\$ 29,947.08

☐ Prepaid Check Approved:

Requested By:	Date:
Depart./Division Head:	Date:
City Manager (if applicable)	Date:
Finance:	Date:
Account Audit:	Date:



City of Rancho Santa Margarita
Attn: E. (Max) Maximous
22112 El Paseo
Rancho Santa Margarita, CA 92688

Progress INVOICE per our agreement for Consulting Services for the following Project:

Billing Period	April 2015
----------------	------------

Total Due: \$29,947.09

WWW.CAAPROFESSIONALS.COM



City of Rancho Santa Margarita

Invoice Cover Sheet

To: City of Rancho Santa Margarita
2112 El Paseo
Rancho Santa Margarita, CA 92688-1667
ATTN: Principal Engineer - E. (Max) Maximous, P.E.
(949) 635-1805

CITY OF
RANCHO SANTA MARGARITA

2015 MAY -4 PM 6:16

From: Charles Abbott Associates, Inc.
27401 Los Altos, Suite 220
Mission Viejo, CA 92691
(949) 367-2850
Project Manager: John Whitman

Invoice #: 54581
Invoice Date: 30-Apr-15
Invoice Period: 4/1/2015 - 4/30/2015
Agreement Title: Engineering Staff Augmentation Services
Date: July 1, 2011

APPROVED BY: _____
Project Manager _____ Date _____

Invoice	Contract Amount	Previous Invoiced To-Date	Work Performed this Billing	Total Invoiced To-Date	Percent Complete	Remaining Balance
Category A - General Municipal Engineering						
1. Non-recoverable 100-610-700.006 (General Engineering)	\$ 110,000.00	\$ 66,686.42	\$ 7,680.50	\$ 74,366.92	68%	\$ 35,633.08
100-610-700.013 Encroachment Permits Insp & Admin	\$ 16,250.00	\$ 7,039.23	\$ 5,046.20	\$ 12,085.43	74%	\$ 4,164.58
2. Capital Improvement Projects	\$ 72,000.00	\$ 50,361.51	\$ 2,798.73	\$ 53,160.24	74%	\$ 18,839.76
4. Category B - Street Maintenance	\$ 76,500.00	\$ 48,892.97	\$ 4,961.39	\$ 53,854.35	70%	\$ 22,645.65
5. Category C - Building Maintenance						
City Hall Maintenance	\$ 10,200.00	\$ 5,343.03	\$ 424.05	\$ 5,767.08	57%	\$ 4,432.92
BTRCC	\$ 10,200.00	\$ 6,191.13	\$ 169.62	\$ 6,360.75	62%	\$ 3,839.25
Skate / Dog Park Maintenance	\$ 2,500.00	\$ 508.86	\$ -	\$ 508.86	20%	\$ 1,991.14
6. Category D - Stormwater Program Oversight	\$ 82,500.00	\$ 41,483.10	\$ 7,462.62	\$ 48,945.72	59%	\$ 33,554.29
7. Category E - Solid Waste Program Oversight	\$ 8,100.00	\$ 2,487.54	\$ 979.94	\$ 3,467.48	43%	\$ 4,632.52
Total	\$ 388,250.00	\$ 228,993.78	\$ 29,523.04	\$ 258,516.82	67%	\$ 129,733.18

No.	Task Order Description	Task Order Amount	Previous Invoiced To-Date	Work Performed this Billing	Total Invoiced To-Date	Percent Complete	Remaining Balance
7-C	Tesoro Tris/RSM Twnhms Insp GP 11-07	\$ 28,141.00	14,349.43	\$ -	\$ 14,349.43	51%	\$ 13,791.57
35	Tesoro Tris/RSM Twnhms Insp/Admin LS 12-01	\$ 9,449.00	2,483.62	\$ -	\$ 2,483.62	26%	\$ 6,965.38
50	Insp/Admin Bell Cyn Drainage Imprv GP 11-09	\$ 4,246.00	3,240.00	\$ -	\$ 3,240.00	76%	\$ 1,006.00
52	Highland Estates GP Insp/Admin GP 11-04	\$ 2,272.00	1,864.00	\$ -	\$ 1,864.00	82%	\$ 408.00
53	Shadow Rock Detention Basin PC/Admin GP 14-01	\$ 1,702.00	981.68	\$ 84.81	\$ 1,066.49	63%	\$ 635.51
54	PC/Admin Applied Med R102 Compressor Rm Proj	\$ 1,562.00	1,230.20	\$ -	\$ 1,230.20	79%	\$ 331.80
55	PC/Admin Appl'd Med R110 TI GP 14-03	\$ 1,562.00	985.55	\$ -	\$ 985.55	63%	\$ 576.45
56	PC/Admin Appl'd Med R110 TI LS 14-01	\$ 798.00	429.25	\$ -	\$ 429.25	54%	\$ 368.75
57	PC/Admin Appl'd Med R106 GP 14-04	\$ 1,562.00	0.00	\$ -	\$ -	0%	\$ 1,562.00
58	Insp/Admin Youth Lounge Flooring	\$ 2,368.00	2,368.74	\$ -	\$ 2,368.74	100%	\$ 0.26
59	Insp/Admin Dove Cyn Drainage PH 3 GP 11-09	\$ 6,126.09	2,120.25	\$ -	\$ 2,120.25	35%	\$ 4,005.84
60	Insp/Admin Appl'd Med R110 TI GP 14-03	\$ 746.51	425.09	\$ -	\$ 425.09	57%	\$ 321.42
61	Insp/Admin Appl'd Med R102 GP 14-02	\$ 2,350.55	1,280.47	\$ 339.24	\$ 1,619.71	69%	\$ 730.84
62	PC/Admin Appl'd Med R113 Ldnscp Imp LS 14-02	\$ 835.48	171.70	\$ -	\$ 171.70	21%	\$ 663.78
Total		\$ 63,721.63	\$ 31,929.98	\$ 424.05	\$ 32,354.03	51%	\$ 31,367.60

INVOICES & PROGRESS REPORTS ATTACHED

TOTAL AMOUNT DUE THESE INVOICES

\$ 29,947.09

PROGRAM HOURS & COSTS

Name		Terry Gregory		Paul Osterman	
Title		Sr. Field Observer		Sr. Field Observer	
Rate		\$ 84.81		\$ 84.81	
Program		Hours	Staff Cost	Hours	Staff Cost
Non-recoverable (Gen Eng)100-610-700.006		4.00	\$ 339.24	5.00	\$ 424.05
Encroachment Permits 100-610-700.013		3.00	\$ 254.43	56.50	\$ 4,791.77
GP 14-01 #53	Shadow Rock Detention Basin PC/Admin GP 14-01	1.00	\$ 84.81		\$ -
GP 14-03 #61	Insp/Admin Appl'd Med R102 GP 14-02		\$ -	4.00	\$ 339.24
Category A-1		8.00	\$ 678.48	65.50	\$ 5,555.06
410-900-911.000 CIP Slurry Seal			\$ -	3.50	\$ 296.84
410-900-934.001 CIP Concrete Repair			\$ -	28.50	\$ 2,417.09
410-900-952.001 CIP Chiquita Ridge open Space Asses			\$ -	1.00	\$ 84.81
Category A-2 CIP		-	\$ -	33.00	\$ 2,798.73
Total General Fund		8.00	\$ 678.48	98.50	\$ 8,353.79
100-620-700.019 Street Maintenance		34.00	\$ 2,883.54	24.50	\$ 2,077.85
100-640-640.102 Building Maintenance			\$ -	2.00	\$ 169.62
100-640-640.003 City Hall Maintenance Mgmt		2.00	\$ 169.62	3.00	\$ 254.43
100-610-650-000 Stormwater Program Support Services			\$ -		\$ -
100-610-660-000 AB 939 Solid Waste Program			\$ -		\$ -
Total		36.00	\$ 3,053.16	29.50	\$ 2,501.90
Grand Total		44.00	\$ 3,731.64	128.00	\$ 10,855.68

PROGRAM HOURS & COSTS

Name	Terry Gregory		Paul Osterman		Cindy Kwong Lu		Robert Vu		Rae Beimer		Janna Lee		
Title	Sr. Field Observer		Sr. Field Observer		Asst. Engineer		Engineering Intern		Environmental Analyst		Environmental Analyst		
Rate	\$ 84.81		\$ 84.81		\$ 85.85		\$ 12.04		\$ 75.38		\$ 75.38		
Program	Hours	Staff Cost	Hours	Staff Cost	Hours	Staff Cost	Hours	Staff Cost	Hours	Staff Cost	Hours	Staff Cost	Hours
Non-recoverable (Gen Eng) 100-610-700.006	4.00	\$ 339.24	5.00	\$ 424.05	73.00	\$ 6,267.05	54.00	\$ 650.16		\$ -		\$ -	136.00
GP 14-01 #53 Encroachment Permits 100-610-700.013	3.00	\$ 254.43	56.50	\$ 4,791.77		\$ -		\$ -		\$ -		\$ -	59.50
GP 14-03 #61 Shadow Rock Detention Basin PC/Admin GP 14-01	1.00	\$ 84.81		\$ -		\$ -		\$ -		\$ -		\$ -	1.00
Insp/Admin App'd Med R102 GP 14-02		\$ -	4.00	\$ 339.24		\$ -		\$ -		\$ -		\$ -	4.00
Category A-1	8.00	\$ 678.48	65.50	\$ 5,555.06	73.00	\$ 6,267.05	54.00	\$ 650.16	-	\$ -	-	\$ -	200.50
410-900-911.000 CIP Slurry Seal		\$ -	3.50	\$ 296.84		\$ -		\$ -		\$ -		\$ -	3.50
410-900-934.001 CIP Concrete Repair		\$ -	28.50	\$ 2,417.09		\$ -		\$ -		\$ -		\$ -	28.50
410-900-952.001 CIP Chiquita Ridge open Space Asses		\$ -	1.00	\$ 84.81		\$ -		\$ -		\$ -		\$ -	1.00
Category A-2 CIP	-	\$ -	33.00	\$ 2,798.73	-	\$ -	-	\$ -	-	\$ -	-	\$ -	33.00
Total General Fund	8.00	\$ 678.48	98.50	\$ 8,353.79	73.00	\$ 6,267.05	54.00	\$ 650.16	-	\$ -	-	\$ -	233.50
100-620-700.019 Street Maintenance	34.00	\$ 2,883.54	24.50	\$ 2,077.85		\$ -		\$ -		\$ -		\$ -	58.50
100-640-640.102 Building Maintenance		\$ -	2.00	\$ 169.62		\$ -		\$ -		\$ -		\$ -	2.00
100-640-640.003 City Hall Maintenance Mgmt	2.00	\$ 169.62	3.00	\$ 254.43		\$ -		\$ -		\$ -		\$ -	5.00
100-610-650-000 Stormwater Program Support Services		\$ -		\$ -		\$ -		\$ -	18.00	\$ 1,356.84	81.00	\$ 6,105.78	99.00
100-610-660-000 AB 939 Solid Waste Program		\$ -		\$ -		\$ -		\$ -		\$ -	13.00	\$ 979.94	13.00
Total	36.00	\$ 3,053.16	29.50	\$ 2,501.90	-	\$ -	-	\$ -	18.00	\$ 1,356.84	94.00	\$ 7,085.72	177.50
Grand Total	44.00	\$ 3,731.64	128.00	\$ 10,855.68	73.00	\$ 6,267.05	54.00	\$ 650.16	18.00	\$ 1,356.84	94.00	\$ 7,085.72	411.00

PROGRAM HOURS & COSTS

Name		Totals
Title		
Rate		
	Non-recoverable (Gen Eng) 100-610-700.006	\$ 7,680.50
	Encroachment Permits 100-610-700.013	\$ 5,046.20
GP 14-01 #53	Shadow Rock Detention Basin PC/Admin GP 14-01	\$ 84.81
GP 14-03 #61	Insp/Admin Appl'd Med R102 GP 14-02	\$ 339.24
Category A-1		\$ 13,150.75
410-900-911.000	CIP Slurry Seal	\$ 296.84
410-900-934.001	CIP Concrete Repair	\$ 2,417.09
410-900-952.001	CIP Chiquita Ridge open Space Asses	\$ 84.81
Category A-2 CIP		\$ 2,798.73
Total General Fund		\$ 15,949.48
100-620-700.019	Street Maintenance	\$ 4,961.39
100-640-640.102	Building Maintenance	\$ 169.62
100-640-640.003	City Hall Maintenance Mgmt	\$ 424.05
100-610-650-000	Stormwater Program Support Services	\$ 7,462.62
100-610-660-000	AB 939 Solid Waste Program	\$ 979.94
Total		\$ 13,997.62
Grand Total		\$ 29,947.09

Charles Abbott FY 2014-15

	Contract	Capital	ST Maint. (Contract)	CH Facilities	BTRCC	Non Recoverable	Recoverable	Stormwater	Solid Waste	Dog/Skate Parks	Totals
Date	Inv #	\$ 72,000.00	\$ 75,500.00	\$ 10,200.00	\$ 10,200.00	\$ 110,000.00	\$ 19,250.00	\$ 52,500.00	\$ 8,100.00	\$ 2,500.00	\$ 388,250.00
7/31/2014	53730							\$ 2,939.82			\$ 2,939.82
7/31/2014	53731								\$ 301.52		\$ 301.52
7/31/2014	53751	\$ 1,781.01	\$ 6,954.42	\$ 508.86	\$ 678.48	\$ 763.29	\$ 339.24			\$ 84.81	\$ 11,110.11
7/31/2014	53752	\$ 1,802.85				\$ 6,953.85					\$ 8,756.70
7/31/2014	53753	\$ 276.92				\$ 385.28					\$ 662.20
8/31/2014	53842							\$ 4,183.59			\$ 4,183.59
8/31/2014	53843								\$ 301.52		\$ 301.52
8/31/2014	53844	\$ 1,511.39	\$ 5,512.65	\$ 763.29	\$ 508.86	\$ 424.05	\$ 593.67			\$ 169.62	\$ 9,583.53
8/31/2014	53846	\$ 171.70				\$ 4,464.20					\$ 4,635.90
8/31/2014	53845	\$ 90.30				\$ 276.92					\$ 367.22
9/30/2014	53929								\$ 452.28		\$ 452.28
9/30/2014	53930							\$ 3,957.45			\$ 3,957.45
9/30/2014	53931	\$ 932.91	\$ 5,597.46	\$ 424.05	\$ 593.67	\$ 339.24	\$ 508.86			\$ 84.81	\$ 8,481.00
9/30/2014	53932	\$ 1,602.85				\$ 5,193.93					\$ 5,996.78
10/31/2014	54037 TG	\$ 763.29	\$ 5,258.22	\$ 508.86	\$ 508.86	\$ 1,272.15	\$ 1,187.34			\$ 84.81	\$ 9,583.53
10/31/2014	54038 CK	\$ 3,348.15				\$ 5,923.65	\$ 515.10				\$ 9,786.90
10/31/2014	54039 PO	\$ 848.10		\$ 254.43	\$ 848.10	\$ 763.29					\$ 2,713.92
10/31/2014	54040 RB							\$ 3,618.24			\$ 3,618.24
10/31/2014	54041 RB								\$ 452.28		\$ 452.28
11/30/2014											\$ -
11/30/2014	54133 PO	\$ 2,247.47	\$ 424.05	\$ 932.91	\$ 848.10	\$ 636.08	\$ 339.24				\$ 5,427.85
11/30/2014	54131 TG	\$ 678.48	\$ 3,477.21	\$ 169.62	\$ 169.62	\$ 848.10	\$ 339.24				\$ 5,682.27
11/30/2014	54132 CK	\$ 2,833.05				\$ 4,120.80	\$ 343.40				\$ 7,297.25
11/30/2014	54129 STORM							\$ 3,580.55			\$ 3,580.55
11/30/2014	54130 SOL. W								\$ 150.76		\$ 150.76
12/31/2014	54222	\$ 6,894.57	\$ 4,951.39	\$ 339.24	\$ 424.05	\$ 9,160.45	\$ 424.05	\$ 3,655.93	\$ 452.28		\$ 26,311.96
1/31/2015	54313	\$ 11,522.97	\$ 3,307.59	\$ 339.24	\$ 424.05	\$ 8,488.22	\$ 1,062.21	\$ 5,540.43	\$ 150.76		\$ 30,835.47
2/28/2015	54415	\$ 11,281.81	\$ 3,901.26	\$ 424.05	\$ 593.67	\$ 9,246.45	\$ 1,189.42	\$ 6,294.23	\$ -	\$ 84.81	\$ 33,015.70
3/31/2015	54509	\$ 3,248.78	\$ 9,499.72	\$ 678.48	\$ 593.67	\$ 9,165.09	\$ 2,377.80	\$ 7,712.86	\$ 226.14		\$ 33,501.54
4/30/2015	54581	\$ 2,798.74	\$ 4,951.39	\$ 424.05	\$ 169.62	\$ 7,680.50	\$ 5,046.20	\$ 7,462.62	\$ 979.94		\$ 29,947.10
											\$ -
											\$ -

											\$ -
	Total Inv.	\$ 54,935.34	\$ 53,854.36	\$ 5,767.08	\$ 6,360.75	\$ 76,105.54	\$ 14,265.77	\$ 48,945.72	\$ 3,467.48	\$ 508.86	\$ 264,634.94
	Remaining	\$ 17,064.66	\$ 22,645.64	\$ 4,432.92	\$ 3,839.25	\$ 33,894.46	\$ 1,984.23	\$ 33,554.28	\$ 4,632.52	\$ 1,991.14	\$ 123,615.06
	% spent	76.30%	70.40%	56.54%	62.36%	69.19%	87.79%	59.33%	42.81%	20.35%	68.16%

Charles Abbott Associates, Inc

Week of Apr 6 - 10, 2015

User Name	Task Name	6-Apr-15	7-Apr-15	8-Apr-15	9-Apr-15	10-Apr-15	Full Summary
Gregory, Terry							
	City Hall Maintenance Mgmt 100-640-640.003 Summary			1	1		2
	Non-recoverable (Gen Eng) Summary		1		1	1	3
	Prof Svcs-Recoverable-EP Inspection Summary		1		1		2
	Street Maintenance 100-620-700.019 Summary	3	6	4	5	5	23
Gregory, Terry Summary		3	8	5	8	6	30
Lee, Janna ✓							
	AB939 Solid Waste Prgm Summary	1			1		2
	Program Mgmt Summary	8			8		16
Lee, Janna Summary		9			9		18
Osterman, Paul ✓							
	Non-recoverable (Gen Eng) Summary				1		1
	Prof Svcs-Recoverable-EP Inspection Summary				4	5	9
	Street Maintenance 100-620-700.019 Summary				3	3	6
Osterman, Paul Summary					8	8	16
Vu, Robert ✓							
	Non-recoverable (Gen Eng) Summary	3	3.5		3.5	3	13
Vu, Robert Summary		3	3.5		3.5	3	13
Full Summary		15	11.5	5	28.5	17	77

Submitted by: _____

Approved by: _____

Charles Abbott Associates, Inc

Week of Apr 6 - 10, 2015

User Name	Task Name	6-Apr-15	7-Apr-15	8-Apr-15	9-Apr-15	10-Apr-15	Full Summary
Gregory, Terry	City Hall Maintenance Mgmt 100-640-640.003 Summary			1	1		2
	Non-recoverable (Gen Eng) Summary		1		1	1	3
	Prof Srvcs-Recoverable-EP Inspection Summary		1		1		2
	Street Maintenance 100-620-700.019 Summary	3	6	4	5	5	23
Gregory, Terry Summary		3	8	5	8	6	30

Submitted by: _____
Approved by: _____

Charles Abbott Associates, Inc

Week of Apr 6 - 10, 2015

User Name	Task Name	6-Apr-15	7-Apr-15	8-Apr-15	9-Apr-15	10-Apr-15	Full Summary
Osterman, Paul	Non-recoverable (Gen Eng) Summary				1		1
	Prof Srvcs-Recoverable-EP Inspection Summary				4	5	9
	Street Maintenance 100-620-700.019 Summary				3	3	6
Osterman, Paul Summary					8	8	16

Submitted by:

Approved by:



Charles Abbott Associates, Inc

Week of Apr 6 - 10, 2015

User Name	Task Name	6-Apr-15	7-Apr-15	8-Apr-15	9-Apr-15	10-Apr-15	Full Summary
Vu, Robert	Non-recoverable (Gen Eng) Summary	3	3.5		3.5	3	13
Vu, Robert Summary		3	3.5		3.5	3	13

Submitted by: 

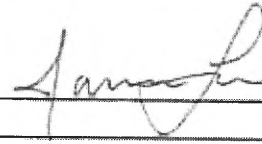
Approved by: _____

Charles Abbott Associates, Inc

Week of Apr 6 - 10, 2015

User Name	Task Name	6-Apr-15	7-Apr-15	8-Apr-15	9-Apr-15	10-Apr-15	Full Summary
Lee, Janna	AB939 Solid Waste Prgm Summary	1			1		2
	Program Mgmt Summary	8			8		16
Lee, Janna Summary		9			9		18

Submitted by:



Approved by:

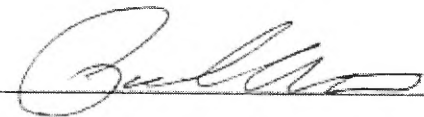
Charles Abbott Associates, Inc

Week of April 13-17, 2015

User Name	Task Name	13-Apr-15	14-Apr-15	15-Apr-15	16-Apr-15	17-Apr-15	Full Summary
Osterman, Paul	BTRCC Maintenance Mgmt 100-640-640.102 Summary		1				1
	CIP Concrete Repair 410-900-934.001 Summary				1		1
	City Hall Maintenance Mgmt 100-640-640.003 Summary	1					1
	DEP #61 Insp/Admin Appl'd Med R102 GP 14-02 Summary	1		1			2
	Non-recoverable (Gen Eng) Summary		1	1	1		3
	Prof Srvcs-Recoverable-EP Inspection Summary	3	4	4	3		14
	Street Maintenance 100-620-700.019 Summary	3	2	2	3		10
Osterman, Paul Summary		8	8	8	8		32

Submitted by:

Approved by:



Charles Abbott Associates, Inc

Week of April 13-17, 2015

User Name
Kwong, Cindy

Task Name

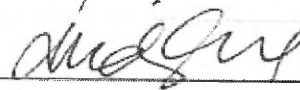
Kwong, Cindy Summary

Non-recoverable (Gen Eng) Summary

13-Apr-15	14-Apr-15	15-Apr-15	16-Apr-15	17-Apr-15	Full Summary
4	7		7	4	22
4	7		7	4	22

Submitted by:

Approved by:



Charles Abbott Associates, Inc

Week of April 13-17, 2015

User Name	Task Name	13-Apr-15	14-Apr-15	15-Apr-15	16-Apr-15	17-Apr-15	Full Summary
Vu, Robert							
	Non-recoverable (Gen Eng) Summary	3	3.5		3.5	2.5	12.5
Vu, Robert Summary		3	3.5		3.5	2.5	12.5

Submitted by: 

Approved by: _____

Charles Abbott Associates, Inc

Week of April 13-17, 2015

User Name
Beimer, Rae

Task Name

Program Mgmt Summary

Beimer, Rae Summary

13-Apr-15 14-Apr-15 15-Apr-15 16-Apr-15 17-Apr-15 Full Summary

8

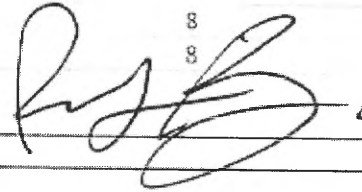
8

8

8

Submitted by:

Approved by:

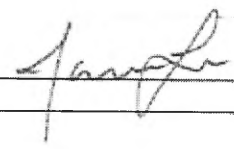


Charles Abbott Associates, Inc

Week of April 13-17, 2015

User Name	Task Name	13-Apr-15	14-Apr-15	15-Apr-15	16-Apr-15	17-Apr-15	Full Summary
Lee, Janna	AB939 Solid Waste Prgm Summary	1			1		2
	Program Mgmt Summary	8			8		16
Lee, Janna Summary		9			9		18

Submitted by: _____

Approved by: _____


Charles Abbott Associates, Inc.

Week of Apr 20-24, 2015

User Name	Task Name	20-Apr-15	21-Apr-15	22-Apr-15	23-Apr-15	24-Apr-15	Full Summary
Osterman, Paul	CIP Concrete Repair 410-900-934.001 Summary	1.5		3	2		6.5
	CIP Slurry Seal 410-900-911.000 Summary		2				2
	City Hall Maintenance Mgmt 100-640-640.003 Summary			1			1
	Non-recoverable (Gen Eng) Summary	1					1
	Prof Svcs-Recoverable-EP Inspection Summary	2	5	4	6		17
	Street Maintenance 100-620-700.019 Summary	3.5	1				4.5
Osterman, Paul Summary		8	8	8	8		32

Submitted by:

Approved by:



Charles Abbott Associates, Inc.

Week of Apr 20-24, 2015

User Name	Task Name	20-Apr-15	21-Apr-15	22-Apr-15	23-Apr-15	24-Apr-15	Full Summary
Kwong, Cindy	Non-recoverable (Gen Eng) Summary	4	7		4	7	22
Kwong, Cindy Summary		4	7		4	7	22

Submitted by:

Approved by:



Charles Abbott Associates, Inc.

Week of Apr 20-24, 2015

User Name	Task Name	20-Apr-15	21-Apr-15	22-Apr-15	23-Apr-15	24-Apr-15	Full Summary
Vu, Robert							
	Non-recoverable (Gen Eng) Summary	3	3.5		3.5	3	13
Vu, Robert Summary		3	3.5		3.5	3	13

Submitted by: 

Approved by: _____

Charles Abbott Associates, Inc.

Week of Apr 20-24, 2015

User Name

Beimer, Rae

Task Name

Program Mgmt Summary

Beimer, Rae Summary

20-Apr-15

21-Apr-15

22-Apr-15

23-Apr-15

24-Apr-15

Full Summary

0.5

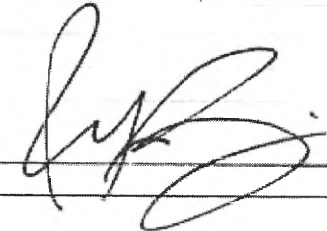
0.5

0.5

0.5

Submitted by:

Approved by:



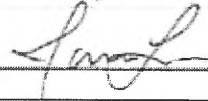
Charles Abbott Associates, Inc.

Week of Apr 20-24, 2015

User Name	Task Name	20-Apr-15	21-Apr-15	22-Apr-15	23-Apr-15	24-Apr-15	Full Summary
Lee, Janna	AB939 Solid Waste Prgm Summary	1	1		4		6
	Program Mgmt Summary	8	8		5		21
Lee, Janna Summary		9	9		9		27

Submitted by:

Approved by:



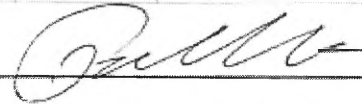
Charles Abbott Associates, Inc

Week of Apr 27 - May 1, 2015

User Name	Task Name	27-Apr-15	28-Apr-15	29-Apr-15	30-Apr-15	1-May-15	2-May-15	Full Summary
Osterman, Paul	BTRCC Maintenance Mgmt 100-640-640.102 Summary	1						1
	CIP Chiquita Ridge open Space Asses 410-900-952.001 Summary		1					1
	CIP Concrete Repair 410-900-934.001 Summary	7	4	6	4			21
	CIP Slurry Seal 410-900-911.000 Summary				1.5			1.5
	City Hall Maintenance Mgmt 100-640-640.003 Summary			1				1
	Prof Srvcs-Recoverable-EP Inspection Summary		3	1	2.5			6.5
	Osterman, Paul Summary	8	8	8	8			32

Submitted by: _____

Approved by: _____



Charles Abbott Associates, Inc

Week of Apr 27 - May 1, 2015

User Name	Task Name	27-Apr-15	28-Apr-15	29-Apr-15	30-Apr-15	1-May-15	2-May-15	Full Summary
Kwong, Cindy								
	Non-recoverable (Gen Eng) Summary			8	7	7		22
Kwong, Cindy Summary				8	7	7		22

Submitted by: 

Approved by: _____

Charles Abbott Associates, Inc

Week of Apr 27 - May 1, 2015

User Name	Task Name	27-Apr-15	28-Apr-15	29-Apr-15	30-Apr-15	1-May-15	2-May-15	Full Summary
Vu, Robert								
	Non-recoverable (Gen Eng) Summary	3	3		3	3		12
Vu, Robert Summary		3	3		3	3		12

Submitted by:



Approved by:

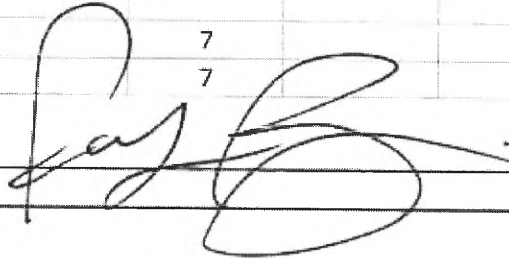
Charles Abbott Associates, Inc

Week of Apr 27 - May 1, 2015

User Name	Task Name	27-Apr-15	28-Apr-15	29-Apr-15	30-Apr-15	1-May-15	2-May-15	Full Summary
Beimer, Rae								
	Program Mgmt Summary		7					7
Beimer, Rae Summary			7					7

Submitted by:

Approved by:



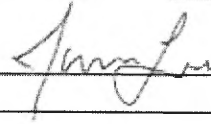
Charles Abbott Associates, Inc

Week of Apr 27 - May 1, 2015

User Name	Task Name	27-Apr-15	28-Apr-15	29-Apr-15	30-Apr-15	1-May-15	2-May-15	Full Summary
Lee, Janna								
	AB939 Solid Waste Prgm Summary	1			1			2
	Program Mgmt Summary	8	4		8			20
	Public Outreach Summary						5.5	5.5
Lee, Janna Summary		9	4		9		5.5	27.5

Submitted by:

Approved by:



**DECLARATION OF RAE BEIMER ON BEHALF OF THE CITY OF RANCHO SANTA
MARGARITA IN SUPPORT OF TEST CLAIM**

I, Rae Beimer, declare and state as follows:

1. I make this declaration based upon my own personal knowledge. If called upon to testify, I could and would competently testify to the matters set forth herein under oath.

2. I am employed by Charles Abbott Associates, Inc. ("Charles Abbott") as Director of Environmental Services. Charles Abbott provided Engineering staff augmentation services to the City of Rancho Santa Margarita ("City") from July 1, 2011 through June 30, 2016. The services provided by Charles Abbott to the City during this period included support services for the City's Stormwater Program. I was employed by Charles Abbott as an Environmental Analyst during this period and personally provided Stormwater Program support services to the City on behalf of Charles Abbott. By virtue of my activities during the period I provided consulting services to the City on behalf of Charles Abbott, I have knowledge of the City's programs and activities set forth in this declaration.

3. I am familiar with California Regional Water Quality Control Board, San Diego Region ("RWQCB") Order No. R9-2013-0001 (NPDES No. CAS0109266) issued on May 8, 2013, as amended by Order No. R9-2015-0001 ("Amended Permit"), as well as the process under which the Amended Permit was first implemented.

4. On April 23, 2015, I received an e-mail from Jennifer Shook of the County of Orange Department of Public Works, a true and correct copy of a printout of which is attached as Exhibit A to my declaration. That e-mail was accompanied by an attachment containing an Excel spreadsheet of primary permit requirements and deliverables set forth in the Amended Permit. I reviewed this e-mail and attached spreadsheet on April 24, 2015. I received and

reviewed this e-mail and attachment following the effective date of the Amended Permit, which was April 1, 2015. My name is on the list of addressees of the e-mail. The time I spent reviewing this email and attached spreadsheet of primary permit requirements and deliverables on April 24, 2015 is reflected as "Program Mgmt Summary" on the April 30, 2015 invoice sent to the City by Charles Abbott, a true and correct copy of which is attached as Exhibit B to my declaration.

Executed November 16, 2017 at Mission Viejo, California.

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

A handwritten signature in cursive script that reads "Rae Beimer". The signature is written in dark ink and is positioned above the printed name.

Rae Beimer

EXHIBIT A

From: Shook, Jennifer <Jennifer.Shook@ocpw.ocgov.com>
Sent: Thursday, April 23, 2015 11:01 AM
To: Mesa, Ann; Musacchia, Beatrice; Buss, Kimberly; Crompton, Chris; Suppes, Christy; Clapper, Kacen; Nguyen, Duc; Sharp, Grant; Mayo, Howard [HCA]; Fortuna, James; Shook, Jennifer; Brenner, Larry [HCA]; Pope, Maria [JWA]; Thoms, Marilyn; Martinez, Anthony [HCA]; Skorpanich, Mary Anne; Fennessy, Michael; Boon, Richard; Riggio, Julie; LaMont, Robin [OCCR]; Rodarte, Robert; Dang, Ted; Tucker, Matt; Angel Fuertes - Lake Forest; bfowler@danapoint.org; Brian Kurnow - Laguna Woods; Carlos Castellanos - Rancho Santa Margarita; Chris Macon - Laguna Woods; Deborah Carson; Devin Slaven - Lake Forest; dreilly@lagunawoodscity.org; Yi, Greg; Humza Javed - Laguna Hills; JC Herrera - Laguna Niguel; Joe Ames; Joe Mankawich - San Juan Capistrano; Jonathan Orduna - Laguna Niguel; Keith Van Der Maaten - San Juan Capistrano; krosenfield@ci.laguna-hills.ca.us; Lisa Zawaski - Dana Point; Mary Vondrak - San Clemente; Tucker, Matt; Mike Phillips - Laguna Beach; Moy Yahya - Aliso Viejo; Moy Yahya - Laguna Woods; Nancy Palmer - Laguna Niguel; Peter Meier - Lake Forest; Rae Beimer - Rancho Santa Margarita; Rich Schlesinger; Shaun Pelletier - Aliso Viejo; Tom Bonigut - San Clemente; Tracy Ingebrigtsen - Laguna Beach; Gin, Vincent
Subject: NPDES Stormater - San Diego Region: Table of Deliverables
Attachments: SDR Permit_5thTerm_Deliverables_4-22-15 DRAFT.xlsx

Good morning,

Please find attached a table of primary permit requirements and deliverables from the Fifth Term Permit (Order R9-2013-0001 as amended by R9-2015-0001). This is an updated draft from a previous version that was reviewed at January's General Permittee meeting.

Please note that the file is labeled as draft because as we dive deeper into implementation, we may find that our interpretation of some of the due dates was not as intended from the Permit (for example, we thought that the Fiscal Analysis was due with the transitional JRMP Annual Report, but after discussing this with Regional Board Staff, we learned that the Fiscal Analysis is not due until we submit the first WQIP Annual Report).

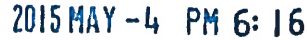
Please let me know if you have any questions.

Thanks!

Jennifer Shook
OC Stormwater Program
County of Orange – OC Public Works Department
2301 N. Glassell Street, Orange, CA 92865
(714) 955-0671 tel / (714) 955-0639 fax
jennifer.shook@ocpw.ocgov.com
www.ocwatersheds.com

Please note my working hours are 7:30 AM - 5:00 PM, Monday - Thursday, and 7:30 AM - 4:00 PM every other Friday. For the month of April I will be in the office on the following Fridays: 4/10 and 4/24

EXHIBIT B



**City of Rancho Santa Margarita
Attn: E. (Max) Maximous
22112 El Paseo
Rancho Santa Margarita, CA 92688**

Invoice:	54581
Invoice Date:	4/30/2015
Terms:	Net 30
Due Date:	5/30/2015

City of Rancho Santa Margarita Engineering Services

Billing Period	April 2015
----------------	------------

[illegible]**Total Due:** \$29,947.09

CHARLES ABBOTT ASSOCIATES, INC.
27401 LOS ALTOS • SUITE 220 • MISSION VIEJO, CA 92691
TOLL FREE (866) 530-4980 • PHONE (949) 367-2850 • FAX (949) 367-2852
WWW.CAAPROFESSIONALS.COM



City of Rancho Santa Margarita
Invoice Cover Sheet

To: City of Rancho Santa Margarita
2112 El Paseo
Rancho Santa Margarita, CA 92688-1667
ATTN: Principal Engineer - E. (Max) Maximous, P.E.
(949) 635-1805

CITY OF
RANCHO SANTA MARGARITA

From: Charles Abbott Associates, Inc.
27401 Los Altos, Suite 220
Mission Viejo, CA 92691
(949) 367-2850
Project Manager: John Whitman

2015 MAY -4 PM 6: 16

Invoice #: 54581
Invoice Date: 30-Apr-15
Invoice Period: 4/1/2015 - 4/30/2015
Agreement Title: Engineering Staff Augmentation Services
Date: July 1, 2011

APPROVED BY:
Project Manager Date

Invoice	Contract Amount	Previous Invoiced To-Date	Work Performed this Billing	Total Invoiced To-Date	Percent Complete	Remaining Balance
Category A - General Municipal Engineering						
1. Non-recoverable 100-610-700.005 (General Engineering)	\$ 110,000.00	\$ 66,686.42	\$ 7,680.50	\$ 74,366.92	68%	\$ 35,633.08
100-610-700.013 Encroachment Permits Insp & Admin	\$ 16,250.00	\$ 7,039.23	\$ 5,046.20	\$ 12,085.43	74%	\$ 4,164.58
2. Capital Improvement Projects	\$ 72,000.00	\$ 50,361.51	\$ 2,798.73	\$ 53,160.24	74%	\$ 18,839.76
4. Category B - Street Maintenance	\$ 76,500.00	\$ 48,892.97	\$ 4,961.39	\$ 53,854.35	70%	\$ 22,645.65
5. Category C - Building Maintenance						
City Hall Maintenance	\$ 10,200.00	\$ 5,343.03	\$ 424.05	\$ 5,767.08	57%	\$ 4,432.92
BTRCC	\$ 10,200.00	\$ 6,191.13	\$ 169.62	\$ 6,360.75	62%	\$ 3,839.25
Skate / Dog Park Maintenance	\$ 2,500.00	\$ 508.86	\$ -	\$ 508.86	20%	\$ 1,991.14
6. Category D - Stormwater Program Oversight	\$ 82,500.00	\$ 41,483.10	\$ 7,462.62	\$ 48,945.72	59%	\$ 33,554.29
7. Category E - Solid Waste Program Oversight	\$ 8,100.00	\$ 2,487.54	\$ 979.94	\$ 3,467.48	43%	\$ 4,632.52
Total	\$ 388,250.00	\$ 228,993.78	\$ 29,523.04	\$ 258,516.82	67%	\$ 129,733.18

No.	Task Order Description	Task Order Amount	Previous Invoiced To-Date	Work Performed this Billing	Total Invoiced To-Date	Percent Complete	Remaining Balance
7-C	Tesoro Trls/RSM Twnhms Insp GP 11-07	\$ 28,141.00	14,349.43	\$ -	\$ 14,349.43	51%	\$ 13,791.57
35	Tesoro Trls/RSM Twnhms Insp/Admin LS 12-01	\$ 9,449.00	2,483.62	\$ -	\$ 2,483.62	26%	\$ 6,965.38
50	Insp/Admin Bell Cyn Drainage Imprv GP 11-09	\$ 4,246.00	3,240.00	\$ -	\$ 3,240.00	76%	\$ 1,006.00
52	Highland Estates GP Insp/Admin GP 11-04	\$ 2,272.00	1,864.00	\$ -	\$ 1,864.00	82%	\$ 408.00
53	Shadow Rock Detention Basin PC/Admin GP 14-01	\$ 1,702.00	981.68	\$ 84.81	\$ 1,066.49	63%	\$ 635.51
54	PC/Admin Applied Med R102 Compressor Rm Proj	\$ 1,562.00	1,230.20	\$ -	\$ 1,230.20	79%	\$ 331.80
55	PC/Admin Appl'd Med R110 TI GP 14-03	\$ 1,562.00	985.55	\$ -	\$ 985.55	63%	\$ 576.45
56	PC/Admin Appl'd Med R110 TI LS 14-01	\$ 798.00	429.25	\$ -	\$ 429.25	54%	\$ 368.75
57	PC/Admin Appl'd Med R106 GP 14-04	\$ 1,562.00	0.00	\$ -	\$ -	0%	\$ 1,562.00
58	Insp/Admin Youth Lounge Flooring	\$ 2,369.00	2,368.74	\$ -	\$ 2,368.74	100%	\$ 0.26
59	Insp/Admin Dove Cyn Drainage PH 3 GP 11-09	\$ 6,126.09	2,120.25	\$ -	\$ 2,120.25	35%	\$ 4,005.84
60	Insp/Admin Appl'd Med R110 TI GP 14-03	\$ 746.51	425.09	\$ -	\$ 425.09	57%	\$ 321.42
61	Insp/Admin Appl'd Med R102 GP 14-02	\$ 2,350.55	1,280.47	\$ 339.24	\$ 1,619.71	69%	\$ 730.84
62	PC/Admin Appl'd Med R113 Ldnscp Imp LS 14-02	\$ 835.48	171.70	\$ -	\$ 171.70	21%	\$ 663.78
Total		\$ 63,721.63	\$ 31,929.98	\$ 424.05	\$ 32,354.03	51%	\$ 31,367.60

INVOICES & PROGRESS REPORTS ATTACHED

TOTAL AMOUNT DUE THESE INVOICES

\$ 29,947.09

Rancho Santa Març

PROGRAM HOURS & COSTS

Name		Terry Gregory		Paul Osterman	
Title		Sr. Field Observer		Sr. Field Observer	
Rate		\$ 84.81		\$ 84.81	
Program		Hours	Staff Cost	Hours	Staff Cost
Non-recoverable (Gen Eng)100-610-700.006		4.00	\$ 339.24	5.00	\$ 424.05
Encroachment Permits 100-610-700.013		3.00	\$ 254.43	56.50	\$ 4,791.77
GP 14-01 #53	Shadow Rock Detention Basin PC/Admin GP 14-01	1.00	\$ 84.81		\$ -
GP 14-03 #61	Insp/Admin Appl'd Med R102 GP 14-02		\$ -	4.00	\$ 339.24
Category A-1		8.00	\$ 678.48	65.50	\$ 5,555.06
410-900-911.000 CIP Slurry Seal			\$ -	3.50	\$ 296.84
410-900-934.001 CIP Concrete Repair			\$ -	28.50	\$ 2,417.09
410-900-952.001 CIP Chiquita Ridge open Space Asses			\$ -	1.00	\$ 84.81
Category A-2 CIP		-	\$ -	33.00	\$ 2,798.73
Total General Fund		8.00	\$ 678.48	98.50	\$ 8,353.79
100-620-700.019 Street Maintenance		34.00	\$ 2,883.54	24.50	\$ 2,077.85
100-640-640.102 Building Maintenance			\$ -	2.00	\$ 169.62
100-640-640.003 City Hall Maintenance Mgmt		2.00	\$ 169.62	3.00	\$ 254.43
100-610-650-000 Stormwater Program Support Services			\$ -		\$ -
100-610-660-000 AB 939 Solid Waste Program			\$ -		\$ -
Total		36.00	\$ 3,053.16	29.50	\$ 2,501.90
Grand Total		44.00	\$ 3,731.64	128.00	\$ 10,855.68

Rancho Santa Margarita Engineering

CITY OF
RANCHO SANTA MARGARITA
2015 MAY -4 PM 6:16

PROGRAM HOURS & COSTS

Name	Terry Gregory		Paul Osterman		Cindy Kwong Lu		Robert Vu		Rae Belmer		Janus Lee		
Title	Sr. Field Observer		Sr. Field Observer		Asst. Engineer		Engineering Intern		Environmental Analyst		Environmental Analyst		
Rate	\$ 84.81		\$ 84.81		\$ 85.85		\$ 12.04		\$ 75.38		\$ 75.38		
Non-recoverable (Gen Eng) 100-610-700.006	4.00	\$ 339.24	5.00	\$ 424.05	73.00	\$ 6,267.05	54.00	\$ 650.16	\$ -	\$ -	\$ -	\$ -	136.00
Encroachment Permits 100-610-700.013	3.00	\$ 254.43	56.50	\$ 4,791.77	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	59.50
GP 14-01 #53 Shadow Rock Detention Basin PC/Admin GP 14-01	1.00	\$ 84.81	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	1.00
GP 14-03 #61 Insp/Admin Appl'd Med R102 GP 14-02	\$ -	\$ -	4.00	\$ 339.24	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	4.00
Category A-1	8.00	\$ 678.48	65.50	\$ 5,555.06	73.00	\$ 6,267.05	54.00	\$ 650.16	- \$ -	- \$ -	- \$ -	- \$ -	200.50
410-900-911.000 CIP Slurry Seal	\$ -	\$ -	3.50	\$ 296.84	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	3.50
410-900-934.001 CIP Concrete Repair	\$ -	\$ -	28.50	\$ 2,417.09	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	28.50
410-900-952.001 CIP Chiquita Ridge open Space Asses	\$ -	\$ -	1.00	\$ 84.81	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	1.00
Category A-2 CIP	- \$ -	- \$ -	33.00	\$ 2,798.73	- \$ -	- \$ -	- \$ -	- \$ -	- \$ -	- \$ -	- \$ -	- \$ -	33.00
Total General Fund	8.00	\$ 678.48	98.50	\$ 8,353.79	73.00	\$ 6,267.05	54.00	\$ 650.16	- \$ -	- \$ -	- \$ -	- \$ -	233.50
100-620-700.019 Street Maintenance	34.00	\$ 2,883.54	24.50	\$ 2,077.85	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	58.50
100-640-640.102 Building Maintenance	\$ -	\$ -	2.00	\$ 169.62	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	2.00
100-640-640.003 City Hall Maintenance Mgmt	2.00	\$ 169.62	3.00	\$ 254.43	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	5.00
100-610-650-000 Stormwater Program Support Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	18.00	\$ 1,356.84	\$ -	81.00	\$ 6,105.78	99.00
100-610-660-000 AB 939 Solid Waste Program	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	13.00	\$ 979.94	13.00
Total	36.00	\$ 3,053.16	29.50	\$ 2,501.90	- \$ -	- \$ -	- \$ -	18.00	\$ 1,356.84	- \$ -	94.00	\$ 7,085.72	177.50
Grand Total	44.00	\$ 3,731.64	128.00	\$ 10,855.68	73.00	\$ 6,267.05	54.00	\$ 650.16	18.00	\$ 1,356.84	94.00	\$ 7,085.72	411.00

Rancho Santa Margarita Engineering

PROGRAM HOURS & COSTS

Name		Totals
Title		
Rate		
Non-recoverable (Gen Eng) 100-610-700.006		\$ 7,680.50
Encroachment Permits 100-610-700.013		\$ 5,046.20
GP 14-01 #53	Shadow Rock Detention Basin PC/Admin GP 14-01	\$ 84.81
GP 14-03 #61	Insp/Admin Appl'd Med R102 GP 14-02	\$ 339.24
Category A-1		\$ 13,150.75
410-900-911.000	CIP Slurry Seal	\$ 296.84
410-900-934.001	CIP Concrete Repair	\$ 2,417.09
410-900-952.001	CIP Chiquita Ridge open Space Asses	\$ 84.81
Category A-2 CIP		\$ 2,798.73
Total General Fund		\$ 15,949.48
100-620-700.019	Street Maintenance	\$ 4,961.39
100-640-640.102	Building Maintenance	\$ 169.62
100-640-640.003	City Hall Maintenance Mgmt	\$ 424.05
100-610-650-000	Stormwater Program Support Services	\$ 7,462.62
100-610-660-000	AB 939 Solid Waste Program	\$ 979.94
Total		\$ 13,997.62
Grand Total		\$ 29,947.09

Charles Abbott FY 2014-15

	Contract	Capital	ST Maint (Contract)	CH Facilities	BIRDC	Non Recoverable	Recoverable	Stormwater	Solid Waste	Dog/Scale Parks	Totals
Date	Inv #	\$ 72,000.00	\$ 75,500.00	\$ 10,200.00	\$ 12,200.00	\$ 110,000.00	\$ 16,250.00	\$ 82,500.00	\$ 5,150.00	\$ 2,500.00	\$ 386,250.00
7/31/2014	53730							\$ 2,929.82			\$ 2,929.82
7/31/2014	53731								\$ 301.52		\$ 301.52
7/31/2014	53751	\$ 1,781.01	\$ 6,954.42	\$ 608.85	\$ 870.45	\$ 753.29	\$ 339.24			\$ 84.81	\$ 11,110.11
7/31/2014	53752	\$ 1,802.88				\$ 6,853.85					\$ 8,756.70
7/31/2014	53753	\$ 276.92				\$ 385.28					\$ 662.20
8/31/2014	53842							\$ 4,183.59			\$ 4,183.59
8/31/2014	53843								\$ 301.52		\$ 301.52
8/31/2014	53844	\$ 1,611.38	\$ 5,512.65	\$ 783.29	\$ 908.86	\$ 424.05	\$ 293.67			\$ 369.62	\$ 9,583.53
8/31/2014	53848	\$ 171.70				\$ 4,454.20					\$ 4,625.90
8/31/2014	53845	\$ 90.30				\$ 276.92					\$ 367.22
8/30/2014	53929								\$ 452.28		\$ 452.28
9/30/2014	53930							\$ 3,957.45			\$ 3,957.45
9/30/2014	53931	\$ 932.91	\$ 5,597.48	\$ 434.05	\$ 583.67	\$ 339.34	\$ 908.68			\$ 84.81	\$ 8,481.00
9/30/2014	53932	\$ 1,802.85				\$ 3,193.93					\$ 6,996.78
10/31/2014	54037 TG	\$ 763.29	\$ 5,258.22	\$ 508.85	\$ 508.85	\$ 1,272.15	\$ 1,187.34			\$ 84.81	\$ 9,583.53
10/31/2014	54038 CK	\$ 3,348.15				\$ 5,923.65	\$ 515.10				\$ 9,786.90
10/31/2014	54039 PO	\$ 848.10		\$ 254.43	\$ 548.10	\$ 763.29					\$ 2,713.92
10/31/2014	54040 RB							\$ 3,818.24			\$ 3,818.24
10/31/2014	54041 RD								\$ 452.28		\$ 452.28
11/30/2014											\$ -
11/30/2014	54133 PO	\$ 2,247.47	\$ 424.05	\$ 932.31	\$ 648.10	\$ 638.08	\$ 359.24				\$ 5,427.85
11/30/2014	54131 TG	\$ 678.48	\$ 3,477.21	\$ 169.82	\$ 169.82	\$ 848.10	\$ 339.24				\$ 5,662.77
11/30/2014	54132 CK	\$ 2,853.05				\$ 4,120.80	\$ 343.40				\$ 7,297.25
11/30/2014	54129 STORM							\$ 3,580.55			\$ 3,580.55
11/30/2014	54130 SOL VV								\$ 150.76		\$ 150.76
12/31/2014	54222	\$ 6,894.57	\$ 4,961.36	\$ 339.24	\$ 424.05	\$ 0,160.46	\$ 424.05	\$ 3,855.93	\$ 452.28		\$ 26,311.86
1/31/2015	54313	\$ 11,522.87	\$ 3,307.58	\$ 339.24	\$ 424.05	\$ 8,488.22	\$ 1,062.21	\$ 5,540.43	\$ 150.78		\$ 29,339.47
2/28/2015	54419	\$ 11,281.81	\$ 3,901.26	\$ 424.05	\$ 593.87	\$ 9,248.45	\$ 1,189.42	\$ 8,294.23	\$ -	\$ 84.81	\$ 33,015.70
3/31/2015	54509	\$ 3,248.78	\$ 0,498.72	\$ 878.48	\$ 503.67	\$ 9,165.09	\$ 2,377.80	\$ 7,712.86	\$ 226.14		\$ 33,501.54
4/30/2015	54581	\$ 2,788.74	\$ 4,961.36	\$ 424.05	\$ 169.82	\$ 7,680.50	\$ 5,048.20	\$ 7,482.82	\$ 079.84		\$ 29,047.10
											\$ -
											\$ -

												\$
Total Inv.	\$ 54,935.34	\$ 53,854.38	\$ 5,787.08	\$ 8,380.75	\$ 78,105.54	\$ 14,285.77	\$ 48,845.72	\$ 1,487.48	\$ 508.88	\$ 264,634.84		
Remaining	\$ 17,064.66	\$ 22,645.62	\$ 4,412.92	\$ 2,819.25	\$ 33,694.46	\$ 957.23	\$ 33,656.28	\$ 4,662.52	\$ 1,991.12	\$ 123,815.05		
% spent	76.30%	70.40%	56.54%	67.20%	69.19%	87.79%	59.33%	42.81%	20.35%	68.16%		

Charles Abbott Associates, Inc

Week of Apr 6 - 10, 2015

User Name	Task Name	6-Apr-15	7-Apr-15	8-Apr-15	9-Apr-15	10-Apr-15	Full Summary
Gregory, Terry							
	City Hall Maintenance Mgmt 100-640-640.003 Summary			1	1		2
	Non-recoverable (Gen Eng) Summary		1		1	1	3
	Prof Svcs-Recoverable-EP Inspection Summary		1		1		2
	Street Maintenance 100-620-700.019 Summary	3	6	4	5	5	23
Gregory, Terry Summary		3	8	5	8	6	30
Lee, Janna ✓							
	AB939 Solid Waste Prgm Summary	1			1		2
	Program Mgmt Summary	8			8		16
Lee, Janna Summary		9			9		18
Osterman, Paul ✓							
	Non-recoverable (Gen Eng) Summary				1		1
	Prof Svcs-Recoverable-EP Inspection Summary				4	5	9
	Street Maintenance 100-620-700.019 Summary				3	3	6
Osterman, Paul Summary					8	8	16
Vu, Robert ✓							
	Non-recoverable (Gen Eng) Summary	3	3.5		3.5	3	13
Vu, Robert Summary		3	3.5		3.5	3	13
Full Summary		15	11.5	5	28.5	17	77

Submitted by: _____
Approved by: _____

Charles Abbott Associates, Inc

Week of Apr 6 - 10, 2015

User Name	Task Name	6-Apr-15	7-Apr-15	8-Apr-15	9-Apr-15	10-Apr-15	Full Summary
Gregory, Terry	City Hall Maintenance Mgmt 100-640-640.003 Summary			1	1		2
	Non-recoverable (Gen Eng) Summary		1		1	1	3
	Prof Srvcs-Recoverable-EP Inspection Summary		1		1		2
	Street Maintenance 100-620-700.019 Summary	3	6	4	5	5	23
Gregory, Terry Summary		3	8	5	8	6	30

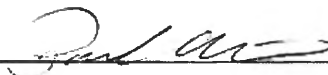
Submitted by: _____

Approved by: _____

Charles Abbott Associates, Inc

Week of Apr 6 - 10, 2015

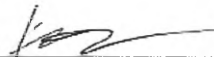
User Name	Task Name	6-Apr-15	7-Apr-15	8-Apr-15	9-Apr-15	10-Apr-15	Full Summary
Osterman, Paul	Non-recoverable (Gen Eng) Summary				1		1
	Prof Srvcs-Recoverable-EP Inspection Summary				4	5	9
	Street Maintenance 100-620-700.019 Summary				3	3	6
Osterman, Paul Summary					8	8	16

Submitted by: 
Approved by: _____

Charles Abbott Associates, Inc

Week of Apr 6 - 10, 2015

User Name	Task Name	6-Apr-15	7-Apr-15	8-Apr-15	9-Apr-15	10-Apr-15	Full Summary
Vu, Robert	Non-recoverable (Gen Eng) Summary	3	3.5		3.5	3	13
Vu, Robert Summary		3	3.5		3.5	3	13

Submitted by: 
Approved by: _____

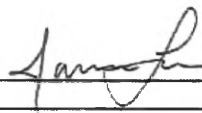
Charles Abbott Associates, Inc

Week of Apr 6 - 10, 2015

User Name	Task Name	6-Apr-15	7-Apr-15	8-Apr-15	9-Apr-15	10-Apr-15	Full Summary
Lee, Janna	AB939 Solid Waste Prgm Summary	1			1		2
	Program Mgmt Summary	8			8		16
	Lee, Janna Summary	9			9		18

Submitted by:

Approved by:



Charles Abbott Associates, Inc

Week of April 13-17, 2015

User Name	Task Name	13-Apr-15	14-Apr-15	15-Apr-15	16-Apr-15	17-Apr-15	Full Summary
Osterman, Paul	BTRCC Maintenance Mgmt 100-640-640.102 Summary		1				1
	CIP Concrete Repair 410-900-934.001 Summary				1		1
	City Hall Maintenance Mgmt 100-640-640.003 Summary	1					1
	DEP #61 Insp/Admin Appl'd Med R102 GP 14-02 Summary	1		1			2
	Non-recoverable (Gen Eng) Summary		1	1	1		3
	Prof Svcs-Recoverable-EP Inspection Summary	3	4	4	3		14
Osterman, Paul Summary	Street Maintenance 100-620-700.019 Summary	3	2	2	3		10
		8	8	8	8		32

Submitted by:


Approved by:



Charles Abbott Associates, Inc

Week of April 13-17, 2015

User Name	Task Name	13-Apr-15	14-Apr-15	15-Apr-15	16-Apr-15	17-Apr-15	Full Summary
Kwong, Cindy	Non-recoverable (Gen Eng) Summary	4	7		7	4	22
Kwong, Cindy Summary		4	7		7	4	22

Submitted by: 
Approved by: _____

Charles Abbott Associates, Inc

Week of April 13-17, 2015

User Name	Task Name	13-Apr-15	14-Apr-15	15-Apr-15	16-Apr-15	17-Apr-15	Full Summary
Vu, Robert	Non-recoverable (Gen Eng) Summary	3	3.5		3.5	2.5	12.5
Vu, Robert Summary		3	3.5		3.5	2.5	12.5

Submitted by:

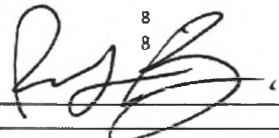


Approved by:

Charles Abbott Associates, Inc

Week of April 13-17, 2015

User Name	Task Name	13-Apr-15	14-Apr-15	15-Apr-15	16-Apr-15	17-Apr-15	Full Summary
Beimer, Rae	Program Mgmt Summary		8				8
Beimer, Rae Summary			8				8

Submitted by: 
Approved by: _____

Charles Abbott Associates, Inc

Week of April 13-17, 2015

User Name	Task Name	13-Apr-15	14-Apr-15	15-Apr-15	16-Apr-15	17-Apr-15	Full Summary
Lee, Janna	AB939 Solid Waste Prgm Summary	1			1		2
	Program Mgmt Summary	8			8		16
Lee, Janna Summary		9			9		18

Submitted by: 

Approved by: _____

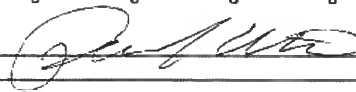
Charles Abbott Associates, Inc.

Week of Apr 20-24, 2015

User Name	Task Name	20-Apr-15	21-Apr-15	22-Apr-15	23-Apr-15	24-Apr-15	Full Summary
Osterman, Paul	CIP Concrete Repair 410-900-934.001 Summary	1.5		3	2		6.5
	CIP Slurry Seal 410-900-911.000 Summary		2				2
	City Hall Maintenance Mgmt 100-640-640.003 Summary			1			1
	Non-recoverable (Gen Eng) Summary	1					1
	Prof Svcs-Recoverable-EP Inspection Summary	2	5	4	6		17
	Street Maintenance 100-620-700.019 Summary	3.5	1				4.5
Osterman, Paul Summary		8	8	8	8		32

Submitted by:

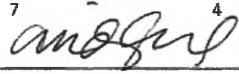
Approved by:



Charles Abbott Associates, Inc.

Week of Apr 20-24, 2015

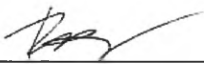
User Name	Task Name	20-Apr-15	21-Apr-15	22-Apr-15	23-Apr-15	24-Apr-15	Full Summary
Kwong, Cindy	Non-recoverable (Gen Eng) Summary	4	7		4	7	22
Kwong, Cindy Summary		4	7		4	7	22

Submitted by: 
Approved by: _____

Charles Abbott Associates, Inc.

Week of Apr 20-24, 2015

User Name	Task Name	20-Apr-15	21-Apr-15	22-Apr-15	23-Apr-15	24-Apr-15	Full Summary
Vu, Robert	Non-recoverable (Gen Eng) Summary	3	3.5		3.5	3	13
Vu, Robert Summary		3	3.5		3.5	3	13

Submitted by: 

Approved by: _____

Charles Abbott Associates, Inc.

Week of Apr 20-24, 2015

User Name	Task Name	20-Apr-15	21-Apr-15	22-Apr-15	23-Apr-15	24-Apr-15	Full Summary
Beimer, Rae	Program Mgmt Summary					0.5	0.5
Beimer, Rae Summary						0.5	0.5

Submitted by: 
Approved by: _____

Charles Abbott Associates, Inc.

Week of Apr 20-24, 2015

User Name	Task Name	20-Apr-15	21-Apr-15	22-Apr-15	23-Apr-15	24-Apr-15	Full Summary
Lee, Janna	AB939 Solid Waste Prgm Summary	1	1		4		6
	Program Mgmt Summary	8	8		5		21
Lee, Janna Summary		9	9		9		27

Submitted by: 
Approved by: _____

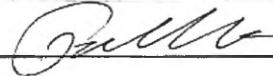
Charles Abbott Associates, Inc

Week of Apr 27 - May 1, 2015

User Name	Task Name	27-Apr-15	28-Apr-15	29-Apr-15	30-Apr-15	1-May-15	2-May-15	Full Summary
Osterman, Paul	BTRCC Maintenance Mgmt 100-640-640.102 Summary	1						1
	CIP Chiquita Ridge open Space Asses 410-900-952.001 Summary		1					1
	CIP Concrete Repair 410-900-934.001 Summary	7	4	6	4			21
	CIP Slurry Seal 410-900-911.000 Summary				1.5			1.5
	City Hall Maintenance Mgmt 100-640-640.003 Summary			1				1
	Prof Svcs-Recoverable-EP Inspection Summary		3	1	2.5			6.5
Osterman, Paul Summary		8	8	8	8			32

Submitted by:

Approved by:



Charles Abbott Associates, Inc

Week of Apr 27 - May 1, 2015

User Name	Task Name	27-Apr-15	28-Apr-15	29-Apr-15	30-Apr-15	1-May-15	2-May-15	Full Summary
Kwong, Cindy								
	Non-recoverable (Gen Eng) Summary			8	7	7		22
Kwong, Cindy Summary				8	7	7		22

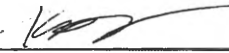
Submitted by:

Approved by:



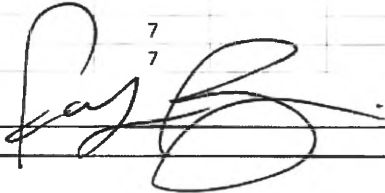
Charles Abbott Associates, Inc
Week of Apr 27 - May 1, 2015

User Name	Task Name	27-Apr-15	28-Apr-15	29-Apr-15	30-Apr-15	1-May-15	2-May-15	Full Summary
Vu, Robert	Non-recoverable (Gen Eng) Summary	3	3		3	3		12
Vu, Robert Summary		3	3		3	3		12

Submitted by: 
Approved by: _____

Charles Abbott Associates, Inc
Week of Apr 27 - May 1, 2015

User Name	Task Name	27-Apr-15	28-Apr-15	29-Apr-15	30-Apr-15	1-May-15	2-May-15	Full Summary
Beimer, Rae	Program Mgmt Summary		7					7
Beimer, Rae Summary			7					7

Submitted by: 
Approved by: _____

**SECOND SUPPLEMENTAL DECLARATION ON BEHALF OF THE
CITY OF SAN CLEMENTE IN SUPPORT OF TEST CLAIM**

I, Dave Rebensdorf, declare and state as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief and, if called upon to testify, I could and would competently testify to the matters set forth herein under oath.

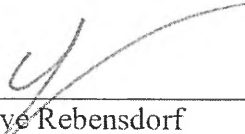
2. I am employed by the City of San Clemente (hereafter, "City") as Utilities Director. I have knowledge of the City programs and activities set forth in this declaration.

3. I am familiar with California Regional Water Quality Control Board, San Diego Region Order No. R9-2013-0001 (NPDES No. CAS0109266) issued on May 8, 2013, as amended by Order No. R9-2015-0001 ("Amended Permit"), as well as the process under which the Amended Permit was first implemented.

4. I have reviewed a document (a true and correct copy of which is attached as Exhibit A to this Declaration) provided by the County of Orange and bearing the title "Meeting Attendance Sign-in Sheet: NPDES LIP/PEA Sub-committee," the date of Wednesday, April 15, 2015 and reflecting the names of attendees at that meeting. I am informed and believe that the requirements of the Amended Permit were discussed at that meeting. On page 3 of Exhibit A are the initials of Mary Vondrak, a Management Analyst II for the City, indicating that she attended that meeting on behalf of the City. To the best of my personal knowledge, when Ms. Vondrak attended the April 15, 2015 meeting, that was the date when the City first incurred costs to comply with the Amended Permit after it took effect.

November
Executed ~~October~~ *8*, 2017 at San Clemente, California.

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



Dave Rebensdorf
Utilities Director

EXHIBIT A

Meeting Attendance Sign-in Sheet: NPDES LIP/PEA Sub-committee

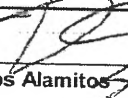


- Please initial and add/correct your contact information. Also edit/add/delete information of other staff with your city/agency.

- New attendees: please add your information at the end of the list. Last person with this list - Please return list to Committee Chairperson

Affiliation	Initials	Last Name	First	Title	Department:	E-Mail	Address	Zip	Phone	Fax
Cities of Brea and Yorba Linda (Fusco Engineering Consultant)										
1	HW	Wen	Howard			hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
2	EC	Yahya	Ryan Moy	Environmental Associate Environmental Programs Manager	Public Works	myahya@cityofalisoviejo.com	12 Journey, Suite 100	92656	(949) 425-2538	(949) 367-2852
3		Heffernan	Jonathan	Contracts Specialist	Public Works - SSOs	jheffernan@anaheim.net	400 E. Vermont Ave.	92805	(714) 765-6903	(714) 765-6842
4		Linker	Keith	Principal Civil Engineer	Public Works	klinker@anaheim.net	200 S. Anaheim Blvd.	92805	(714) 765-4141	(714) 765-5225
City of Anaheim (Amec Consultant)										
5		Lentz	Matt	Authorized Inspector	Public Works	mlentz@anaheim.net			(949) 642-0245	
City of Brea										
6		Ingallinera	Brian	Environmental Services Coordinator	Public Works	briani@cityofbrea.net	1 Civic Center Plaza	92821	(714) 990-7672	(714) 990-2258
City of Buena Park										
7	HB	Brodowski	Doug	Senior Management Analyst	Public Works	dbrodowski@buenapark.com	6650 Beach Blvd., P.O. Box 5009	90622-5009	(714) 562-3652	(714) 562-3669
City of Costa Mesa										
8	MF	Fazeli	Fariba	Interim City Engineer		fariba.fazeli@costamesaca.gov	77 Fair Dr., PO Box 1220	92628	(714) 754-5378	(714) 754-5028
City of Cypress										
9		Vazquez	Gonzalo	Contract/ Env. Affairs Mgr.	Public Works	gvazquez@ci.cypress.ca.us	5272 Orange Avenue	90630	714-229-6752	714-229-0154
City of Dana Point										
10	LC	Zawaski	Lisa	Senior Water Quality Engineer	Public Works	lzawaski@danapoint.org	33282 Golden Lantern	92629	(949) 248-3584	(949) 234-2826
City of Fullerton										
11		Miner	Grant	Environmental Compliance Specialist	Fire Department	grantm@fullertonfire.org	303 W. Commonwealth Ave.	92832	(714) 738-5359	
12		Phan	Trung Chanh	Stormwater/Waste water Compliance Specialist I		trungp@ci.fullerton.ca.us	303 W. Commonwealth Ave.	92832	(714) 738-5333	(714) 738-3115
City of Huntington Beach										
13	TE	Elliott	Terri	Principal Civil Engineer	Public Works	telliott@surfcity-hb.org	2000 Main St., P.O. Box 190	92648	(714) 375-8494	(714) 374-1573
14		Hornik	Loriana		Public Works	Loriana.Hornik@surfcity-hb.org	2000 Main Street	92648	(714) 375-8445	

Wednesday, April 15, 2015

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
15		Merid	Jim	Environmental Specialist	Public Works	jmerid@surfcity-hb.org	200 Civic Center	92648	(714) 374-1548	
City of Irvine										
16		Choi	Bryan			aburgh@ci.irvine.ca.us				
17	ML	Burgh Carr	Amenda	Water Quality Administrator	Community Development	acarr@ci.irvine.ca.us	1 Civic Center Plaza	92623	(949) 724-6315	(949) 724-6490
18		Kao	Victor			vkao@ci.irvine.ca.us	One Civic Center Plaza	92623		
19		Kirkpatrick	Joe	Bldg. Principal Planner		jkirkpatrick@ci.irvine.ca.us	1 Civic Center Plaza	92606	949-724-6320	
20		Yang	Michael	Water Quality Administrator	Community Development	myang@ci.irvine.ca.us	1 Civic Center Plaza	92623	(949) 724-6327	(949) 724-6440
City of La Habra										
21		Herrick	Vaughan			VaughanH@lahabracity.com				
22		Tellez	Abraham	NPDES Program Inspector		abrahamt@lahabracity.com	201 E. La Habra Blvd.	90631	(562) 905-9720	(562) 905-9643
23		You	Melissa	NPDES Program Coordinator		MelissaY@lahabracity.com	201 E. La Habra Blvd.	90631	(562) 905-9607	(562) 905-9643
City of La Palma										
24		Acosta	Claudia	Code Enforcement Officer		claudiaa@cityoflapalma.org	7822 Walker St.	90623	(714) 690-3342	
25		Baldwin	Larry	Engineering Technician	Public Works	larryb@cityoflapalma.org	7822 Walker St.	90623	(714) 690-3325	(714) 523-2141
26		Hutter	Scott			scotth@cityoflapalma.org				
27		Moneda	Jeff	Director of Public Works/City Engineer		jeffm@cityoflapalma.org	7822 Walker St.	90623-1771	(714) 690-3310	(714) 523-2141
City of Laguna Beach										
28		Ingebrigtsen	Tracy	Senior Water Quality Analyst		tingebrigtsen@lagunabeachcity.net	505 Forest Avenue	92651	(949) 497-0781	(949) 494-1864
29		Phillips	Mike	Environmental Specialist	Water Quality	Mphillips@lagunabeachcity.net	505 Forest Avenue	92651	(949) 497-0390	(949) 494-1864
City of Laguna Hills										
30		Javed	Humza	Assist. Engineer		hjaved@ci.laguna-hills.ca.us	24035 El Toro Rd.	92653	(949) 707-2657	(949) 707-2633
City of Laguna Niguel										
31		Herrera	JC	Civil Engineer Tech/WQ Analyst		jherrera@cityoflagunani-guel.org	30111 Crown Valley Parkway	92677	(949) 362-4382	(949) 362-4385
32		Orduna	Jonathan	Senior Planner		jorduna@cityoflagunani-guel.org	30111 Crown Valley Parkway	92677	(949) 362-4357	(949) 362-4369
33		Palmer	Nancy	Senior Watershed Manager		npalmer@cityoflagunani-guel.org	30111 Crown Valley Parkway	92677	(949) 362-4384	(949) 362-4385
City of Laguna Woods										
34		Macon	Chris	City Manager	Public Works	cmacon@lagunawoods-city.org	24264 El Toro Road	92637	(949) 639-0525	(949) 639-0591
35		Yahya	Moy	Water Quality Project Manager	Water Quality	moyyahya@caaprofessionals.com	24264 El Toro Road	92637	(949) 279-4385	(949) 639-0591
City of Lake Forest										

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
36		Slaven	Devin	Water Quality Specialist	Public Works	dslaven@lakeforestca.gov	25550 Commercentre Dr. Ste 100	92630	(949) 461-3436	(949) 461-3511
City of Los Alamitos										
37		Melby	Paul			pmelby@ci.los-alamitos.ca.us				
38		Mendoza	Steven	Community Development Director		smendoza@ci.los-alamitos.ca.us	3191 Katella Ave., P.O. Box 3147	90720	(562) 431-3538	(562) 493-0678
City of Los Alamitos (Willdan Engineering)										
39		Kelley	Chris	Design Engineer		ckelley@willdan.com			(714) 978-8235	
City of Mission Viejo										
40		Ames	Joe	Associate Civil Engineer	Public Works	james@cityofmissionviejo.org	200 Civic Center Drive	92691	(949) 470-8419	(949) 581-5394
41		Carson	Deborah			dcarson@cityofmissionviejo.org	200 Civic Center	92691		
42		Schlesinger	Richard	City Engineer	Public Works	rschlesinger@cityofmissionviejo.org	200 Civic Center	92691	(949) 470-3079	(949) 581-5394
City of Newport Beach										
43		Burckle	Shane	Code & Water Quality Inspector	Code & Water Quality Enforcement	sburckle@newportbeachca.gov	3300 W. Newport Blvd.	92663	(949) 644-3214	(949) 718-1840
44		Kappeler	John	Water Quality Specialist	Code & Water Quality Enforcement	jkappeler@newportbeachca.gov	P.O. Box 1768	92658-8915	(949) 644-3218	(949) 718-1840
City of Orange										
45		Carney	Mike	Environmental Scientist	Public Works	mcarney@cityoforange.org	300 E. Chapman Ave	92866	(714) 532-6480	(714) 744-5573
46		Estrada	Gene	NPDES Coordinator	Public Works	gestrada@cityoforange.org	300 E. Chapman Ave, P.O. Box 449	92866	(714) 532-6480	(714) 744-5573
City of Placentia										
47		Castro-Graham	Antonia	Management Analyst		acgraham@placentia.org	401 E. Chapman Avenue	92870	(714) 993-8149	(714) 582-4640
48		Makowski	Robert	Environmental Compliance Officer		rmakowski@placentia.org	401 E. Chapman Avenue	92870	(714) 993-8219	(714) 691-0238
49		Nguyen	Bryan	Engineering Assistant			401 E. Chapman Avenue	92870	(714) 993-8149	(714) 582-4640
City of Rancho Santa Margarita										
50		Beimer	Rae	Stormwater Program Manager	Public Works	rbeimer@cityofrsm.org	22112 El Paseo	92688	(949) 635-1800	(949) 635-1667
51		Maximous	E. (Max)	Interim City Engineer	Public Works	emaximous@cityofrsm.org	22112 El Paseo	92688	(949) 635-1805	(949) 635-1667
52		Parco	Jerome	Principal Engineer		jparco@cityofrsm.org	22112 El Paseo	92688	(949) 635-1813	(949) 635-1667
City of San Clemente										
53		Bonigut	Tom	Principal Civil Engineer - Environmental	Public Works - Engineering	BonigutT@san-clemente.org	910 Calle Negocio, Ste. 100	92673	(949) 361-6187	(949) 361-8316
54		Casey	Zina	Acting Environmental Analyst		CaseyZ@san-clemente.org			(949) 361-6143	(949) 492-5289
55		Vondrak	Mary	Management Analyst II	Public Works - Environmental	VondrakM@san-clemente.org	910 Calle Negocio, Ste. 100	92673	(949) 361-8204	(949) 492-5289
City of San Juan Capistrano										

Wednesday, April 15, 2015

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
56		Shoucair	Sam	Assistant Public Works Director		sshoucair@sanjuancapistrano.org	32400 Paseo Adelanto	92675	(949) 443-6355	
57		Van Der Maaten	Keith	Utilities Director		kvandermaaten@sanjuancapistrano.org	32400 Paseo Adelanto	92675	(949) 443-6363	(949) 793-1251
City of Santa Ana										
58		Chesaneck	Tyrone	Principal Civil Engineer	Construction Engineering	tchesaneck@santa-ana.org	20 civic Center Plaza, M-22, P.O. Box 1988	92701	(714) 647-5045	
59		Lo	Thomas	Stormwater Coordinator	Construction Engineering	tlo@santa-ana.org	20 Civic Center Plaza, Public Works Agency M-22	92702	(714) 647-5659	(714) 647-5635
City of Seal Beach										
60	JB	Spitz	David	Associate Engineer	Public Works	dspitz@sealbeachca.gov	211 8th St.	90740	(562) 431-2527	(562) 430-8763
City of Stanton										
61		Guilliams	Nick	Deputy City Engineer	Public Works	nguilliams@ci.stanton.ca.us	7800 Katella Ave.	90680	(714) 379-9222	(714) 890-1443
City of Stanton (John L. Hunter & Associates)										
62	CM	McCullough	Cameron	Authorized Inspector	Public Works	cmccullough@jlha.net	7800 Katella Ave.	90680	(562) 802-7880	
City of Tustin										
63	AW	Waite	Alex	Environmental Compliance Specialist	Public Works	awaite@tustincal.org	300 Centennial Way	92780	(714) 573-3305	(714) 734-8991
City of Tustin (Fuscoe Engineering Consultant)										
64	HW	Wen	Howard	Project Manager		hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
City of Villa Park										
65		Hildenbrand	Jarad	Assistant City Manager/City Clerk		jhildenbrand@villapark.org	17855 Santiago Blvd.	92667	(714) 998-1500	(714) 998-1508
66	CM	Hindiyeh	Akram	City Engineer		ahindiyeh@villapark.org	17855 Santiago Blvd.	92667	(714) 998-1500	(714) 998-1508
City of Westminster										
67		Hsieh	Daniel	Engineer/Public Works	Public Works	Dhsieh@westminster-ca.gov	8200 Westminster	92683	(714) 898-3311	(714) 895-4499
68		Ngo	Jake Q.	Engineer/Public Works	Public Works	jaken@westminster-ca.gov	8200 Westminster	92683	(714) 898-3311	(714) 895-4499
City of Yorba Linda										
69		Simonetti	Matt	Senior Civil Engineer, P.E.		msimonetti@yorba-linda.org	4845 Casa Loma, P.O. Box 87014	92886	(714) 961-7174	
70		Weldon	Howard	Senior Community Preservation Officer		hweldon@yorba-linda.org	4845 Casa Loma Avenue, P.O. Box 87014	92886	(714) 961-7133	(714) 993-9148
City of Yorba Linda (Fuscoe Engineering Consultant)										
71		Wen	Howard	Project Manager		hwen@fuscoe.com	16795 Von Karman, Ste. 100	92606	(949) 474-1960	(949) 474-5315
County of Orange										
72		Boon	Richard	Supervising ERS	OC Public Works\OC Watersheds	richard.boon@ocpw.oc.gov	2301 N. Glassell Street	92865	(714) 955-0670	(714) 955-0638

<i>Affiliation</i>	<i>Initials</i>	<i>Last Name</i>	<i>First</i>	<i>Title</i>	<i>Department:</i>	<i>E-Mail</i>	<i>Address</i>	<i>Zip</i>	<i>Phone</i>	<i>Fax</i>
73		Brennler	Larry		HCA\Environmental Health	lbrennler@ochca.com			(714) 433-6284	(714) 488-6481
74		Buss	Kimberly	Environmental Resource Specialist II	OC Public Works\Environmental Resources	kimberly.buss@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0675	
75	KL	Clapper	Kacen	Environmental Resource Specialist III	OC Public Works\OC Watersheds	kacen.clapper@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0652	
76		Dang	Ted			ted.dang@ocpw.ocgov.com				
77		Fortuna	James	Environmental Resources Specialist III	OC Public Works\OC Watersheds	james.fortuna@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0677	
78		Friedman	Doug	Environmental Engineering Specialist	OC Public Works\OC Planning	doug.friedman@ocpw.ocgov.com	300 N. Flower Street	92703	(714) 667-8841	(714) 667-7522
79		LaMont	Robin	NPDES Coordinator	OC Parks	robin.lamont@ocparks.com	13042 Old Myford Rd.		(714) 651-0618	(714) 973-3338
80		Maldonado	Ruby	Chief	OC Public Works\Community & Advance Planning Svcs	ruby.maldonado@ocpw.ocgov.com	300 N. Flower Street, Third Floor, P.O. Box 4048	92702	714-834-4414	(714) 834-6132
81		Martinez	Rosa		OC Parks	rosa.martinez@ocparks.com			(949) 585-6422	
82		Nguyen	Duc	Environmental Resource Specialist III	OC Public Works\OC Watersheds	Duc.Nguyen@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0676	
83		Riggio	Julie	Environmental Resource Specialist	OC Watersheds	julie.riggio@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0672	
84		Rodarte	Robert		OC Watersheds	robert.rodarte@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0642	
85		Ruano	Betty			betty.ruano@ocpw.ocgov.com				
86		Sharp	Grant	Supervisor	OC Public Works\OC Watersheds	grant.sharp@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0674	(714) 955-0638
87		Shook	Jennifer	Environmental Resource Specialist III	OC Public Works\OC Watersheds	jennifer.shook@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0671	(714) 955-0638
88		Suppes	Christy	Environmental Resource Specialist III	OC Public Works\OC Watersheds	christy.suppes@ocpw.ocgov.com	2301 N. Glassell Street	92865	(714) 955-0673	(714) 937-8956
89	AT	Yean	J.T.	Civil Engineer	OC Public Works	Jung-Tsun.Yean@ocpw.ocgov.com	300 N. Flower Street	92702-4048	(714) 667-8871	
Recupero and Associates, Inc.										
90		Diaz	Brian	for Austin		bdiaz@recupero.net	31877 Del Obispo Street Suite 204	92675	(949) 429-6300	(949) 429-6303
91		Recupero	Michael			mrecupero@recupero.net	31877 Del Obispo Street Suite 204	92675	(949) 429-6300	(949) 429-6303
U.C. Cooperative Extension										
92		Haver	Darren	Watershed Resources Advisor		dlhaver@ucanr.edu	7601 Irvine Blvd.	92618	(949) 053-1814	

Wednesday, April 15, 2015

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SAN JUAN CAPISTRANO, CA 92675
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MEMBERS OF THE CITY COUNCIL

SERGIO FARIAS
KERRY K. FERGUSON
BRIAN L. MARYOTT
PAM PATTERSON, ESQ.
DEREK REEVE

**SECOND SUPPLEMENTAL DECLARATION ON BEHALF OF THE CITY OF SAN
JUAN CAPISTRANO IN SUPPORT OF TEST CLAIM**

I, Joe Mankawich, declare and state as follows:

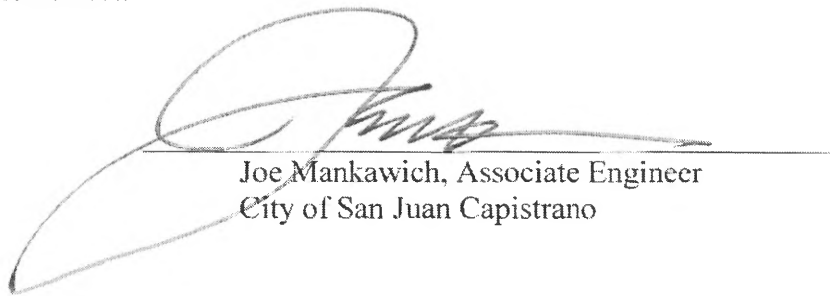
1. I make this declaration based upon my own personal knowledge. If called upon to testify, I could and would competently testify to the matters set forth herein under oath.
2. I am employed by the City of San Juan Capistrano (hereafter, "City") as an Associate Engineer. I have knowledge of the City's programs and activities set forth in this declaration.
3. I am familiar with California Regional Water Quality Control Board, San Diego Region Order No. R9-2013-0001 (NPDES No. CAS0109266) issued on May 8, 2013, as amended by Order No. R9-2015-0001 ("Amended Permit"), as well as the process under which the Amended Permit was first implemented.
4. On April 23, 2015, I received an e-mail from Jennifer Shook of the Orange County Department of Public Works. That e-mail, a true and correct copy of a printout of which is attached as Exhibit A to my declaration, attached a table of primary permit requirements and deliverables mandated by the Amended Permit. I received this e-mail following the effective date of the Amended Permit, which was April 1, 2015. My name is on the list of addressees of the e-mail.



5. On April 23, 2015, I reviewed the table attached to the e-mail from Ms. Shook. To the best of my personal knowledge, the date of my review of the table, April 23, 2015, was the first date on which the City incurred costs to comply with the Amended Permit after it took effect.

Executed November 6, 2017 at San Juan Capistrano, California.

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



Joe Mankawich, Associate Engineer
City of San Juan Capistrano

EXHIBIT A

From: Shook, Jennifer <Jennifer.Shook@ocpw.ocgov.com>
Sent: Thursday, April 23, 2015 11:01 AM
To: Mesa, Ann; Musacchia, Beatrice; Buss, Kimberly; Crompton, Chris; Suppes, Christy; Clapper, Kacen; Nguyen, Duc; Sharp, Grant; Mayo, Howard [HCA]; Fortuna, James; Shook, Jennifer; Brennler, Larry [HCA]; Pope, Maria [JWA]; Thoms, Marilyn; Martinez, Anthony [HCA]; Skorpanich, Mary Anne; Fennessy, Michael; Boon, Richard; Riggio, Julie; LaMont, Robin [OCCR]; Rodarte, Robert; Dang, Ted; Tucker, Matt; Angel Fuertes - Lake Forest; bfowler@danapoint.org; Brian Kurnow - Laguna Woods; Carlos Castellanos - Rancho Santa Margarita; Chris Macon - Laguna Woods; Deborah Carson; Devin Slaven - Lake Forest; dreilly@lagunawoodscity.org; Yi, Greg; Humza Javed - Laguna Hills; JC Herrera - Laguna Niguel; Joe Ames; Joe Mankawich - San Juan Capistrano; Jonathan Orduna - Laguna Niguel; Keith Van Der Maaten - San Juan Capistrano; krosenfield@ci.laguna-hills.ca.us; Lisa Zawaski - Dana Point; Mary Vondrak - San Clemente; Tucker, Matt; Mike Phillips - Laguna Beach; Moy Yahya - Aliso Viejo; Moy Yahya - Laguna Woods; Nancy Palmer - Laguna Niguel; Peter Meier - Lake Forest; Rae Beimer - Rancho Santa Margarita; Rich Schlesinger; Shaun Pelletier - Aliso Viejo; Tom Bonigut - San Clemente; Tracy Ingebrigtsen - Laguna Beach; Gin, Vincent
Subject: NPDES Stormwater - San Diego Region: Table of Deliverables
Attachments: SDR Permit_5thTerm_Deliverables_4-22-15 DRAFT.xlsx

Good morning,

Please find attached a table of primary permit requirements and deliverables from the Fifth Term Permit (Order R9-2013-0001 as amended by R9-2015-0001). This is an updated draft from a previous version that was reviewed at January's General Permittee meeting.

Please note that the file is labeled as draft because as we dive deeper into implementation, we may find that our interpretation of some of the due dates was not as intended from the Permit (for example, we thought that the Fiscal Analysis was due with the transitional JRMP Annual Report, but after discussing this with Regional Board Staff, we learned that the Fiscal Analysis is not due until we submit the first WQIP Annual Report).

Please let me know if you have any questions.

Thanks!

Jennifer Shook
OC Stormwater Program
County of Orange – OC Public Works Department
2301 N. Glassell Street, Orange, CA 92865
(714) 955-0671 tel / (714) 955-0639 fax
jennifer.shook@ocpw.ocgov.com
www.ocwatersheds.com

Please note my working hours are 7:30 AM - 5:00 PM, Monday - Thursday, and 7:30 AM - 4:00 PM every other Friday. For the month of April I will be in the office on the following Fridays: 4/10 and 4/24

SECTION 5
NARRATIVE STATEMENT
IN SUPPORT OF JOINT TEST CLAIM
IN RE
SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD
ORDER NO. R9-2013-0001, AS AMENDED BY ORDER NO. R9-2015-0001 AND ORDER
NO. R9-2015-0100
NPDES NO. CAS 0109266

TABLE OF CONTENTS

	PAGE
I. INTRODUCTION	5-1
A. ADOPTION OF EXECUTIVE ORDER	5-1
B. OVERVIEW OF STATE MANDATES IN JOINT TEST CLAIM.....	5-2
C. STATEMENT OF INTERESTS OF JOINT TEST CLAIMANTS	5-3
D. STATEMENT OF ACTUAL AND/OR ESTIMATED COSTS EXCEEDING \$1,000	5-3
II. MS4 PERMITTING PROGRAM BACKGROUND.....	5-4
A. THE CLEAN WATER ACT	5-4
B. CALIFORNIA LAW	5-5
III. STATE MANDATE LAW	5-7
IV. STATE MANDATED PROGRAMS AND ACTIVITIES IN REGIONAL PERMIT	5-9
A. NUMERIC WATER QUALITY STANDARDS, PROVISIONS A.2 AND A.4	5-10
1. Mandated Requirements in Regional Permit	5-10
2. These Permit Requirements Are State Mandates.....	5-13
3. These Provisions are New Programs or Require Higher Levels of Service	5-14
4. Mandated Activities in Regional Permit.....	5-15
5. Actual and Estimated Reimbursable Costs	5-15
B. PROVISION A.3.b AND ATTACHMENT E.....	5-16
1. Mandated Requirements in Regional Permit	5-16
2. These Permit Requirements Are State Mandates.....	5-17

TABLE OF CONTENTS (Continued)

	Page
3. These Provisions are New Programs or Require Higher Levels of Service	5-20
4. Mandated Activities in Regional Permit.....	5-20
5. Actual and Estimated Reimbursable Costs	5-20
C. WATER QUALITY IMPROVEMENT PLAN REQUIREMENTS, PROVISIONS B AND F	5-21
1. Mandated Requirements in Regional Permit	5-21
2. These Permit Requirements Are State Mandates.....	5-30
3. These Provisions are New Programs or Require Higher Levels of Service	5-30
4. Mandated Activities in Regional Permit.....	5-32
5. Actual and Estimated Reimbursable Costs	5-36
D. ALTERNATIVE COMPLIANCE OPTION, PROVISION B.3.c.	5-36
1. Mandated Requirements in Regional Permit	5-36
2. These Permit Requirements Are State Mandates.....	5-40
3. These Provisions are New Programs or Require Higher Levels of Service	5-41
4. Mandated Activities in Regional Permit.....	5-42
5. Actual and Estimated Reimbursable Costs	5-42
E. HYDROMODIFICATION, PROVISION E.3.c.(2).....	5-42
1. Mandated Requirements in Regional Permit	5-42
2. These Permit Requirements Are State Mandates.....	5-43
3. These Provisions are New Programs or Require Higher Levels of Service	5-43
4. Mandated Activities in Regional Permit.....	5-43

TABLE OF CONTENTS
(Continued)

		Page
	5. Actual and Estimated Reimbursable Costs	5-43
F.	BMP DESIGN MANUAL UPDATE, PROVISIONS E.3.d AND F.2.b	5-44
	1. Mandated Requirements in Regional Permit	5-44
	2. These Permit Requirements Are State Mandates.....	5-45
	3. These Provisions are New Programs or Require Higher Levels of Service	5-46
	4. Mandated Activities in Regional Permit.....	5-46
	5. Actual and Estimated Reimbursable Costs	5-46
G.	RESIDENTIAL INVENTORY AND INSPECTIONS, PROVISION E.5	5-47
	1. Mandated Requirements in Regional Permit	5-47
	2. These Permit Requirements Are State Mandates.....	5-50
	3. These Provisions are New Programs or Require Higher Levels of Service	5-50
	4. Mandated Activities in Regional Permit.....	5-50
	5. Actual and Estimated Reimbursable Costs	5-51
H.	RETROFIT AND REHABILITATE STREAM REQUIREMENT, PROVISION E.5.e	5-52
	1. Mandated Requirements in Regional Permit	5-52
	2. These Permit Requirements Are State Mandates.....	5-54
	3. These Provisions are New Programs or Require Higher Levels of Service	5-54
	4. Mandated Activities in Regional Permit.....	5-54
	5. Actual and Estimated Reimbursable Costs	5-55

TABLE OF CONTENTS (Continued)

	Page
I. ENFORCEMENT RESPONSE PLANS, PROVISION E.6	5-55
1. Mandated Requirements in Regional Permit	5-55
2. These Permit Requirements Are State Mandates.....	5-57
3. These Provisions are New Programs or Require Higher Levels of Service	5-58
4. Mandated Activities in Regional Permit.....	5-58
5. Actual and Estimated Reimbursable Costs	5-58
J. JURISDICTIONAL URBAN RUNOFF MANAGEMENT PLAN UPDATE, PROVISION F.2.a	5-58
1. Mandated Requirements in Regional Permit	5-58
2. These Permit Requirements Are State Mandates.....	5-59
3. These Provisions are New Programs or Require Higher Levels of Service	5-60
4. Mandated Activities in Regional Permit.....	5-60
5. Actual and Estimated Reimbursable Costs	5-60
K. REQUIREMENT TO APPEAR BEFORE THE REGIONAL BOARD, PROVISION F.3.a	5-60
1. Mandated Requirements in Regional Permit	5-60
2. These Permit Requirements Are State Mandates.....	5-61
3. These Provisions are New Programs or Require Higher Levels of Service	5-61
4. Mandated Activities in Regional Permit.....	5-61
5. Actual and Estimated Reimbursable Costs	5-62
V. STATEWIDE COST ESTIMATE	5-62
VI. FUNDING SOURCES	5-62

TABLE OF CONTENTS
(Continued)

	Page
A. THE JOINT TEST CLAIMANTS DO NOT HAVE FEE AUTHORITY TO OFFSET ITS COSTS	5-62
1. Activities Mandated By The Regional Permit Do Not Convey Unique Benefits On Or Deal With Unique Burdens Being Imposed On The MS4 By Individual Persons, Businesses Or Property Owners	5-63
2. Article XIII C of the California Constitution Limits the Joint Test Claimants' Power to Impose Fees.....	5-64
3. Any Fee or Tax Charged By the Joint Test Claimants Not Based On Benefits Received or Burdens Imposed By Payor Must Be Approved By a Vote Of The Electorate	5-65
4. Conclusion	5-68
B. THE JOINT TEST CLAIMANTS HAVE LIMITED OTHER FUNDING SOURCES	5-68
VII. PRIOR MANDATE DETERMINATIONS	5-69
A. LOS ANGELES COUNTY	5-69
B. SAN DIEGO COUNTY	5-69
VIII. CONCLUSION	5-70

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

I. INTRODUCTION

A. ADOPTION OF EXECUTIVE ORDER

On May 8, 2013, the San Diego Regional Water Quality Control Board (“Regional Board”) adopted Order No. R9-2013-0001 (hereinafter the “2013 Permit”), which became effective on June 27, 2013. The 2013 Permit acts as both a National Pollutant Discharge Elimination System (“NPDES”) permit under the federal Water Pollution Control Act (“Clean Water Act” or “CWA”)¹ and Waste Discharge Requirements under California’s Porter-Cologne Water Quality Control Act.² The 2013 Permit regulates stormwater discharges from municipal separate storm sewer systems (“MS4s”) on a regional basis, including San Diego County, southwestern Riverside County and south Orange County.³ At the time the 2013 Permit was adopted, however, the permit did not initially regulate MS4 discharges in south Orange County because the County of Orange, Orange County Flood Control District and the south Orange County cities (“collectively, the “South Orange County Copermittees”) were still governed by an existing MS4 permit covering only those municipalities.

On February 11, 2015, the Regional Board adopted Order No. R9-2015-0001 (“First Amended Permit”), which amended the 2013 Permit to include the regulation of MS4 discharges by the Joint Test Claimants. On November 18, 2015, the Regional Board issued Order No. R9-2015-0100 (“Second Amended Permit”), which amended the 2013 Permit to include the regulation of discharges from MS4s in southwestern Riverside County. The Second Amended Permit imposed mandates on all permittees within the San Diego Region additional to those set forth in the 2013 Permit and the First Amended Permit. The 2013 Permit, the First Amended Permit and the Second Amended Permit are referred to collectively as the “Regional Permit.”⁴

Prior to adoption of the First Amended Permit, the Regional Board regulated MS4 discharges by the South Orange County Copermittees through NPDES Permit No. CAS0108740, adopted on July 16, 1990 and reissued on August 8, 1996 (Order No. 96-03), February 13, 2002 (Order No. R9-2002-01), and December 19, 2009 (Order No. R9-2009-0002 or the “2009 Permit”).⁵ The South Orange County Copermittees, therefore, have a distinct MS4 permitting history different from that of the County of San Diego, whose pending Test Claim, 14-TC-03, also seeks reimbursement for mandates imposed by the Regional Permit. The County of Orange, the Orange County Flood Control District and the Cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente and San Juan Capistrano (the “Joint Test Claimants”) seek reimbursement in this Joint Test Claim for costs mandated by the Regional Permit that are additional to those costs mandated by previous permits. Determination of the Joint Test Claimants’ increased costs requires a separate analysis from the increased costs claimed by San Diego County. The Joint

¹ 33 U.S.C. § 1251 *et seq.*

² Water Code § 13000 *et seq.*

³ The San Diego Region, as described herein, consists of all lands and waters subject to the jurisdiction of the San Diego Regional Water Quality Control Board, including all of San Diego County and the southern portions of Orange and Riverside Counties.

⁴ A copy of the Regional Permit and accompanying Fact Sheet is included in Section 7 – Documentation.

⁵ A copy of the 2009 Permit is also included in Section 7.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

Test Claimants therefore request that this Joint Test Claim receive an independent analysis from staff and a separate determination from the Commission.

B. OVERVIEW OF STATE MANDATES IN JOINT TEST CLAIM

The Regional Board asserts that the Regional Permit is based on both federal and California statutes and regulations, including the Clean Water Act, the Porter-Cologne Water Quality Control Act, applicable state and federal regulations, all applicable provisions of statewide Water Quality Control Plans and Policies adopted by the State Water Resources Control Board (“State Board”), the Water Quality Control Plan for the San Diego Basin adopted by the Regional Board, the California Toxics Rule, and the California Toxics Rule Implementation Plan.⁶

The Regional Permit does not delineate which of its requirements are based on federal law and which are based on state law. It is undisputed, however, that federal NPDES permits, such as the Regional Permit, only govern discharges of pollutants to navigable waters of the United States from a point source.⁷ MS4s are only required to remove pollutants in their stormwater discharges to the maximum extent practicable (“MEP”).⁸ Any requirements in the Regional Permit that purport to regulate discharges of pollutants other than from MS4 point sources or that go beyond the MEP standard originate under state, and not federal, law.

The Regional Permit contains a number of state mandates for which the Joint Test Claimants are entitled to reimbursement under Article XIII B, section 6 of the California Constitution. This Joint Test Claim describes the activities that constitute unfunded mandates and sets forth the basis for reimbursement of the costs of such activities. These new programs and higher levels of service are described in detail below, and are summarized as follows:

- A. New requirements to strictly comply with numeric water quality standards mandated by the Regional Permit, including new requirements to develop and implement comprehensive watershed modification projects and management actions via the Water Quality Improvement Plans (“WQIP”) process in furtherance of meeting numeric standards imposed by the Regional Permit.
- B. New requirements incorporating numeric effluent limitations for Total Maximum Daily Loads (“TMDLs”).
- C. New requirements to develop goals, strategies, schedules, panels, assessment and adaptive management strategies, and watershed coordination in the development and implementation of watershed based WQIPs, requirements which also shift to the Joint Test Claimants the state’s responsibility under the CWA to develop TMDLs.
- D. New requirements to develop numeric goals, strategies and analyses in

⁶ Regional Permit Fact Sheet, F-24 to F-33.

⁷ 33 U.S.C. § 1362 (12).

⁸ 33 U.S.C. § 1342(p)(3)(B)(iii).

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

conjunction with an “alternative compliance” provision.

- E. New requirements to manage critical sediment yield areas in accordance with hydromodification management standards.
- F. New requirements to update the BMP Design Manual in response to increased regulation.
- G. New requirements to develop and implement a residential inspection program.
- H. New requirements to retrofit existing development and rehabilitate streams within areas of existing development.
- I. New requirements to update the enforcement response plan in response to increased regulation.
- J. New requirements to update the Jurisdictional Urban Runoff Management Plan to incorporate expanded Regional Permit requirements.
- K. New requirements to appear before the Regional Board on request by the Board and to prepare and make presentations on topics identified by the Board.

The Joint Test Claimants first incurred costs to implement the Regional Permit during the fiscal year that ended on June 30, 2015.⁹ With regard to the date that the Joint Test Claimants first documented incurred costs, the County first incurred costs on and after the effective date of the Regional Permit, April 1, 2015; the District and the Cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Niguel, Lake Forest and San Clemente identified the date of first incurrence of costs following the Regional Permit’s effective date as April 15, 2015, when City and District representatives attended a meeting at which the requirements of the Regional Permit were discussed; the Cities of Laguna Hills, Mission Viejo and San Juan Capistrano have identified such date of first incurrence of costs as April 23, 2015 and the City of Rancho Santa Margarita has identified such date as April 24, 2015 when, respectively, representatives of those Cities reviewed an e-mail containing information on the requirements of the Regional Permit.¹⁰ This Narrative Statement includes fiscal year costs for FY 2014-15, 2015-16 and estimates for 2016-17.

C. STATEMENT OF INTEREST OF JOINT TEST CLAIMANTS

The Joint Test Claimants are filing this test claim jointly and, pursuant to 2 Cal. Code Reg. § 1183.1(g), attest to the following:

⁹ See Declarations Submitted in Support of Joint Test Claim (“Declarations”), ¶ 6, included in Section 6 – Declarations. See also Supplemental Declarations and Second Supplemental Declarations submitted to the Commission.

¹⁰ See Second Supplement Declarations on behalf of these Joint Test Claimants, as well as the accompanying Declarations of Jennifer Shook and Julie Riggio, all filed with the Commission on November 20, 2017.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

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

**D. STATEMENT OF ACTUAL AND/OR ESTIMATED COSTS EXCEEDING
\$1,000**

The Joint Test Claimants 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 the Joint Test Claimants.

II. MS4 PERMITTING PROGRAM BACKGROUND

A. THE CLEAN WATER ACT

Congress first enacted the CWA in 1972 (three years after California adopted the Porter-Cologne Water Quality Control Act (“Porter-Cologne”)) and amended the Act in 1987 to regulate discharges from MS4s serving a population of more than 100,000 or from systems that the United States Environmental Protection Agency (“US EPA”) or the state determine contribute to a violation of a water quality standard or represent a significant contribution of pollutants to waters of the United States must obtain an NPDES permit issued under the CWA.¹¹ The CWA establishes three basic requirements for all MS4 permits. Such permits:

- (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.¹²

¹¹ 33 U.S.C. § 1342(p)(2) requires NPDES permits for the following discharges:

- (C) A discharge from a municipal separate storm sewer system serving a population of 250,000 or more.
- (D) A discharge from a municipal separate storm sewer system serving a population of 100,000 or more but less than 250,000.
- (E) A discharge for which the Administrator or the State, as the case may be, determines that the stormwater discharge contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States.

¹² 33 U.S.C. § 1342 (p)(3)(B).

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

In 1990, US EPA promulgated regulations to implement the first phase of the MS4 permit program, setting forth which entities need to apply for permits and the information to include in the permit application. The MS4 permit application must propose management programs that the permitting authority will consider in adopting the permit, including the following:

[A] comprehensive planning process which involves public participation and where necessary intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate.¹³

The US EPA can suspend its permitting authority and authorize a state to administer its own permit program when that state presents “the program it proposes to establish and administer *under state law*” and demonstrates that “the *laws of such State . . .* provide adequate authority to carry out the described program.”¹⁴ NPDES permits issued under state laws must be consistent with the requirements of the suspended federal program.¹⁵ States may, however, issue permits with requirements exceeding the requirements of the federal program.¹⁶

B. CALIFORNIA LAW

In 1972, California became the first state authorized to implement its own NPDES permitting program.¹⁷ California sought authorization of its program “in order to avoid direct regulation by the federal government of persons already subject to regulation *under state law*[.]”¹⁸ Because California is an authorized state, its permitting system is a state program operating under state law. The State Board and the nine Regional Water Quality Control Boards (“Regional Water Boards”) comprise “the principal state agencies with primary responsibility for the coordination and control of water quality.”¹⁹ Such boards may issue NPDES permits that serve as “waste discharge requirements” under Porter-Cologne.²⁰

In assessing California’s state NPDES permitting program, the California Supreme Court found that the CWA:

reserves to the states significant aspects of water quality policy (33 U.S.C. § 1251(b)), and it specifically grants the states authority to

¹³ 40 C.F.R. §122.26 (d)(2)(iv).

¹⁴ 33 U.S.C. § 1342(b), (c)(1) (emphasis added); 40 C.F.R. § 123.1(d)(1) (“Upon approval of a State program, the Administrator shall suspend the issuance of Federal permits for those activities subject to the approved State program.”).

¹⁵ 33 U.S.C. § 1342 (b).

¹⁶ 33 U.S.C. §1370.

¹⁷ *County Sanitation Dist. No. 2 of Los Angeles County v. County of Kern* (2005) 127 Cal.App.4th 1544, 1565-66.

¹⁸ Water Code § 13370(c) (emphasis added).

¹⁹ Water Code § 13001; *City of Burbank v. State Water Resources Control Bd.* (2005) 35 Cal.4th 613, 619.

²⁰ Water Code §13374.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

“enforce any effluent limitation” that is not “*less stringent*” than the federal standard (33 U.S.C. § 1370, *italics added*). It does not prescribe or restrict the factors that a state may consider when exercising this reserved authority. . .²¹

The courts, the State Board and the Regional Water Boards have repeatedly acknowledged that many aspects of NPDES permits issued in California exceed the requirements of the CWA or are not otherwise required by federal law. In reviewing the 2001 MS4 Permit for San Diego County, for example, the State Board acknowledged that because NPDES permits are adopted as waste discharge requirements in California, they can more broadly protect “waters of the state,” rather than being limited to “waters of the United States.”²²

On June 16, 2015, the State Board adopted Order No. WQ 2015-0075, *In the Matter of Review of Order No. R4-2010-0176*, NPDES Permit No. CAS004001 (“Los Angeles Order”).²³ The Los Angeles Order recognizes that the water boards can implement requirements “under the Porter-Cologne Act that are not compelled by federal law” and asserts that the State Board has “discretion under federal law to determine whether to require strict compliance” with water quality standards.²⁴ . The Los Angeles Order further recognizes that the State Board and Regional Water Boards have discretion to express Water Quality Based Effluent Limitations (“WQBELs”) for TMDLs incorporated into a permit “either as numeric effluent limitations or as BMPs [Best Management Practices].”²⁵

While the State Board cited language in 33 U.S.C. § 1342(p) that it can adopt “such other provisions as . . . the State determines appropriate for the control of pollutants” as authority for such discretion, Congress did not *mandate* that a state exceed MEP. California is authorized, but not required, to adopt such measures as requiring strict compliance with water quality standards, when it acts as a state agency, asserting state powers.

The Regional Water Boards have also acknowledged that many of the requirements of MS4 permits exceed the requirements of federal law, and are instead based on the broader authority of Porter-Cologne. For example, in a December 13, 2000 staff report regarding the Regional Board’s draft 2001 San Diego County permit, the Board conceded that 40% of the draft permit requirements “exceed the federal regulations” because they were either more numerous, more specific/detailed, or more stringent than the requirements in the regulations.²⁶

In *City of Burbank v. State Water Resources Control Bd.*, the California Supreme Court acknowledged that NPDES permits may contain requirements that exceed the federal CWA. The Court held that to the extent such provisions are not required by federal law, the State Board and Regional Water Boards are required to consider state law restrictions on agency

²¹ *Id.* at 627-28.

²² In Re Building Industry Association of San Diego County and Western States Petroleum Association, State Board Order WQ 2001-15.

²³ State Water Resources Control Board Order No. WQ 2015-0075 (“Los Angeles Order”).

²⁴ *Id.* at 11.

²⁵ *Id.* at 57.

²⁶ The Staff Report is included in Section 7 – Documentation.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

action.²⁷ Explicit in the Court’s decision — which held that Regional Water Board permitting decisions that go above and beyond the requirements of the CWA may only do so in accordance with Water Code Sections 13263 and 13241 — is the requirement that state-derived requirements ordered by these Boards are subject to state law.

Similarly, in *Building Industry Association of San Diego County v. State Water Resources Control Board*,²⁸ the Court of Appeal specifically considered whether permit terms in an MS4 Permit issued by the Regional Board for a San Diego County MS4 permit requiring permittee compliance with numeric effluent limits, were either “authorized” or “required” by the CWA. The court held that: “it is well settled that the Clean Water Act authorizes states to impose water quality controls that are more stringent than are required under federal law.”²⁹ The court found that the San Diego Regional Board had the “discretion” to impose certain permit terms that were not “required” by the CWA.³⁰

III. STATE MANDATE LAW

Article XIII B, section 6 of the California Constitution requires the State to provide a subvention of funds to local agencies any time the Legislature or a state agency requires the local agency to implement a new program or provide a higher level of service under an existing program. Article XIII B, section 6 states in relevant part:

Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse such local governments for the cost of such program or increased level of service . . .

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.”³¹ The section “was designed to protect the tax revenues of local governments from state mandates that would require expenditure of such revenues.”³² In order to implement Section 6, the Legislature enacted a comprehensive administrative scheme to define and pay mandate claims.³³ Under this scheme, the Legislature defined “Costs mandated by the state” to include:

²⁷ *City of Burbank*, 35 Cal.4th at 618.

²⁸ (2004) 124 Cal.App.4th 866.

²⁹ *Id.* at 881.

³⁰ *Id.* at 886 (“That provision gives the EPA *discretion* to determine what pollutant controls are appropriate”), *citing* *Defenders of Wildlife v. Browner* (9th Cir. 1999) 191 F.3d 1159, 1167-67 (emphasis added).

³¹ *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81; *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487.

³² *County of Fresno*, 53 Cal.3d at 487; *Redevelopment Agency v. Commission on State Mandates* (1997) 55 Cal.App.4th 976, 984-85.

³³ 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”).

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

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.³⁴

Government Code § 17556 identifies seven exceptions to the rule requiring reimbursement for state mandated costs:

- (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 . . . 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, 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

³⁴ Govt. Code § 17514.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

infraction, but only for that portion of the statute relating
directly to the enforcement of the crime or infraction.

When the state usurps a local agency's discretion as to how to implement a program, even where that program is required by federal law, and mandates a specific course of action, such a mandate is a state mandate. This principle was expressly recognized in *Long Beach Unified School Dist. v. State of California*,³⁵ where the court found that a state executive order requiring school districts to measure and address racial segregation in local schools constituted a reimbursable mandate. Similarly, when the state freely chooses to shift a federal obligation onto a local agency, rather than perform that obligation itself, a state mandate is created.³⁶

The Commission's decisions on other municipal NPDES permits have recognized this principle. In its decision on Test Claim 07-TC-09 regarding the 2007 San Diego County MS4 permit, the Commission addressed this issue in the context of the United States Supreme Court's decision in *P.U.D. No. 1 v. Washington Department of Ecology*.³⁷ The Commission held:

Staff agrees with claimants about the applicability of the P.U.D. case, which determined whether the state of Washington's environmental agency properly conditioned a permit for a federal hydroelectric project on the maintenance of specific minimum stream flows to protect salmon and steelhead runs. The U.S. Supreme Court determined that Washington could do so, but the decision was based on section 401 of the Clean Water Act, which involves certifications and wetlands. *Even if the decision could be applied to section 402 NPDES permits, it merely recognized state authority to regulate flows. The issue here is not whether the state has authority to regulate flows, but whether a federal mandate requires it.* This was not addressed in the P.U.D. decision.

Overall, there is nothing in the federal regulations that requires a municipality to adopt or implement a hydromodification plan. Thus, the HMP requirement in the permit "exceed[s] the mandate in that federal law or regulation." As in *Long Beach Unified School Dist. v. State of California*, the permit requires specific actions, i.e., required acts that go beyond the requirements of federal law. In adopting these permit provisions, the state has freely chosen to impose these requirements. Thus, staff finds that part D.1.g. of the permit is not a federal mandate.³⁸

The programs in the Regional Permit identified in this Joint Test Claim are not mandated by the CWA or its implementing regulations. These programs are unique to local government

³⁵ (1990) 225 Cal. App. 3d 155.

³⁶ *Hayes v. Commn. on State Mandates* (1992) 11 Cal. App. 4th 1564, 1593-94.

³⁷ (1994) 511 U.S. 700.

³⁸ Statement of Decision, Test Claim 07-TC-09, *Discharge of Stormwater Runoff – Order No. R9-2007-0001*, 45 (internal citations omitted).

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

entities such as the Joint Test Claimants. The identified programs in the Regional Permit therefore represent a state mandate for which the Joint Test Claimants are entitled to a subvention of funds pursuant to Article XIII B, section 6 of the California Constitution.

IV. STATE MANDATED PROGRAMS AND ACTIVITIES IN REGIONAL PERMIT

The requirements set forth in this Narrative Statement are “programs” within the meaning of article XIII B, section 6 in that they require the Joint Test Claimants to provide certain services to the public. The requirements are unique because they arise from the operation of a municipal stormwater NPDES permit, which is issued only to municipalities and which require activities that are not required of private non-governmental dischargers. These requirements include the development and amendment of government planning documents, the inspection of property, the development and construction of public works projects and other purely governmental functions.³⁹

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.”⁴⁰

The Joint Test Claimants first incurred certain costs to implement the Regional Permit (then, the First Amended Permit) during fiscal year 2014-2015, which ended on July 1, 2015.⁴¹ As such, this Joint Test Claim is timely filed.⁴² The cost numbers set forth below and in the attached declarations are subject to change as further information is obtained by the Joint Test Claimants as to their costs.

The following programs and activities and higher levels of service are at issue in this Joint Test Claim:⁴³

A. NUMERIC WATER QUALITY STANDARDS, PROVISIONS A.2 AND A.4

1. Mandated Requirements in Regional Permit

The Regional Permit requires the Joint Test Claimants to attain strict numeric water quality standards and to develop plans and strategies to attain such standards, requirements which the courts and the State Board itself has recognized exceed federal requirements.⁴⁴

³⁹ Orders issued by Regional Water Boards pursuant to Division 7 of the California Water Code (commencing at section 13000) are “executive orders.” *County of Los Angeles v. Commission on State Mandates* (2007) 150 Cal.App.4th 898, 920.

⁴⁰ 2 Cal. Code Regs. § 1183.1(b).

⁴¹ Declarations, ¶ 6.

⁴² 2 Cal. Code Regs. § 1183.1 (b).

⁴³ This Joint Test Claim specifically incorporates by reference all prior test claims filed by South Orange County test claimants concerning requirements in prior MS4 permits.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

Provision A.2 of the Regional Permit, in a section entitled “Receiving Water Limitations” (“RWL”), requires the Joint Test Claimants to strictly comply with the requirement that discharges from their MS4 systems not cause or contribute to a violation of water quality standards in any receiving waters.

Provision A.2 states:

2. Receiving Water Limitations

- a. Discharges from MS4s must not cause or contribute to the violation of water quality standards in any receiving waters, including but not limited to all applicable provisions contained in:
 - (1) The San Diego Water Board’s Basin Plan, including beneficial uses, water quality objectives, and implementation plans;
 - (2) State Water Board plans for water quality control including the following:
 - (a) Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries (Thermal Plan), and
 - (b) The Ocean Plan, including beneficial uses, water quality objectives, and implementation plans;
 - (3) State Water Board policies for water and sediment quality control including the following:
 - (a) Water Quality Control Policy for the Enclosed Bays and Estuaries of California,
 - (b) Sediment Quality Control Plan which includes the following narrative objectives for bays and estuaries:
 - (i) Pollutants in sediments shall not be present in quantities that, alone or in combination, are toxic to benthic communities, and
 - (ii) Pollutants shall not be present in sediments at levels that will bioaccumulate in aquatic life to levels that are harmful to human health,

⁴⁴ A further receiving water limitation in the Regional Permit, which requires the Joint Test Claimants to achieve numeric WQBELs in a TMDL, Provision A.3.b, is discussed in Section IV.B.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

- (c) The Statement of Policy with Respect to Maintaining High Quality of Waters in California;
- (4) Priority pollutant criteria promulgated by the USEPA through the following:
 - (a) National Toxics Rule (NTR) (promulgated on December 22, 1992 and amended on May 4, 1995), and
 - (b) California Toxics Rule (CTR).
- b. Discharges from MS4s composed of storm water runoff must not alter natural ocean water quality in an ASBS [Area of Special Biological Significance].

Provision A.4 of the Regional Permit requires the updating and modification of a water quality improvement plan (“WQIP”) should exceedances of water quality standards persist in receiving waters. The WQIP (the preparation of which represents an additional state mandate, as discussed in section IV.C below) must address strategies to achieve compliance with receiving water limitations and effluent limitations, including “[best management practices], “retrofitting projects, stream and/or habitat rehabilitation projects, adjustments to jurisdictional runoff management programs” and other new programs and projects that will reduce or eliminate pollutants to prevent further exceedances of water quality standards.

Provision A.4.a requires:

- a. If exceedance(s) of water quality standards persist in receiving waters notwithstanding implementation of this Order, the Copermittees must comply with the following procedures:
 - (1) For exceedance(s) of a water quality standard in the process of being addressed by the Water Quality Improvement Plan, the Copermittee(s) must implement the Water Quality Improvement Plan as accepted by the San Diego Water Board, and update the Water Quality Improvement Plan, as necessary, pursuant to Provision F.2.c;
 - (2) Upon a determination by either the Copermittees or the San Diego Water Board that discharges from the MS4 are causing or contributing to a new exceedance of an applicable water quality standard not addressed by the Water Quality Improvement Plan, the Copermittees must submit the following updates to the Water Quality Improvement Plan pursuant to Provision F.2.c or as part of the Water Quality Improvement Plan Annual Report required under Provision F.3.b, unless the San Diego Water Board directs an earlier submittal:

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

- (a) The water quality improvement strategies being implemented that are effective and will continue to be implemented,
 - (b) Water quality improvement strategies (i.e. BMPs, retrofitting projects, stream and/or habitat rehabilitation projects, adjustments to jurisdictional runoff management programs, etc.) that will be implemented to reduce or eliminate any pollutants or conditions that are causing or contributing to the exceedance of water quality standards,
 - (c) Updates to the schedule for implementation of the existing and additional water quality improvement strategies, and
 - (d) Updates to the monitoring and assessment program to track progress toward achieving compliance with Provisions A.1.a, A.1.c and A.2.a of this Order;
- (3) The San Diego Water Board may require the incorporation of additional modifications to the Water Quality Improvement Plan required under Provision B. The applicable Copermittees must submit any modifications to the update to the Water Quality Improvement Plan within 90 days of notification that additional modifications are required by the San Diego Water Board, or as otherwise directed;
- (4) Within 90 days of the San Diego Water Board determination that the modifications to the Water Quality Improvement Plan required under Provision A.4.a.(3) meet the requirements of this Order, the applicable Copermittees must revise the jurisdictional runoff management program documents to incorporate the modified water quality improvement strategies that have been and will be implemented, the implementation schedule, and any additional monitoring required; and
- (5) Each Copermittee must implement the updated Water Quality Improvement Plan.

2. These Permit Requirements Are State Mandates

Compliance with strict numeric water quality standards is a state mandate. Nothing in the CWA, its regulations, or case law requires MS4 permittees to strictly comply with water quality standards. The CWA specifically provides that pollutants in municipal stormwater discharges are to be controlled to the “maximum extent practicable” rather than through a strict numeric limit. There is good reason for this requirement. Unlike industrial dischargers, municipalities do not control the volume, frequency, duration or composition of stormwater

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

pollutants or the storms that convey them. Congress recognized these facts when it adopted the MEP standard for MS4 permits, rather than the numeric standard applicable to industrial dischargers.

US EPA has expressed a preference for regulating MS4 stormwater discharges by requiring the implementation of BMPs rather than compliance with numeric standards, a policy preference recognized by the courts. The United States Court of Appeals for the Ninth Circuit cited the EPA's BMP-based approach in *Defenders of Wildlife*, stating:

[T]he EPA has the authority to determine that ensuring strict compliance with state water-quality standards is necessary to control pollutants. The EPA also has the authority to require less than strict compliance with state water-quality standards. *The EPA has adopted an interim approach, which "uses best management practices (BMPs) in first-round storm water permits . . . to provide for the attainment of Water Quality Standards."* The EPA applied that approach to the permits at issue here. Under 33 U.S.C. § 1342(p)(3)(B)(iii), the EPA's choice to include either management practices or numeric limitations in the permits was within its discretion.⁴⁵

Courts in other states have also concluded that federal law does not require the imposition of numeric effluent limits in MS4 permits tied to state-adopted water quality standards.⁴⁶

The State Board itself concluded that federal law does not mandate strict compliance with numeric water quality standards in MS4 permits, finding that such compliance is discretionary, not mandatory:

the State Water Board has *discretion* under federal law to determine whether to require strict compliance with the water quality standards of the water quality control plans for MS4 discharges, [and] the State Water Board may also utilize the *flexibility* under the Porter-Cologne Act to decline to require strict compliance with water quality standards for MS4 discharges.⁴⁷

Because federal law does not require strict compliance with water quality standards or numeric effluent limits such as those imposed on the Joint Test Claimants in the Regional Permit, such requirements are imposed under color of state law, not federal law. The mandate is state, not federal.

⁴⁵ *Defenders of Wildlife*, 191 F.3d at 1166-67 (emphasis added).

⁴⁶ See e.g., *Natural Resources Defense Council, Inc. v. New York State Dept. of 25 Environmental Conservation* (N.Y.Ct. App. 2015) 25 N.Y.3d 373, 382; *Maryland Dept. of the Environment v. Anacostia Riverkeeper* (Md. Ct. Spec. App. 2015) 222 Md.App. 153, 171-76, cert. granted sub nom. *Maryland Dept. of Environment v. Anacostia Riverkeeper* (2015) 443 Md. 734; *Tualatin Riverkeepers v. Oregon Dept. of Environmental Quality* (Ore. App. 2010) 230 P.3d 559, 564 n. 10.

⁴⁷ *Los Angeles Order, supra*, at 11 (emphasis added).

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

3. These Provisions Are New Programs or Require Higher Levels of Service

While previous permits covering the Joint Test Claimants included the same or similar language regarding RWLs, the Regional Board has imposed a new program or higher level of service in the Regional Permit. Starting in 1999, the State Board's policy had been to prohibit discharges from MS4s that cause or contribute to exceedances of water quality standards, but to allow dischargers to remain in compliance with that requirement by implementing pollution control measures through an "iterative process."⁴⁸ In 2001, following *Defenders of Wildlife*, the State Board clarified its standard RWL provision in previous permits in light of the decision. The State Board held:

While we will continue to address Water Quality Standards in municipal storm water permits, we also continue to believe that the iterative approach, which focuses on timely improvements of BMPs, is appropriate. *We will generally not require "strict compliance" with Water Quality Standards through numeric effluent limits and we will continue to follow an iterative approach, which seeks compliance over time.* The iterative approach is protective of water quality, but at the same time considers the difficulties of achieving full compliance through BMPs that must be enforced through large and medium municipal storm sewer systems.⁴⁹

In 2013, the Ninth Circuit held that each provision in a stormwater permit could be separately and strictly enforceable.⁵⁰ When the Regional Board adopted the Regional Permit, it explicitly imposed this new interpretation on the Permittees, and now was going to require strict compliance.⁵¹ Thus, discharges under the Regional Permit are now no longer addressed by the implementation of BMPs, but instead by the ultimate achievement of these numeric effluent limits. These new, stricter requirements are a new program or higher level of service required of the Joint Test Claimants.

Moreover, while the prior MS4 permit issued to the Joint Test Claimants required participation in the so-called "iterative process" if exceedances of water quality standards persisted, the Regional Permit's requirements relating to the updating and modification of WQIPs contained in Provision A.4 are new and far more expansive than in the prior permit and also represent a new requirement and higher level of service for the Permittees.

⁴⁸ State Board Order WQ 2001-15.

⁴⁹ *Id.* at 7-8 (emphasis added).

⁵⁰ *NRDC v. County of Los Angeles*, *supra*.

⁵¹ See Regional Permit Fact Sheet at F-41, which cites the *NRDC* case as authority for Provision A.2. The Fact Sheet also notes that the CWA provides "discretion" to the state permitting authority "to determine what permit conditions are necessary to control pollutants." *Id.* at F-40.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

4. Mandated Activities in Regional Permit

The Regional Permit requires the Joint Test Claimants to undertake activities sufficient to strictly comply with the Receiving Water Limitations Provisions in Provision A.2 of the Regional Permit and to update and modify WQIPs to comply with Provision A.4 in the event of exceedances of RWLs, utilizing measures required in Provision B of the Permit, as discussed in Section IV.C below.

5. Actual and Estimated Reimbursable Costs

Compliance with Provisions A.2 and A.4 of the Regional Permit will require the Joint Test Claimants to significantly increase their existing resource commitments to develop, administer, and maintain a multitude of costly program elements, and to expend funds to update and modify WQIPs. Meeting these requirements would require a significant expansion of all existing stormwater management program activities, as well as the construction and operation of treatment control BMPs throughout the Joint Test Claimants' jurisdictions. Required activities include conducting studies and investigations, planning and implementing new program activities (research, meetings, stakeholder coordination, etc.), and monitoring, assessing, reporting on, and modifying WQIP programs as necessary to achieve and maintain compliance with receiving water limitations. Projects required may include additional BMPs, retrofitting projects, stream and/or habitat rehabilitation projects, adjustments to jurisdictional runoff management programs and other programs that would not be imposed on the Joint Test Claimants absent the strict imposition of numeric effluent limits for municipal stormwater in the Permit.

The ultimate costs of carrying out new and expanded programs at a level sufficient to meet these standards are not currently known, but a consulting firm retained by the Joint Test Claimants has preliminarily estimated that the cost to achieve numeric Receiving Water Limitations under the Regional Permit could range between \$1.64 and \$2.01 billion.

The Joint Test Claimants have, however, commenced funding of various programs intended to address this requirement, including through development of a TMDL for Indicator Bacteria in Twenty Beaches and Creeks in the San Diego region (further discussed in Section IV.B), a Water Quality Improvement Plan ("WQIP") (further discussed in Section IV.C) and Alternative Compliance Requirements (further discussed in Section IV.D). These three programs form the basis for the estimates in this Narrative Statement and in the accompanying supporting declarations for the cost of complying with receiving water limitations in Provisions A.2 and A.4. With respect to such programs, the Joint Test Claimants have spent \$278,260 plus a yet to be identified share of a \$2,306,214 project in FY 2014-15 and \$627,515 plus a yet to be identified share of a \$165,494 project in FY 2015-16 and estimate that they will spend \$943,589 plus a yet to be identified share of a \$6,445,232 project in FY 2016-17.⁵²

⁵² See Section 6 Declarations, ¶ 7.a.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

B. PROVISION A.3.b AND ATTACHMENT E

1. Mandated Requirements in Regional Permit

Provision A.3.b and relevant portions of Attachment E of the Regional Permit impose several new State-mandated programs on the Joint Test Claimants. Provision A.3.b, contained in the RWL section, requires the Permittees to “comply with applicable WQBELs established for the TMDLs in Attachment E to [the] Order, pursuant to the applicable TMDL compliance schedules.” Attachment E, Section 6 requires, in relevant part, as follows:

6. Revised Total Maximum Daily Loads for Indicator Bacteria, Project I – Twenty Beaches and Creeks in the San Diego Region (Including Tecolote Creek)

The Responsible Copermittees for MS4 discharges to the water bodies listed in Table 6.0 must be in compliance with the final TMDL compliance requirements according to the following compliance dates:

Constituent	Dry Weather WLA Compliance Date	Wet Weather WLA Compliance Date
Total Coliform	April 4, 2021	April 4, 2031
Fecal Coliform		
<i>Enterococcus</i>		

Discharges from the MS4s must not cause or contribute to the exceedance of the following receiving water limitations by the compliance dates under Specific Provision 6.b.(1): [Tables 6.2a, 6.2b].⁵³

The Water Quality Improvement Plans for the applicable Watershed Management Areas in Table 6.0 must incorporate the Comprehensive Load Reduction Plans (CLRPs) required to be developed pursuant to Resolution No. R9-2010-0001.⁵⁴

The Responsible Copermittee must implement BMPs to achieve the receiving water limitations under Specific Provision 6.b.(2)(a)

⁵³ Regional Permit, Attachment E, § 6.b.(2)(a).

⁵⁴ Attachment E, § 6.b.(2)(c)(i).

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

and/or the effluent limitations under Specific Provision 6.b.(2)(b)
for the segments or areas of the water bodies listed in Table 6.0.⁵⁵

The Regional Permit requires the Joint Test Claimants to meet both interim and final numeric pollutant limits (referenced as “Waste Load Allocations” or “WLAs” within the Permit) with respect to the Twenty Beaches and Creeks TMDL and to comply with monitoring and reporting requirements. None of these requirements (hereafter, the “TMDL-Related Mandates”) is required by federal law. While Attachment E provides that the Joint Test Claimants may rely upon BMPs in attempting to comply with these numeric effluent limits, implementation of such BMPs does *not* constitute compliance with the numeric limits. Thus, the Regional Permit requires compliance with interim and final numeric limits, irrespective of what BMPs may or may not be implemented and regardless of how effective the BMPs may be.

2. These Permit Requirements Are State Mandates

Under the CWA, a TMDL is to be established once a water body has been determined not to be meeting a water quality standard, *i.e.*, once the water body has been listed as being “impaired” for the particular pollutant or pollutants in issue.⁵⁶ A TMDL is to be established “at a level necessary to implement the applicable water quality standards.”⁵⁷ The federal regulations define a TMDL as follows:

Total maximum daily load (TMDL). The sum of the individual WLAs for point sources and LAs for nonpoint sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. If Best Management Practices (BMPs) or other nonpoint source pollution controls make more stringent load allocations practicable, then wasteload allocations can be made less stringent. Thus, the TMDL process provides for nonpoint source control tradeoffs.⁵⁸

The regulations then define a “WLA” as a “portion of a receiving water’s loading capacity that is allocated to one of its existing or future point sources of pollution. WLAs constitute a type of water quality-based effluent limitation.”⁵⁹

⁵⁵ Attachment E, § 6.b.(2)(c)(ii).

⁵⁶ 33 U.S.C. § 1313(d)(1)(C) and (D).

⁵⁷ 33 U.S.C. § 1313 (d)(1)(C); *Arcadia v. State Board* (2006) 135 Cal.App.4th 1392, 1404 (“A TMDL must be ‘established’ at a level necessary to implement the applicable water quality standards. . . . Once a TMDL is developed, effluent limitations in NPDES permits must be consistent with the waste load allocations in the TMDL.”).

⁵⁸ 40 C.F.R. § 130.2 (i).

⁵⁹ 40 C.F.R. § 130.2 (h).

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

The federal stormwater regulations do not require municipal stormwater permits to contain TMDL provisions. The relationship between TMDLs and NPDES permits is set forth in 40 C.F.R. § 122.44(d)(1)(vii)(B). The regulations provide that NPDES permits are to include conditions consistent with the assumptions and requirements of TMDL waste load allocations “when applicable.”⁶⁰ Because MS4 permits are not required to contain provisions to comply with water quality standards, TMDL WLAs intended to achieve such standards arguably are not “applicable.”

Moreover, if MS4 permits are going to include TMDL implementation provisions, the federal regulations do not require that a WLA be incorporated into a stormwater permit as a strict numeric limit, but only that permit terms be “consistent with the assumptions and requirements of any available wasteload allocations for the discharge prepared by the State and approved by EPA pursuant to 40 CFR 130.7.”⁶¹ How a WLA is to be incorporated into an NPDES permit depends upon whether the discharger is industrial or municipal. For industrial waste dischargers, Congress chose to require strict compliance with water quality standards pursuant to 33 U.S.C. § 1311(b)(1)(C), *i.e.* WLAs are to be strictly enforced through numeric limits in the industrial NPDES Permit. However, as noted above, for municipalities, Congress only required that such dischargers reduce “the discharge of pollutants to the maximum extent practicable,” and expressly “did not require municipal storm-sewer dischargers to comply strictly with 33 U.S.C. § 1311(b)(1)(C)”⁶² and US EPA allows municipal permittees to implement BMPs (rather than meet water quality standards. Thus, when it came to municipal stormwater dischargers, the Ninth Circuit found that “Congress did not mandate a minimum standards approach.”⁶³

It is also settled law that unless the CWA or the federal regulations expressly require a particular permit term, the Regional Board has wide discretion in imposing permit requirements.⁶⁴ In *Rancho Cucamonga*, the Court of Appeal held that for municipal NPDES permits, “The Act authorizes States to issue permits with conditions necessary to carry out its provisions. [citation] *The permitting agency has discretion to decide what practices, techniques, methods and other provisions are appropriate and necessary to control the discharge of pollutants.*”⁶⁵

A Regional Water Board is exercising its discretion when it incorporates WLAs from a TMDL into a permit as numeric effluent limits. As one California court has held, there is no

⁶⁰ 40 C.F.R. § 122.44.

⁶¹ 40 C.F.R. § 122.44 (d)(1)(vii)(B) (emphasis added).

⁶² *Defenders of Wildlife*, 191 F.3d at 1165 (emphasis added). In *Defenders*, the Ninth Circuit recognized the different approach taken by Congress for stormwater, finding that “industrial discharges must comply strictly with state water-quality standards,” while “Congress chose not to include a similar provision for municipal storm-sewer discharges.” The Court found that 33 U.S.C. § 1342(p)(3)(B) “is not merely silent regarding whether municipal discharges must comply with 33 U.S.C. § 1311,” but instead “replaces the requirements of § 1311 with the requirement that municipal storm-sewer dischargers ‘reduce the discharge of pollutants to the maximum extent practicable.’” *Defenders* thus concluded that “the statute unambiguously demonstrates that Congress did not require municipal storm-sewer discharges to comply strictly with 33 U.S.C. § 1311(b)(1)(C).”

⁶³ *Natural Resources Defense Council v. U.S. EPA* (9th Cir. 1992) 966 F.2d 1292, 1308.

⁶⁴ See, e.g., *Rancho Cucamonga v. Regional Water Quality Control Board, Santa Ana Region* (2006) 135 Cal.App.4th 1377, 1389.

⁶⁵ *Id.* at 1389 (emphasis added).

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

such mandate in federal law. In *Divers' Environmental*, plaintiff claimed that an NPDES permit issued by the Regional Board to the United States Navy was contrary to law because it did not incorporate TMDL WLAs into the permit as numeric effluent limits. After discussing the relevant requirements of the CWA, as well as governing case authority, the Court of Appeal found that, in regulating stormwater permits, EPA “has repeatedly expressed a preference for doing so by the way of BMPs, rather than by way of imposing either technology-based or water quality-based numerical limitations.”⁶⁶ The Court went on to find that “it is now clear that in implementing numeric water quality standards, such as those set forth in [the California Toxics Rule], permitting agencies are not required to do so solely by means of a corresponding numeric WQBEL’s”⁶⁷ Thus, *Divers' Environmental* confirms that the TMDL-derived numeric effluent limits included in the Regional Permit are included at the discretion of the Regional Board, and are not mandated by the federal CWA.

In the Los Angeles Order, the State Board further confirmed that the decision to implement WLAs through numeric effluent limits is discretionary, not mandatory:

The permitting authority [has] discretion as to how to express the WQBEL(s), either as numeric effluent limitations or as BMPs[.]⁶⁸

In sum, while “TMDLs serve as a link in an implementation chain” linking the implementation of water quality standards to the NPDES Permits,⁶⁹ strict compliance with WLAs in the TMDL is *not* required when incorporating a TMDL into a stormwater NPDES Permit. Nonetheless, as this Commission has previously recognized, “the federal Clean Water Act authorizes states to impose more stringent measures than required by federal law.”⁷⁰ Thus NPDES “permits may include state-imposed, in addition[] to federally required measures. Those state measures . . . may constitute a state mandate if they ‘exceed the mandate in . . . federal law.’”⁷¹

Here, the Regional Board has clearly exercised its discretion “to impose more stringent measures than required by federal law.” Specifically, the provisions within the Regional Permit that require all interim and final numeric targets to be “achieved” and “met,” as well as the monitoring and reporting obligations associated with such numeric targets, go beyond federal requirements.

3. These Are New Requirements or Require Higher Levels of Service

Previous permits for the Joint Test Claimants did not contain the Twenty Beaches and Creeks TMDL-related mandates at issue in this Joint Test Claim, as that TMDL was not

⁶⁶ *Id.* at 256.

⁶⁷ *Id.* at 262 (emphasis added).

⁶⁸ Los Angeles Order, *supra*, at 57.

⁶⁹ *Arcadia v. EPA* (N.D. Cal. 2003) 265 F.Supp.2d 1142, 1144-45.

⁷⁰ Statement of Decision, Test Claim 07-TC-09, at 41.

⁷¹ *Id.* (finding individual permit terms must be analyzed “to determine whether the state requirements exceed the federal requirements imposed on local agencies”).

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

incorporated into such permits. As such, the requirements involving the TMDLs within the Regional Permit are new requirements and ones requiring a higher level of service.

4. Mandated Activities in Regional Permit

Provision A.3.b and Attachment E, Section 6 in the Regional Permit impose mandates on the Joint Test Claimants to meet the numeric effluent limits specified in Attachment E, along with related monitoring and reporting obligations. The permit obligates the Joint Test Claimants to strictly meet interim and final numeric effluent limits, and to take extensive steps to achieve the TMDL WLAs without reference to achievable BMPs, including through the performance of studies and investigations, planning, development and implementation of new program activities, as well as steps required to monitor, assess and update as required, those activities.

5. Actual and Estimated Reimbursable Costs

To comply with the Regional Permit's TMDL requirements, the Joint Test Claimants must expend resources each year to develop, administer, implement and maintain costly programs. This includes costs to conduct studies and investigations, plan and implement new program activities (research, meetings, stakeholder coordination, etc.), and to monitor, assess, report on, and modify these programs as necessary to achieve and maintain compliance with the TMDLs. These costs may include staffing, materials and supplies, and contract work. The ultimate costs of complying with Provision A.3.b and the relevant provisions of Attachment E are not currently known. The Joint Test Claimants have spent \$278,422 plus a yet to be identified share of a \$2,306,214 project in FY 2014-15 and \$592,178 in FY 2015-16 and estimate that they will spend \$869,318 in FY 2016-17 with respect to these requirements.⁷²

C. WATER QUALITY IMPROVEMENT PLAN REQUIREMENTS, PROVISIONS B AND F

1. Mandated Programs in Regional Permit

Provisions B and F of the Regional Permit require the Joint Test Claimants to develop a WQIP for each of the Watershed Management Areas identified in Table B-1 of the Permit.⁷³ The Permittees are required to develop, implement, update and provide annual reports for WQIPs for each Watershed Management Area. Provision B sets forth the substantive requirements for the development and content of the WQIPs for each Area, while Provision F sets forth requirements for public participation, submittal, review and modification of the WQIPs.

Relevant portions of Provisions B.2 to B.6⁷⁴ require the Permittees to:

- identify the water quality priorities within each Watershed Management Area that will be addressed by the Water Quality

⁷² See Section 6 Declarations, ¶ 7.b.

⁷³ Regional Permit, Provision B.1.

⁷⁴ Additionally, Provision B.3.c. requires additional programs, as discussed in Section IV.D below.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

Improvement Plan.⁷⁵

- consider [nine factors] at a minimum, to identify water quality priorities based on impacts of MS4 discharges on receiving water beneficial uses.⁷⁶
- consider [six factors] at a minimum, to identify the potential impacts to receiving waters that may be caused or contributed to by discharges from the Copermittees' MS4s.⁷⁷
- use the information gathered for Provisions B.2.a and B.2.b to develop a list of priority water quality conditions as pollutants, stressors and/or receiving water conditions that are the highest threat to receiving water quality or that most adversely affect the quality of receiving waters. The list must include [five elements] for each priority water quality condition.⁷⁸
- identify the highest priority water quality conditions to be addressed by the Water Quality Improvement Plan, and provide a rationale for selecting a subset of the water quality conditions identified pursuant to Provision B.2.c.(1) as the highest priorities.⁷⁹
- identify and prioritize known and suspected sources of storm water and non-storm water pollutants and/or other stressors associated with MS4 discharges that cause or contribute to the highest priority water quality conditions identified under Provision B.2.c. The identification of known and suspected sources of pollutants and/or stressors that cause or contribute to the highest priority water quality conditions as identified for Provision B.2.c must consider [five factors].⁸⁰
- evaluate the findings identified under Provisions B.2.a-d, and identify potential strategies that can result in improvements to water quality in MS4 discharges and/or receiving waters within the Watershed Management Area. Potential water quality improvement strategies that may be implemented within the Watershed Management Area must include [three factors].⁸¹
- identify and develop specific water quality improvement goals and strategies to address the highest priority water quality conditions

⁷⁵ Regional Permit Provision B.2.a.

⁷⁶ Regional Permit Provision B.2.a.

⁷⁷ Regional Permit Provision B.2.b.

⁷⁸ Regional Permit Provision B.2.c.(1).

⁷⁹ Regional Permit Provision B.2.c.(2).

⁸⁰ Regional Permit Provision B.2.d.(1)-(5).

⁸¹ Regional Permit Provision B.2.e.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

identified within a Watershed Management Area. The water quality improvement goals and strategies must address the highest priority water quality conditions by effectively prohibiting non-storm water discharges to the MS4, reducing pollutants in storm water discharges from the MS4 to the MEP, and protecting the water quality standards of receiving waters.⁸²

- develop and incorporate numeric goals into the Water Quality Improvement Plan. Numeric goals must be used to support Water Quality Improvement Plan implementation and measure reasonable progress towards addressing the highest priority water quality conditions identified under Provision B.2.c. The Copermittees must establish and incorporate [final and interim] numeric goals in the Water Quality Improvement Plan.⁸³
- develop and incorporate schedules for achieving the numeric goals into the Water Quality Improvement Plan. The schedules must demonstrate reasonable progress toward achieving the final numeric goals required for Provision B.3.a.(1). The Copermittees must incorporate the schedules for achieving the numeric goals into the Water Quality Improvement Plan based on final and interim dates for achieving final and interim numeric goals based on eight considerations specified in Provision B.3.a.(2).(a).(i)-(iv) and Provision B.3.a.(2).(b).(i)-(iv).⁸⁴
- identify the strategies that will be implemented in each Watershed Management Area as follows:
 - (1) Jurisdictional Strategies ...⁸⁵
 - (2) Watershed Management Area Strategies ...⁸⁶
 - (3) Schedules for Implementing Strategies.⁸⁷
- develop and incorporate an integrated monitoring and assessment program into the Water Quality Improvement Plan.⁸⁸
- implement the iterative approach pursuant to Provision A.4 to adapt the Water Quality Improvement Plan, monitoring and assessment

⁸² Regional Permit Provision B.3.

⁸³ Regional Permit Provision B.3.a.(1).

⁸⁴ Regional Permit Provision B.3.a.(2).

⁸⁵ Regional Permit Provision B.3.b.(1).

⁸⁶ Regional Permit Provision B.3.b.(2).

⁸⁷ Regional Permit Provision B.3.b.

⁸⁸ Regional Permit Provision B.4.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

program, and jurisdictional runoff management programs to become more effective toward achieving compliance with Provisions A.1.a, A.1.c and A.2.a, and must include the following

- re-evaluation of priority water quality conditions . . .
- adaptation of goals, strategies and schedules . . .
- adaptation of monitoring and assessment.⁸⁹

Provision F.1 requires:

1. Water Quality Improvement Plans

The Copermittees for each Watershed Management Area must develop and submit the Water Quality Improvement Plan in accordance with the following requirements:

a. WATER QUALITY IMPROVEMENT PLAN DEVELOPMENT

Each Water Quality Improvement Plan must be developed in accordance with the following process:

(1) Public Participation Process

The Copermittees must implement a public participation process to solicit data, information, and recommendations to be utilized in the development of the Water Quality Improvement Plan. The public participation process must include the following:

- (a) The Copermittees must develop a publicly available and noticed schedule of the opportunities for the public to participate and provide comments during the development of the Water Quality Improvement Plan. The schedule may be adjusted as necessary by the Copermittees, provided the public is provided timely notification of the changes to the schedule.
- (b) The Copermittees must form a Water Quality Improvement Consultation Panel to provide recommendations during the development of the Water Quality Improvement Plan. The Water Quality Improvement Consultation Panel must consist of at least the following members:

⁸⁹ Regional Permit Provision B.5.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

- (i) A representative of the San Diego Water Board;
 - (ii) A representative of the environmental community familiar with the water quality conditions of concern of the receiving waters in the Watershed Management Area, preferably from an environmental interest group associated with a water body within the Watershed Management Area; and
 - (iii) A representative of the development community familiar with the opportunities and constraints for implementing structural BMPs, retrofitting projects, and stream, channel or habitat rehabilitation projects in the Watershed Management Area, preferably with relevant engineering, hydrology, and/or geomorphology experience in the Watershed Management Area.
- (c) The Copermittees must coordinate the schedules for the public participation process among the Watershed Management Areas to provide the public time and opportunity to participate during the development of the Water Quality Improvement Plans.

(2) Priority Water Quality Conditions

- (a) The Copermittees must solicit data, information and recommendations from the public to be utilized in the development and identification of the priority water quality conditions and potential water quality improvement strategies for the Watershed Management Area.
- (b) The Copermittees must review the priority water quality conditions the Copermittees plan on including in the Water Quality Improvement Plan with the Water Quality Improvement Consultation Panel to receive recommendations or concurrence.
- (c) The Copermittees must consider revisions to the priority water quality conditions based on recommendations from the Water Quality Improvement Consultation Panel.
- (d) The Copermittees must include all the potential water quality improvement strategies identified by the public and the Water Quality Improvement Consultation Panel with the submittal of the priority water quality conditions to the San Diego Water Board.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

(e) The Copermittees must submit the Water Quality Improvement Plan requirements of Provision B.2 to the San Diego Water Board as early as 6 months and no later than 12 months after the commencement of coverage under this Order. Upon receipt, the San Diego Water Board will issue a public notice and release the proposed priority water quality conditions and potential water quality improvement strategies for public review and comment for a minimum of 30 days.

(f) The Copermittees must consider revisions to the priority water quality conditions and potential water quality improvement strategies developed pursuant to Provision B.2 based on public comments received by the close of the comment period.

(3) Water Quality Improvement Goals, Strategies and Schedules

(a) The Copermittees must solicit recommendations from the public on potential numeric goals for the highest priority water quality conditions identified for the Watershed Management Area, and recommendations on the strategies that should be implemented to achieve the potential numeric goals.

(b) The Copermittees must consult with the Water Quality Improvement Consultation Panel and consider revisions to the following items based on the Panel's recommendations:

(i) The numeric goals and schedules the Copermittees propose to include in the Water Quality Improvement Plan;

(ii) The water quality improvement strategies and schedules the Copermittees propose to implement in the Watershed Management Area and include in the Water Quality Improvement Plan; and

(iii) If the Copermittees choose to implement Provision B.3.b.(4), the results of the Watershed Management Area Analysis the Copermittees proposed to incorporate into the Water Quality Improvement Plan.

(c) The Copermittees must submit the Water Quality Improvement Plan requirements of Provision B.3 to the San Diego Water Board as early as 9 months and no later than 18 months after the commencement of coverage under this Order. Upon receipt, the San Diego Water Board will issue a public

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

notice and release the proposed water quality improvement goals, strategies and schedules for public review and comment for a minimum of 30 days.

(d) The Copermittees must consider revisions to the water quality improvement goals, strategies and schedules developed pursuant to Provision B.3 based on public comments received by the close of the comment period.

**b. WATER QUALITY IMPROVEMENT PLAN SUBMITTAL
AND IMPLEMENTATION**

(1) Within 24 months after the commencement of coverage under this Order, the Copermittees for each Watershed Management Area must submit a complete Water Quality Improvement Plan in accordance with the requirements of Provision B of this Order to the San Diego Water Board. The San Diego Water Board will issue a public notice and release the Water Quality Improvement Plan for public review and comment for a minimum of 30 days.

(2) The Copermittees must consider revisions to the Water Quality Improvement Plan based on written comments received by the close of the public comment period.

(3) The Copermittees must promptly submit any revisions to the Water Quality Improvement Plan to the San Diego Water Board no later than 60 days after the close of the public comment period.

(4) If issues concerning the Water Quality Improvement Plan are resolved informally through discussions among the Copermittees, the San Diego Water Board and interested parties, the San Diego Water Board Executive Officer may provide written notification of acceptance to the Copermittees that the Water Quality Improvement Plan meets the requirements of Provision B. However, if the Executive Officer determines that significant issues with the Water Quality Improvement Plan remain, the matter will be scheduled for San Diego Water Board consideration at a public meeting.

(5) The Copermittees must commence with implementation of the Water Quality Improvement Plan, in accordance with the water quality improvement strategies and schedules therein, upon written notification of acceptance with the Water Quality

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

Improvement Plan by the San Diego Water Board Executive Officer.

(6) During implementation of the Water Quality Improvement Plan the Copermittees must correct any deficiencies in the Plan identified by the San Diego Water Board in the updates submitted with the Water Quality Improvement Plan Annual Report following a request by the Board to do so.

(7) The Water Quality Improvement Plan must be made available on the Regional Clearinghouse required pursuant to Provision F.4 within 30 days of receiving notification of acceptance with the Water Quality Improvement Plan by the San Diego Water Board Executive Officer.

Provision F.2.c. requires:

c. WATER QUALITY IMPROVEMENT PLAN UPDATES

(1) The Water Quality Improvement Plans must be updated in accordance with the following process:

(a) The Copermittees must develop and implement a public participation process to obtain data, information and recommendations for updating the Water Quality Improvement Plan. The public participation process must provide for a publicly available and noticed schedule of opportunities for the public to participate and provide comments during the development of updates to the Water Quality Improvement Plan;

(b) The Copermittees must consult with the Water Quality Improvement Consultation Panel on proposed updates of the Water Quality Improvement Plan, and consider the Water Quality Improvement Consultation Panel's recommendations in finalizing the proposed updates;

(c) The Copermittees for each Watershed Management Area must submit 1) proposed updates to the Water Quality Improvement Plan and supporting rationale, and 2) recommendations received from the public and the Water Quality Improvement Consultation Panel and the rationale for the requested updates, either in the Water Quality Improvement Plan Annual Reports required pursuant to Provision F.3.b.(3), or as part of the Report of Waste Discharge required pursuant to Provision F.5.b. The

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

updates submitted will be deemed accepted for inclusion in the Water Quality Improvement Plan ninety (90) days after submission unless otherwise directed in writing by the San Diego Water Board Executive Officer;

(d) The Copermittees must revise the requested updates as directed by the San Diego Water Board Executive Officer; and

(e) Updated Water Quality Improvement Plans must be made available on the Regional Clearinghouse required pursuant to Provision F.4 within 30 days of acceptance of the requested updates by the San Diego Water Board.

(2) No later than six months following Office of Administrative Law and USEPA approval of any TMDL Basin Plan amendment with wasteload allocations (WLAs) assigned to the Copermittees during the term of this Order, the Copermittees must initiate an update to the applicable Water Quality Improvement Plans in accordance with Provision F.1 or Provision F.2.c.(1) to incorporate the requirements of the TMDL WLAs.

Provision F.3.b.(3) requires:

(3) Water Quality Improvement Plan Annual Reports

The Copermittees for each Watershed Management Area must submit a Water Quality Improvement Plan Annual Report for each reporting period no later than January 31 of the following year. The annual reporting period consists of two different periods: 1) July 1 to June 30 of the following year for the jurisdictional runoff management programs, 2) October 1 to September 30 of the following year for the monitoring and assessment programs. The Water Quality Improvement Plan Annual Reports must be made available on the Regional Clearinghouse required pursuant to Provision F.4. Each Annual Report must include the following:

(a) The receiving water and MS4 outfall discharge monitoring data collected pursuant to Provisions D.1 and D.2, summarized and presented in tabular and graphical form;

(b) The progress of the special studies required pursuant to Provision D.3, and the findings, interpretations and conclusions of a special study, or each phase of a special study, upon its completion;

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

(c) The findings, interpretations and conclusions from the assessments required pursuant to Provision D.4;

(d) The progress of implementing the Water Quality Improvement Plan, including, but not limited to, the following:

(i) The progress toward achieving the interim and final numeric goals for the highest water quality priorities for the Watershed Management Area;

(ii) The water quality improvement strategies that were implemented and/or no longer implemented by each of the Copermittees during the reporting period and previous reporting periods;

(iii) The water quality improvement strategies planned for implementation during the next reporting period;

(iv) Proposed modifications to the water quality improvement strategies, the public comments received and the supporting rationale for the proposed modifications;

(v) Previous modifications or updates incorporated into the Water Quality Improvement Plan and/or each Copermittee's jurisdictional runoff management program document and implemented by the Copermittees in the Watershed Management Area; and

(vi) Proposed modifications or updates to the Water Quality Improvement Plan and/or each Copermittee's jurisdictional runoff management program document;

(e) A completed Jurisdictional Runoff Management Program Annual Report Form (contained in Attachment D to this Order or a revised form accepted by the San Diego Water Board) for each Copermittee in the Watershed Management Area, certified by a Principal Executive Officer, Ranking Elected Official, or Duly Authorized Representative; and

(f) Each Copermittee must provide any data or documentation utilized in developing the Water Quality Improvement Plan Annual Report upon request by the San Diego Water Board. Any Copermittee monitoring data utilized in developing the Water Quality Improvement Plan Annual Report must be uploaded to the California Environmental Data Exchange Network (CEDEN).²⁹ Any Copermittee monitoring and assessment data utilized in

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

developing the Water Quality Improvement Plan Annual Report
must be available for access on the Regional Clearinghouse
required pursuant to Provision F.4.

2. These Permit Requirements Are State Mandates

Nothing in the CWA, its regulations, or case law requires local agencies to develop, implement, update, and provide annual reports on a WQIP for each of the Watershed Management Areas. As discussed in Section IV.A and B, the requirement to attain water quality standards, which is the end goal of the WQIP and the WQIP process set forth in Provisions B and F, is a discretionary decision by the Regional Water Board, and not required by federal law.

3. These Are New Requirements or Require Higher Levels of Service

This Commission has previously reviewed requirements in a 2007 MS4 permit issued by the Regional Water Board that were similar to, but much less extensive than, the cited requirements of Provisions B and F and found them to constitute an unfunded state mandate. The Commission found that requirements in Provision E.2.f and g of Regional Board Order R9-2007-0001 (the “2007 San Diego County Permit”), which are similar but less proscriptive than the requirements of B2-B6, F.1, F.2.c. and F.3.b.(c) of the Regional Permit, were unfunded state mandates. The Commission found that the “federal regulations authorize but do not require the specificity regarding whether collaboration occurs on a jurisdictional, watershed, or other basis.”⁹⁰

Previous permits covering the Joint Test Claimants did not require them to develop, implement, update, and provide annual reports on a WQIP for each of the Watershed Management Areas. Provisions G.2 through G.7 of the 2009 Permit required the Joint Test Claimants to collaborate in the development and implementation of a Watershed Water Quality Work Plan (“Watershed Work Plan”) for each watershed. Each Watershed Work Plan was required to characterize receiving water quality in the watershed, identify highest priority water quality problems, identify the sources of the highest water quality problems, develop a watershed BMP implementation strategy, include a strategy to model and monitor improvements in receiving water quality resulting from implementation of the BMPs, and include a schedule for development and implementation of the strategy outlined in the Watershed Work Plan. These requirements were the subject of a test claim on the 2009 Permit, which is incorporated herein by this reference.⁹¹ These requirements, however, were far less impactful than the cited requirements of Provisions B and F of the Regional Permit, which impose both new programs and higher levels of service on the Permittees.

In addition to representing new programs and higher levels of service, the WQIP process in the cited portions of Provisions B and F also shifts responsibility for the development of TMDLs from the state, where it is laid under the CWA and its regulations, to the Joint Test Claimants. The test for determining whether the “new program or higher level of service” is a

⁹⁰ Statement of Decision, Test Claim 07-TC-09, at 74.

⁹¹ Test Claim 10-TC-11, § IV.G.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

state mandate is whether the state has a “true choice” in the matter of implementation, *i.e.*, whether the state freely chose to impose that program on local municipalities as opposed to performing the obligation itself.⁹²

As discussed above, TMDLs are designed to improve water quality in “impaired” waterbodies. The federal CWA regulations require states to assess a waterbody with respect to pollutants which impair its ability to meet assigned beneficial uses, including the amount of the total load of such pollutants which the waterbody can receive and still meet water quality standards and to develop allocations, including WLAs.⁹³ Following this effort, state law requires the development of an implementation plan.⁹⁴

The requirements of Provision B.1 through B.4 shift that process of assessing waterbodies, determining total loads and developing implementation plans to the Joint Test Claimants. These provisions require the Joint Test Claimants to identify prior water quality conditions in the watersheds, including assessment of receiving water conditions, impacts from MS4 discharges and the identification of potential water quality improvement strategies, requiring the Permittees to develop goals and schedules, including final numeric goals as well as interim dates for interim goals, and requiring the development of jurisdictional strategies and Watershed Management Area strategies. These provisions, as well as Provision B.3.c (discussed in Section IV.D) shift the responsibility of the Regional Water Board to develop TMDLs for impaired waterbodies to the Joint Test Claimants.

This shift was explicitly recognized by the Regional Board in its adoption of the Regional Permit. The Board noted that implementation of the WQIPs in the cases of watersheds with waterbodies already affected by pollutants may allow the Board to re-evaluate the status of such waterbodies and, potentially, move the waterbodies from the 303(d) list (which require TMDL implementation) to a less stringent categorization.⁹⁵ Although, as the Regional Board has asserted, WQIP implementation may have advantages over TMDLs from a policy standpoint, that is not the issue before the Commission. The issue is whether the Board has shifted its federally imposed TMDL responsibility to the Permittees, thus creating a state mandate.⁹⁶

4. Mandated Activities in Regional Permit

The Regional Permit requires the Joint Test Claimants to perform the following activities that are not required under either federal law or the 2009 Permit:

(a) Develop and Implement WOIP

- identify the water quality priorities within each Watershed

⁹² *Hayes*, 11 Cal.App.4th at 1593-94.

⁹³ *See generally* 40 C.F.R. §130.7(b).

⁹⁴ Water Code §13241.

⁹⁵ *See* Regional Permit Fact Sheet at F-63 to F-65

⁹⁶ *Hayes, supra*, 11 Cal. App.4th at 1593-94.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

Management Area that will be addressed by the WQIP.⁹⁷

- consider [nine] factors at a minimum, to identify water quality priorities based on impacts of MS4 discharges on receiving water beneficial uses⁹⁸
- consider [six factors] at a minimum, to identify the potential impacts to receiving waters that may be caused or contributed to by discharges from the Permittees' MS4s.⁹⁹ use the information gathered for Provisions B.2.a and B.2.b to develop a list of priority water quality conditions as pollutants, stressors and/or receiving water conditions that are the highest threat to receiving water quality or that most adversely affect the quality of receiving waters. The list must include [five elements] for each priority water quality condition.¹⁰⁰
- identify the highest priority water quality conditions to be addressed by the WQIP, and provide a rationale for selecting a subset of the water quality conditions identified pursuant to Provision B.2.c.(1) as the highest priorities.¹⁰¹
- identify and prioritize known and suspected sources of storm water and non-storm water pollutants and/or other stressors associated with MS4 discharges that cause or contribute to the highest priority water quality conditions identified under Provision B.2.c. The identification of known and suspected sources of pollutants and/or stressors that cause or contribute to the highest priority water quality conditions as identified for Provision B.2.c must consider [five factors].¹⁰²
- evaluate the findings identified under Provisions B.2.a-d, and identify potential strategies that can result in improvements to water quality in MS4 discharges and/or receiving waters within the Watershed Management Area. Potential water quality improvement strategies that may be implemented within the Watershed Management Area must include [three factors].¹⁰³
- identify and develop specific water quality improvement goals and strategies to address the highest priority water quality conditions identified within a Watershed Management Area. The water quality improvement goals and strategies must address the highest priority

⁹⁷ Regional Permit Provision B.2.a.

⁹⁸ Regional Permit Provision B.2.a.

⁹⁹ Regional Permit Provision B.2.b.

¹⁰⁰ Regional Permit Provision B.2.c.(1).

¹⁰¹ Regional Permit Provision B.2.c.(2).

¹⁰² Regional Permit Provision B.2.d.(1)-(5).

¹⁰³ Regional Permit Provision B.2.e.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

water quality conditions by effectively prohibiting non-storm water discharges to the MS4, reducing pollutants in storm water discharges from the MS4 to the MEP, and protecting the water quality standards of receiving waters.¹⁰⁴

- develop and incorporate numeric goals into the WQIP. Numeric goals must be used to support WQIP implementation and measure reasonable progress towards addressing the highest priority water quality conditions identified under Provision B.2.c. The Permittees must establish and incorporate [final and interim] numeric goals in the WQIP.¹⁰⁵
- develop and incorporate schedules for achieving the numeric goals into the WQIP. The schedules must demonstrate reasonable progress toward achieving the final numeric goals required for Provision B.3.a.(1). The Permittees must incorporate the schedules for achieving the numeric goals into the WQIP based on final and interim dates for achieving final and interim numeric goals based on eight considerations specified in Provision B.3.a.(2).(a).(i)-(iv) and Provision B.3.a.(2).(b).(i)-(iv).¹⁰⁶
- identify the strategies that will be implemented in each Watershed Management Area as follows:
 - (1) Jurisdictional Strategies ...¹⁰⁷
 - (2) Watershed Management Area Strategies ...¹⁰⁸
 - (3) Schedules for Implementing Strategies.¹⁰⁹
- develop and incorporate an integrated monitoring and assessment program into the WQIP.¹¹⁰
- implement the iterative approach pursuant to Provision A.4 to adapt the WQIP, monitoring and assessment program, and jurisdictional runoff management programs to become more effective toward achieving compliance with Provisions A.1.a, A.1.c and A.2.a, and must include the following

¹⁰⁴ Regional Permit Provision B.3.

¹⁰⁵ Regional Permit Provision B.3.a.(1).

¹⁰⁶ Regional Permit Provision B.3.a.(2).

¹⁰⁷ Regional Permit Provision B.3.b.(1).

¹⁰⁸ Regional Permit Provision B.3.b.(2).

¹⁰⁹ Regional Permit Provision B.3.b.

¹¹⁰ Regional Permit Provision B.4.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

- re-evaluation of priority water quality conditions . . .
- adaptation of goals, strategies and schedules . . .
- adaptation of monitoring and assessment.¹¹¹

(b) Update WOIPs

- develop and implement a public participation process to obtain data, information and recommendations for updating the WQIP. The public participation process must provide for a publicly available and noticed schedule of opportunities for the public to participate and provide comments during the development of updates to the WQIP;
- consult with the Water Quality Improvement Consultation Panel on proposed updates of the WQIP, and consider the Consultation Panel's recommendations in finalizing the proposed updates;
- submit 1) proposed updates to the WQIP and supporting rationale, and 2) recommendations received from the public and the Consultation Panel and the rationale for the requested updates, either in the WQIP Annual Reports required pursuant to Provision F.3.b.(3), or as part of the Report of Waste Discharge required pursuant to Provision F.5.b;
- revise the requested updates as directed by the Regional Water Board Executive Officer; and
- make the updated WQIPs available on the Regional Clearinghouse required pursuant to Provision F.4 within 30 days of acceptance of the requested updates by the Regional Water Board.

(c) Report on WOIPs

- Submit a WQIP Annual Report for each reporting period no later than January 31 of the following year, which includes the following:
- The receiving water and MS4 outfall discharge monitoring data collected pursuant to Provisions D.1 and D.2, summarized and presented in tabular and graphical form;
- The progress of the special studies required pursuant to Provision D.3, and the findings, interpretations and conclusions of a special study, or each phase of a special study, upon its completion;

¹¹¹ Regional Permit Provision B.5.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

- The findings, interpretations and conclusions from the assessments required pursuant to Provision D.4;
- The progress of implementing the WQIP, including, but not limited to, the following:
 - (i) The progress toward achieving the interim and final numeric goals for the highest water quality priorities for the Watershed Management Area;
 - (ii) The water quality improvement strategies that were implemented and/or no longer implemented by each of the Copermittees during the reporting period and previous reporting periods;
 - (iii) The water quality improvement strategies planned for implementation during the next reporting period;
 - (iv) Proposed modifications to the water quality improvement strategies, the public comments received and the supporting rationale for the proposed modifications;
 - (v) Previous modifications or updates incorporated into the WQIP and/or each Permittee's jurisdictional runoff management program document and implemented by the Permittees in the Watershed Management Area; and
 - (vi) Proposed modifications or updates to the WQIP and/or each Permittee's jurisdictional runoff management program document;
- A completed Jurisdictional Runoff Management Program Annual Report Form (contained in Attachment D to the Regional Permit or a revised form accepted by the Regional Water Board) for each Permittee in the Watershed Management Area, certified by a Principal Executive Officer, Ranking Elected Official, or Duly Authorized Representative; and
- Any data or documentation utilized in developing the WQIP Annual Report upon request by the Regional Water Board. Any Permittee monitoring data utilized in developing the WQIP Annual Report must be uploaded to the California Environmental Data Exchange Network (CEDEN).²⁹ Any Copermittee monitoring and assessment data utilized in developing the WQIP Annual Report must be available for access on the Regional Clearinghouse required pursuant to Provision

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

F.4.

5. Actual and Estimated Reimbursable Costs

To comply with the Regional Permit's WQIP requirements, the Joint Test Claimants must expend resources each year to develop, administer, and maintain programs required under each WQIP in which they participate. This includes costs needed to conduct studies and investigations, plan and implement new program activities (research and development of required deliverables, meetings, stakeholder coordination, public outreach and workshops, etc.), and to monitor, assess, report on, and modify these programs as necessary to maintain compliance with each WQIP. These elements may include staffing, materials and supplies, as well as contract work. The Joint Test Claimants have spent \$4,100 in FY 2014-15 and \$321,291 in FY 2015-16 and estimate that they will spend \$243,427 in FY 2016-17 with respect to these requirements.¹¹²

D. ALTERNATIVE COMPLIANCE OPTION, PROVISION B.3.c.

1. Mandated Requirement in Regional Permit

Provision B.3.c of the Regional Permit provides that permittees have “the option to use implementation of the Water Quality Improvement Plan to demonstrate compliance with the requirements of Provisions A.1.a, A.1.c, A.1.d, A.2.a, and A.3.b within a Watershed Management Area, subject to [certain] conditions[.]”¹¹³ Recognizing that permittees, including the Joint Test Claimants, are in jeopardy for their inability to comply with the strict numeric limitations in Provisions A.2 – A.3, Provision B.3.c of the Regional Permit establishes a “voluntary” alternative compliance option (“ACO”) that would allow the Permittees to be deemed compliant with these provisions by undertaking actions above and beyond developing and implementing a WQIP for each Watershed Management Area.

As discussed below, while termed an “option,” the ACO is neither an “alternative” to ultimate strict compliance with receiving water limitations nor is it truly “voluntary.”

Provision B.3.c provides¹¹⁴:

**c. PROHIBITIONS AND LIMITATIONS COMPLIANCE
OPTION**

Each Copermittee has the option to utilize the implementation of the Water Quality Improvement Plan to demonstrate compliance with the requirements of Provisions A.1.a, A.1.c, A.1.d, A.2, and A.3.b within a Watershed Management Area subject to the following conditions:

¹¹² See Section 6 Declarations, ¶ 7.c.

¹¹³ Regional Permit, B.3.c.

¹¹⁴ Footnotes omitted.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

(1) A Copermittee is eligible to be deemed in compliance with Provisions A.1.a, A.1.c, A.1.d, A.2, and A.3.b within a Watershed Management Area when the Water Quality Improvement Plan for a Watershed Management Area incorporates the following:

(a) Numeric goals, water quality improvement strategies, and schedules developed pursuant to Provisions B.3.a and B.3.b that include the following:

(i) Interim and final WQBELs established by the TMDLs in Attachment E to this Order applicable to the Copermittee's jurisdiction within the Watershed Management Area; AND

(ii) Interim and final numeric goals for any ASBS subject to the provisions of Attachment B to State Water Board Resolution No. 2012-0012 (included as Attachment A to this Order) applicable to the Copermittee's jurisdiction within the Watershed Management Area; AND

(iii) Interim and final numeric goals applicable to the Copermittee's MS4 discharges within the Watershed Management Area expressed as numeric concentration-based or load-based goals for all pollutants and conditions listed on the Clean Water Act Section 303(d) List of Water Quality Impaired Segments for the receiving waters in the Watershed Management Area that do not have a TMDL incorporated into Attachment E to this Order; AND/OR

(iv) Interim and final numeric goals for pollutants and conditions identified as receiving water priorities in the Water Quality Improvement Plan that will result in chemical, physical, and biological conditions protective of the beneficial uses of the receiving waters impacted by the Copermittee's MS4 discharges within the Watershed Management Area; AND

(v) The Copermittee has the option to include interim and final numeric goals applicable to the Copermittee's MS4 discharges and/or receiving waters within the Watershed Management Area for any pollutants or conditions in addition to those described in Provisions B.3.c.(1)(a)(i)-(iv); AND

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

- (vi) Schedules for achieving each final numeric goal that reflect a realistic assessment of the shortest practicable time needed for achievement; AND
 - (vii) For each final numeric goal developed pursuant to Provisions B.3.a and B.3.c.(1)(a)(i)-(v), annual milestones and the dates for their achievement must be included within each of the next five (5) Water Quality Improvement Plan Annual Report reporting periods, or until the final numeric goal is achieved. Annual milestones and the dates for their achievement for the 5 Water Quality Improvement Plan Annual Report reporting periods of the next permit term, or until the final numeric goal is achieved, must be provided as part of the Report of Waste Discharge required pursuant to Provision F.5.
- (b) An analysis that meets all of the following conditions:
- (i) The analysis, with clearly stated assumptions included in the analysis, must quantitatively demonstrate that the implementation of the water quality improvement strategies required under Provision B.3.b will achieve the final numeric goals within the schedules developed pursuant to Provisions B.3.a and B.3.c.(1)(a).
 - (ii) The development of the analysis must include a public participation process which allows the public to review and provide comments on the analysis methodology utilized and the assumptions included in the analysis. Public comments and responses must be included as part of the analysis documentation included in the Water Quality Improvement Plan.
 - (iii) The analysis may be performed by an individual Copermittee or jointly by two or more Copermittees choosing to utilize this compliance option for their jurisdictions within the Watershed Management Area.
 - (iv) The analysis must be updated as part of the iterative approach and adaptive management process required under Provisions B.5.a-b.
- (c) Specific monitoring and assessments required pursuant to Provision B.4.a that will be performed by the Copermittee capable of 1) demonstrating whether the implementation of

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

the water quality improvement strategies are making progress toward achieving the numeric goals in accordance with the established schedules developed pursuant to Provisions B.3.a and B.3.c.(1)(a), and 2) determining whether interim and final numeric goals have been achieved. The specific monitoring and assessments must be updated as part of the iterative approach and adaptive management process required under Provision B.5.c.

- (d) Documentation showing that the numeric goals, schedules, and annual milestones proposed pursuant to Provision B.3.c.(1)(a), the analysis performed pursuant to Provision B.3.c.(1)(b), and the specific monitoring and assessments proposed pursuant to Provision B.3.c.(1)(c) have been reviewed by the Water Quality Improvement Consultation Panel (see Provision F.1.a.(1)(b)). Updates must be reviewed by the Water Quality Improvement Consultation Panel for any recommendations.
- (2) Each Copermittee that voluntarily completes the requirements of Provision B.3.c.(1) is deemed in compliance with Provisions A.1.a, A.1.c, A.1.d, A.2, and A.3.b for the pollutants and conditions for which numeric goals are developed when the Water Quality Improvement Plan, incorporating the requirements of Provision B.3.c.(1), is accepted by the San Diego Water Board pursuant to Provision F.1.b or F.2.c. The Copermittee is deemed in compliance during the term of this Order as long as:
 - (a) The Copermittee is implementing the water quality improvement strategies within its jurisdiction developed pursuant to Provision B.3.b.(1) and in compliance with the schedules for implementing the strategies established pursuant to Provisions B.3.b.(3)(a) and B.3.c.(1)(a)(vii);
AND
 - (b) The Copermittee is performing the monitoring and assessments developed pursuant to Provision B.3.c.(1)(c);
AND
 - (c) The Copermittee's assessments in the Water Quality Improvement Plan Annual Report submitted pursuant to Provision F.3.b.(3) support a conclusion that: 1) the Copermittee is in compliance with the annual milestones and dates for achievement developed pursuant to Provision B.3.c.(1)(a)(vii), OR 2) the Copermittee has provided

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

acceptable rationale and recommends appropriate modifications to the interim numeric goals, and/or water quality improvement strategies, and/or schedules to improve the rate of progress toward achieving the final numeric goals developed pursuant to Provisions B.3.a and B.3.c.(1)(a)(i)-(vi); AND

(d) Any proposed modifications to the numeric goals, strategies, schedules, and/or annual milestones are accepted by the San Diego Water Board as part of subsequent updates to the Water Quality Improvement Plan pursuant to Provision F.2.c; AND

(e) The Copermittee is implementing the requirements of Provision A.4.a.

2. The Permit Requirements Are a State Mandate

The ACO is a state mandate. First, the ACO is not an alternative to ultimate strict compliance with receiving water limitations because Section B.3.c requires the Joint Test Claimants to demonstrate through the planning documents required by the WQIP that they will attain the numeric effluent limitations strictly enforced in Provisions A.2 - A.3 and Attachment E of the Regional Permit. Under the ACO, therefore, Permittees must still attain all receiving water limitations.

Second, the ACO is not a truly voluntary alternative. To be considered a “voluntary” program, a government entity “must have a genuine choice whether to accept the offer” and voluntariness ends where “pressure turns into compulsion.”¹¹⁵ Where a governmental entity lacks a meaningful choice, because non-compliance with a provision would subject the agency to a “barrage of litigation with no real defense,” a regulation is considered a mandate.¹¹⁶ Here, the Joint Test Claimants must either, at substantial cost, attempt to comply with Section B.3.c and the numeric effluent limitations required to be attained therein (if possible), or be out of compliance with the RWL provisions of the Regional Permit, thereby exposing the Permittees to potential civil penalties¹¹⁷ and exposure to third party lawsuits. Such exposure is a current risk to the Joint Test Claimants, as is reflected by the very provision of the ACO.

Faced with such a “choice,” the Permittees have no meaningful option other than to try and obtain “alternative compliance” for RWLs via the massive undertaking (and associated costs) imposed by Section B.3.c. Because failure to undertake the ACO exposes the Joint Test Claimants to both Regional Water Board enforcement actions and citizen suits under the CWA, both with potential massive financial penalties, the ACO provides no meaningful alternative to strict compliance with Sections A.2-4 and Attachment E.

¹¹⁵ See generally *Nat'l Fed'n of Indep. Bus. v. Sebelius* (2012) 132 S.Ct. 2566, 2571.

¹¹⁶ *Hayes, supra*, 11 Cal.App.4th at 1592.

¹¹⁷ See US EPA, Civil Monetary Penalty Inflation Adjustment Rule 78 Fed. Reg. 66643, 66647-48 (Nov. 6, 2013).

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

3. These Provisions Are New Programs or Require Higher Levels of Service

As previously discussed, the WQIP provisions in the Regional Permit, including Provision B.3.c., are new to the Joint Test Claimants, and were not part of any previous MS4 permit. The requirements thus represent a new program and a higher level of service. Moreover, under *Hayes*,¹¹⁸ the ACO provision represents a state mandate because it further confirms that the purpose of the WQIP requirements in Provision B of the Regional Permit is to shift the requirement for the Regional Board to develop TMDLs to the Joint Test Claimants. Provision B.3.c. effectuates this shift through its requirements for the incorporation of interim and final numeric goals and for the attainment of those goals.

That the provision serves this TMDL development purpose was expressly conceded by Regional Board senior staff at the hearing to adopt the Second Amended Permit. In response to a comment made by a Permittee representative that WQIP requirements, including Provision B.3.c., were supplanting the need for the Regional Board to develop TMDLs and other federally required provisions, Regional Board staff agreed.¹¹⁹

4. Mandated Activities in Regional Permit

Provision B.3.c. requires that the WQIP for a Watershed Management Area incorporate numeric goals, water quality improvement strategies and schedules that include interim and final QBELs for TMDLs, interim and final goals for any ASBS, interim and final numeric goals applicable to MS4 discharges in 303(d)-listed impaired waterbodies that are not subject to a TMDL, interim and final numeric goals that will result in conditions protective of the beneficial uses of receiving waters, schedules for achieving each final numeric goal and the identification of annual milestones toward achievement of the goals. Additionally, an analysis is required to quantitatively demonstrate that the water quality strategies will achieve the final numeric goals, and including public participation. Further, monitoring and assessments are required to demonstrate whether implementation of the water quality strategies are making progress toward achieving the numeric goals, or whether they have been achieved. Documentation must also be provided showing that the various elements required by provision B.3.c. have been reviewed by the WQIP Consultation Panel for any recommendations.

5. Actual and Estimated Reimbursable Costs

To comply with the Regional Permit's ACO provision, the Joint Test Claimants must expend resources each year to, among other items, conduct studies and investigations, plan and implement new program activities (research and development of required deliverables, meetings, stakeholder coordination, public outreach and workshops, etc.), identify and implement annual milestones and conduct analyses regarding the ability of the water quality strategies to meet numeric goals, and to monitor, assess, report on, and modify these programs as necessary. These elements may include staffing, materials and supplies, as well as contract work. The Joint Test

¹¹⁸ 11 Cal. App.4th at 1593-94.

¹¹⁹ See Transcript of November 18, 2015 Hearing before the San Diego Regional Water Quality Control Board, page 112 line 12 to page 113 line 8 (Permittee comment) and page 273 line 19 to page 274 line 22 (Regional Board response). A copy of relevant portions of this transcript is included in Section 7, Volume IV, Tab 8.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

Claimants did not spend funds to comply with this requirement in FY 2015-16, but estimate that they will spend \$19,776 during FY 2016-17.¹²⁰

E. CRITICAL SEDIMENT AND HYDROMODIFICATION, PROVISION E.3.c.(2)

1. Mandated Requirements in Regional Permit

Provision E.3.c.(2) of the Regional Permit, “Hydromodification Management BMP Requirements,” imposes new unfunded state-mandated requirements on the Joint Test Claimants that are not federally required.

Specifically, Provision E.3.c.(2) of the Regional Permit requires the following:

(2) Hydromodification Management BMP Requirements

Each Copermittee must require each Priority Development Project to implement onsite BMPs to manage hydromodification that may be caused by storm water runoff discharged from a project as follows: . . .

(b) Each Priority Development Project must avoid critical sediment yield areas known to the Copermittee or identified by the optional Watershed Management Area Analysis pursuant to Provision B.3.b.(4), or implement measures that allow critical coarse sediment to be discharged to receiving waters, such that there is no net impact to the receiving water.

2. The Permit Requirements Are a State Mandate

The Commission, in Test Claim 07-TC-09, already has determined that the hydromodification management requirement in the 2007 San Diego County MS4 permit constitutes a state-mandated new program or higher level of service.¹²¹ Nothing in the CWA, its regulations, or case law requires local agencies to implement onsite BMPs to manage hydromodification that may be caused by storm water runoff discharged from a project or to establish criteria for such efforts.¹²²

3. These Provisions Are New Programs or Require Higher Levels of Service

Previous permits did not include a requirement that Priority Development Projects avoid critical sediment yield areas or to design BMPs that will allow coarse sediment to be discharged to receiving waters. The 2009 Permit required the Joint Test Claimants to collaborate in the development and implementation of a hydromodification management plan to manage increases

¹²⁰ See Section 6 Declarations, ¶7.d.

¹²¹ Statement of Decision, Test Claim 07-TC-09, at 97.

¹²² 33 U.S.C. § 1342 (p); 40 C.F.R. § 122.26; see also Statement of Decision, Test Claim 07-TC-09, at 51.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

in runoff discharge rates and durations from Priority Development Projects meeting specified criteria.¹²³ This requirement was included in a previous test claim, which is incorporated herein by this reference.¹²⁴ Previous permits did not require the specific onsite BMPs to manage hydromodification that may be caused by storm water runoff discharged from South Orange County Permittee projects.

4. Mandated Activities in Regional Permit

Provision E.3.c.(2) of the Regional Permit requires the Joint Test Claimants to hire a consultant to establish defensible standards for determining the location of critical sediment yield areas to be avoided and as to how Priority Development Projects meet various criteria regarding the discharge of coarse sediment to receiving waters. It further requires monitoring, assessment and reporting, with modification of the programs as necessary.

5. Actual and Estimated Reimbursable Costs

The Joint Test Claimants must develop and implement standards and programs to identify critical sediment yield areas to be avoided by Priority Development Projects and techniques to manage discharges coarse sediment. This includes costs needed to conduct modeling and studies, plan and implement new program activities, and to monitor, assess, report on, and modify these programs as necessary to maintain compliance with Permit Provision E.3.c.(2)(b). This work may include staffing, materials and supplies, and contract work. The Joint Test Claimants expect to expend funds to update the hydromodification plan. Additional costs related to the completion, implementation, review, and modification of these approaches are not currently known. The Joint Test Claimants spent \$5,000 in FY 2014-15, \$2,000 in FY 2015-16 and estimate that they will spend \$33,580 in FY 2016-17 with respect to these requirements.¹²⁵

F. BMP DESIGN MANUAL UPDATE, PROVISIONS E.3.d AND F.2.b

1. Mandated Requirements in Regional Permit

Provisions E.3.d and F.2.b of the Regional Permit, entitled “BMP Design Manual Updates,” imposes new unfunded state-mandated requirements on the Joint Test Claimants that are not required by federal law.

Provision E.3.d requires the Joint Test Claimants to “update [their] BMP Design Manual . . . [to] include the following:

- (1) Updated procedures to determine the nature and extent of storm water requirements applicable to a potential development or redevelopment projects. . . .
- (2) Updated procedures to identify pollutants and conditions of concern for

¹²³ 2009 Permit, Provision F.1.h.

¹²⁴ Test Claim 10-TC-11, § IV.E.

¹²⁵ See Section 6 Declarations, ¶ 7.e.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

selecting the most appropriate structural BMPs that consider, at a minimum, the following:

- (a) Receiving water quality (including pollutants for which receiving waters are listed as impaired under the CWA section 303(d) List);
 - (b) Pollutants, stressors, and/or receiving water conditions that cause or contribute to the highest priority water quality conditions identified in the Water Quality Improvement Plan;
 - (c) Land use type of the project and pollutants associated with that land use type; and
 - (d) Pollutants expected to be present onsite.
- (3) Updated procedures for designing structural BMPs, including any updated performance requirements to be consistent with the requirements of Provision E.3.c for all structural BMPs listed in the BMP Design Manual.
- (4) Long-term maintenance criteria for each structural BMP listed in the BMP Design Manual; and
- (5) Alternative compliance criteria, in accordance with the requirements under Provision E.3.c.(3), if the Copermittee elects to allow Priority Development Projects within its jurisdiction to utilize alternative compliance.

Provision F.2.b requires the following:

b. BMP DESIGN MANUAL UPDATES

Each Copermittee must update its BMP Design Manual in accordance with the following requirements:

- (1) Each Copermittee must update its BMP Design Manual to incorporate the requirements of Provisions E.3.a-d concurrent with the submittal of the Water Quality Improvement Plan. Each Copermittee must correct any deficiencies in the BMP Design Manual based on comments received from the San Diego Water Board in the updates submitted with the Water Quality Improvement Plan Annual Report;
- (2) Subsequent updates to the BMP Design Manual must be consistent with the requirements of Provisions E.3.a-d and must be submitted as part of the Water Quality Improvement Plan Annual Reports required pursuant to Provision F.3.b.(3), or as part of the Report of Waste Discharge required pursuant to Provision F.5.b; and

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

- (3) Updated BMP Design Manuals must be made available on the Regional Clearinghouse required pursuant to Provision F.4 within 30 days of completing the update.

2. The Permit Requirements Are a State Mandate

This Commission, in the Test Claim involving the 2007 San Diego County MS4 permit, already has considered whether the requirement to review and update BMPs in local guidance materials, such as a Standard Stormwater Mitigation Plan (“SSMP”), is required by federal law or regulation and has determined that “nothing in the federal regulation requires agencies to update local or model SSMPs.”¹²⁶ Moreover, nothing in the CWA, its regulations, or case law requires local agencies to update a BMP Design Manual to include specific procedures and criteria.¹²⁷

The Commission also considered and decided that nothing in federal law or regulation requires updated guidance documents to incorporate minimum low impact development (“LID”) and other BMP requirements for incorporation into local plans.¹²⁸ The CWA only requires MS4 permits to impose controls that reduce the discharge of pollutants to the MEP.¹²⁹ MEP is not defined, but the CWA suggests management practices, control techniques, and system, design, and engineering methods as options for attaining the maximum reduction possible.¹³⁰ When suggestions are no longer merely being suggested as options for consideration “but are required acts, [t]hese requirements constitute a higher level of service.”¹³¹

Federal regulations require municipal stormwater permit application to include a plan for developing, implementing and enforcing controls to reduce the discharge from MS4s that originate in areas of new development.¹³² Requiring post-construction controls to limit pollutant discharges originating in areas of new development may be within the requirements of Section 122.26(d)(2)(iv)(A) of the federal regulations, but the specific requirements contained in the Regional Permit are not required in the regulations. By adopting permit provisions that require the Joint Test Claimants to create and update a BMP Design Manual to include specific procedures and criteria, the state has freely chosen¹³³ to impose requirements and related costs that are not federally mandated and that, when mandated by the state, constitute a new program or higher level of service.¹³⁴

¹²⁶ Statement of Decision, Test Claim 07-TC-09, at 51.

¹²⁷ 33 U.S.C. § 1342(p); 40 C.F.R. § 122.26; see also Statement of Decision, Test Claim 07-TC-09, at 51.

¹²⁸ *Id.* at 51.

¹²⁹ 33 U.S.C. § 1342 (p)(3)(B)(iii).

¹³⁰ Statement of Decision, Test Claim 07-TC-09, at 51.

¹³¹ *Id.*; see also *Long Beach Unified School District v. State of California* (1990) 225 Cal.App.3d 155, 173.

¹³² 40 C.F.R. § 122.26(d)(2)(iv)(A)(2).

¹³³ See *Hayes, supra*, 11 Cal.App.4th at 1593-94.

¹³⁴ Statement of Decision, Test Claim 07-TC-09, at 51.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

3. These Provisions Are New Programs or Require Higher Levels of Service

Previous permits required the Joint Test Claimants to update a model “Standard Storm Water Mitigation Plan” and each Copermittee to update a local SSMP.¹³⁵ The SSMP, now called the BMP Design Manual, was not required to include the specific procedures and criteria now required in the Regional Permit and identified above.

4. Mandated Activities in Regional Permit

Provisions E.3.d and F.2.b require the Joint Test Claimants to update the BMP Design Manual to include specific procedures and criteria. To perform this work, the permittees must hire a consultant to determine the nature of those procedures and criteria and to revise the Design Manual accordingly. The Joint Test Claimants have further been required to collaborate to update the BMP Design Manual for submission concurrent with the submission of each Water Quality Improvement Plan, and face additional costs if the update is not fully satisfactory to the Regional Board.¹³⁶

5. Actual and Estimated Reimbursable Costs

To comply with the Regional Permit’s stricter onsite BMP requirements for Priority Development Projects, the Joint Test Claimants must expend resources to update the BMP Design Manual to include specific standards, procedures, and criteria. To comply with the Regional Permit’s stricter requirements for Priority Development Projects, the Joint Test Claimants must expend resources to update the Model Water Quality Management Plan to include revised standards, procedures, and criteria required by the Regional Permit. The permittees must also develop their own local Model Water Quality Management Plan to institute the minimum standards of the regional Plan. These efforts includes costs to plan and implement new program requirements (research and development of required deliverables, meetings, stakeholder coordination, public outreach and training workshops, etc.), and to monitor, assess, report on, and modify these programs as necessary to maintain compliance with Permit Section E.3.d. The Joint Test Claimants have spent \$44,107 in FY 2015-16 and estimate that they will spend \$50,626 in FY 2016-17 with respect to these requirements.¹³⁷

G. RESIDENTIAL INVENTORY AND INSPECTIONS, PROVISION E.5

1. Mandated Requirements in Regional Permit

Provisions E.5.a, E.5.c.(1)(a), E.5.c.(2)(a), and E.5.c.(3) of the Regional Permit, generally entitled “Existing Development Management,” impose several new unfunded state-mandated programs on the Joint Test Claimants.

¹³⁵ 2009 Permit, F.1.d.

¹³⁶ Regional Permit, Provision F.2.b.

¹³⁷ See Section 6 Declarations, ¶ 7.f.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

Provision E.5.a requires the Joint Test Claimants to maintain and update a watershed-based inventory of existing development that may discharge a pollutant load to and from the MS4. The inventory must include:

- the [n]ame, location (hydrological subarea and address, if applicable) of . . . residential areas;
- a description of the facility or area, including . . . identification if a residential area is or includes a Common Interest Area / Home Owner Association, or mobile home park; [and]
- the identification of pollutants generated and potentially generated by the [residential] area.

Provision E.5.(a)(3) requires the Joint Test Claimants to annually update a map showing the location of inventoried existing development, watershed boundaries, and water bodies.

Provision E.5.c requires the Joint Test Claimants except for the Orange County Flood Control District to maintain and update a watershed-based inventory of the existing development that may discharge a pollutant load to and from the MS4. This Provision requires the following:

c. EXISTING DEVELOPMENT INSPECTIONS¹³⁸

Each Copermittee must conduct inspections of inventoried existing development to ensure compliance with applicable local ordinances and permits, and the requirements of this Order.

(1) Inspection Frequency

(a) Each Copermittee must establish appropriate inspection frequencies for inventoried existing development in accordance with the following requirements:

(i) At a minimum, inventoried existing development must be inspected once every five years utilizing one or more of the following methods:

[a] Drive-by inspections by Copermittee municipal and contract staff;

[b] Onsite inspections by Copermittee municipal and contract staff; and/or

¹³⁸ Footnotes omitted.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

[c] Visual inspections of publicly accessible inventoried facilities or areas by volunteer monitoring or patrol programs that have been trained by the Copermittee;

(ii) The frequency of inspections must be appropriate to confirm that BMPs are being implemented to reduce the discharge of pollutants in storm water from the MS4 to the MEP and effectively prohibit non-storm water discharges to the MS4;

(iii) The frequency of inspections must be based on the potential for a facility or area to discharge non-storm water and pollutants in storm water, and should reflect the priorities set forth in the Water Quality Improvement Plan;

(iv) Each Copermittee must annually perform onsite inspections of an equivalent of at least 20 percent of the commercial facilities and areas, industrial facilities, and municipal facilities in its inventoried existing development; and

(v) Inventoried existing development must be inspected by the Copermittee, as needed, in response to valid public complaints.

(b) Based upon inspection findings, each Copermittee must implement all follow-up actions (i.e. education and outreach, re-inspection, enforcement).

(2) Inspection Content

(a) Inspections of existing development must include, at a minimum:

(i) Visual inspections for the presence of actual non-storm water discharges;

(ii) Visual inspections for the presence of actual or potential discharge of pollutants;

(iii) Visual inspections for the presence of actual or potential illicit connections; and

(iv) Verification that the description of the facility or area in the inventory, required pursuant to Provision E.5.a.(2), has not changed.

(b) Onsite inspections of existing development by the Copermittee must include, at a minimum:

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

- (i) Assessment of compliance with its applicable local ordinances and permits related to non-storm water and storm water discharges and runoff;
- (ii) Assessment of the implementation of the designated BMPs;
- (iii) Verification of coverage under the Industrial General Permit, when applicable; and
- (iv) If any problems or violations are found, inspectors must take and document appropriate actions in accordance with the Enforcement Response Plan pursuant to Provision E.6.

(3) Inspection Tracking and Records

Each Copermittee must track all inspections and re-inspections at all inventoried existing development. The Copermittee must retain all inspection records in an electronic database or tabular format, which must be made available to the San Diego Water Board upon request. Inspection records must include, at a minimum:

- (a) Name and location of the facility or area (address and hydrologic subarea) consistent with the inventory name and location, pursuant to Provision E.5.a.(1);
- (b) Inspection and re-inspection date(s);
- (c) Inspection method(s) (i.e. drive-by, onsite);
- (d) Observations and findings from the inspection(s);
- (e) For onsite inspections of existing development by Copermittee municipal or contract staff, the records must also include, as applicable:
 - (i) Description of any problems or violations found during the inspection(s);
 - (ii) Description of enforcement actions issued in accordance with the Enforcement Response Plan pursuant to Provision E.6; and
 - (iii) The date problems or violations were resolved.

2. The Permit Requirements Are a State Mandate

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

The Commission has previously considered whether permit requirements to inspect commercial and industrial facilities constituted unfunded state mandates.¹³⁹ Based on the plain language of the federal regulations, which are silent on the types of facilities at issue in that permit, the Commission held that performing inspections “as specified in the permit, is not a federal mandate.”¹⁴⁰ Federal law and regulations are likewise silent on inspections of residential properties. The requirement in the Regional Permit to inspect residential properties is an activity, as in the *Long Beach Unified School Dist.* case discussed above, that is “a specified action going beyond the federal requirement for inspections ‘to prevent illicit discharges to the municipal separate storm sewer system.’ [Citation] As such, the inspections are not federally mandated.”¹⁴¹

3. These Provisions Are New Programs or Require Higher Levels of Service

The 2009 Permit required establishment of a Residential program in the JRMP that prioritized threats to water quality, required Joint Test Claimants to “encourage the use of pollution prevention methods by residents,” to enforce their stormwater ordinances, to review the effectiveness of efforts to reduce residential discharges with pollutants, and to undertake educational activities. The 2009 Permit, however, did not establish the mandatory inventory and inspection program now present in the Regional Permit.

4. Mandated Activities in Regional Permit

To comply with the residential inventory and inspection program requirements in the Regional Permit, the Joint Test Claimants must create and maintain a watershed-based inventory of existing residential development that includes the name, location (by hydrological subarea and address) of every residential area in the jurisdiction, a description of the residential area, including a description of whether the residential area is or includes a Common Interest Area/Home Owner Association, or mobile home park, as well as identification of pollutants generated and potentially generated by the residential area. The Joint Test Claimants will then need to conduct inspections of every residential area at least once every 5 years, and possibly more often, to inspect for the presence of actual non-storm water discharges, discharge of pollutants, illicit connections, whether there have been any changes to the area, assessment of compliance with local regulations, and assessment of BMPs. Each inspection must be tracked in an electronic database or tabular format and must include five types of information as specified in the Permit.

5. Actual and Estimated Reimbursable Costs

The Joint Test Claimants must expend resources to develop, administer, and maintain a new program to comply with the Regional Permit’s residential inspection requirements. These expenses include costs needed to plan and implement inspection and enforcement activities and to monitor, assess, report on, and modify this program as necessary to maintain compliance with Provision E.5.c. Any of these cost types may include staffing, materials and supplies, and

¹³⁹ Statement of Decision, Test Claim Nos. 03-TC-04, 03-TC-19, 03 TC-20, 03-TC-21, *Test Claim on Los Angeles Regional Quality Control Board Order No. 01-182 NPDES Permit CAS004001*, at 36 (appeal pending).

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

contract work. This includes costs needed to conduct studies and investigations (mapping, modeling, pilot studies, etc.), plan and implement inspection and enforcement activities (research and development of program approaches, modification of ordinances, development of forms and tracking systems, meetings, public outreach and workshops, etc.), and to monitor, assess, report on, and modify these programs as necessary to maintain compliance with Permit Provisions E.5.a and E.5.c. The Joint Test Claimants have spent \$1,056 in FY 2015-16 and estimate that they will spend \$17,240 in FY 2016-17 with respect to these requirements.¹⁴²

Unlike the regulatory fee that may be available to fund commercial and industrial inspection programs, the Joint Test Claimants have no authority to impose a fee on residential property for the sake of inspecting residential property.¹⁴³ Such a fee would constitute a “property-related” fee for a property-related service and would be subject to voter approval.¹⁴⁴ The Commission has already determined that “a local agency does not have sufficient fee authority within the meaning of Government Code section 17556 if the fee or assessment is contingent on the outcome of an election by voters or property owners.”¹⁴⁵

Further, since the Commission’s decision in *Test Claim on Los Angeles Regional Quality Control Board Order No. 01-182*, voters in 2010 approved Proposition 26. Proposition 26 added Article XIII C, section 1(e) to the California Constitution and prohibits charging a fee for a service that is also of benefit to others who are not charged.¹⁴⁶ If the Joint Test Claimants charge a user fee to comply with the Regional Permit requirements, it must be charged to all users in the watershed who drain into the MS4. If they charge a smaller class of users than all those who benefit from the stormwater program, such as residential properties, they may run afoul of Proposition 26 for charging a smaller class than those who benefit from the MS4 service. For these reasons, the Joint Test Claimants do not have authority to impose a fee on residential properties for the sake of complying with the inspection requirements in the Regional Permit.

**H. RETROFIT AND REHABILITATE STREAM REQUIREMENT, PROVISION
E.5.e**

1. Mandated Requirements in Regional Permit

Provision E.5.e of the Regional Permit, entitled “Retrofitting and Rehabilitating Areas of Existing Development” imposes several new State-mandated programs on the Joint Test Claimants.

Provision E.5.e.(1) requires the Joint Test Claimants to retrofit areas of existing development, stating:

(1) Retrofitting Areas of Existing Development

¹⁴² See Section 6 Declarations, ¶ 7.g.

¹⁴³ Cf. Statement of Decision, Test Claim on Los Angeles Regional Quality Control Board Order No. 01-182, 55-56.

¹⁴⁴ *Howard Jarvis Taxpayer Assoc. v. City of Salinas* (2002) 98 Cal.App.4th 1351, 1354.

¹⁴⁵ Statement of Decision, Test Claim 07-TC-09, at 106.

¹⁴⁶ Cal. Const. art. XIII C, § 1, subd. (e)(2).

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

Each Copermittee must describe in its jurisdictional runoff management program document, a program to retrofit areas of existing development within its jurisdiction to address identified sources of pollutants and/or stressors that contribute to the highest priority water quality conditions in the Watershed Management Area. The program must be implemented as follows:

- (a) Each Copermittee must identify areas of existing development as candidates for retrofitting, focusing on areas where retrofitting will address pollutants and/or stressors that contribute to the highest priority water quality conditions identified in the Water Quality Improvement Plan;
- (b) Candidates for retrofitting projects may be utilized to reduce pollutants that may be discharged in storm water from areas of existing development, and/or address storm water runoff flows and durations from areas of existing development that cause or contribute to hydromodification in receiving waters;
- (c) Each Copermittee must develop a strategy to facilitate the implementation of retrofitting projects in areas of existing development identified as candidates;
- (d) Each Copermittee should identify areas of existing development where Priority Development Projects may be allowed or should be encouraged to implement or contribute toward the implementation of alternative compliance retrofitting projects; and
- (e) Where retrofitting projects within specific areas of existing development are determined to be infeasible to address the highest priority water quality conditions in the Water Quality Improvement Plan, the Copermittee should collaborate and cooperate with other Copermittees and/or entities in the Watershed Management Area to identify, develop, and implement regional retrofitting projects (i.e. projects that can receive and/or treat storm water from one or more areas of existing development and will result in a net benefit to water quality and the environment) adjacent to and/or downstream of the areas of existing development.

Provision E.5.e.(2) requires:

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

(2) Stream, Channel and/or Habitat Rehabilitation in Areas of Existing Development

Each Copermittee must describe in its jurisdictional runoff management program document, a program to rehabilitate streams, channels, and/or habitats in areas of existing development within its jurisdiction to address the highest priority water quality conditions in the Watershed Management Area. The program must be implemented as follows:

- (a) Each Copermittee must identify streams, channels, and/or habitats in areas of existing development as candidates for rehabilitation, focusing on areas where stream, channel, and/or habitat rehabilitation projects will address the highest priority water quality conditions identified in the Water Quality Improvement Plan;
- (b) Candidates for stream, channel, and/or habitat rehabilitation projects may be utilized to address storm water runoff flows and durations from areas of existing development that cause or contribute to hydromodification in receiving waters, rehabilitate channelized or hydromodified streams, restore wetland and riparian habitat, restore watershed functions, and/or restore beneficial uses of receiving waters;
- (c) Each Copermittee must develop a strategy to facilitate the implementation of stream, channel, and/or habitat rehabilitation projects in areas of existing development identified as candidates;
- (d) Each Copermittee should identify areas of existing development where Priority Development Projects may be allowed or should be encouraged to implement or contribute toward the implementation of alternative compliance stream, channel, and/or habitat rehabilitation projects; and
- (e) Where stream, channel, and/or habitat rehabilitation projects within specific areas of existing development are determined to be infeasible to address the highest priority water quality conditions in the Water Quality Improvement Plan, the Copermittee should collaborate and cooperate with other Copermittees and/or entities in the Watershed Management Area to identify, develop, and implement regional stream, channel, and/or habitat rehabilitation projects (i.e. projects that can receive storm water from one or more areas of existing development and will result in a net benefit to water quality and the environment).

2. The Permit Requirements Are a State Mandate

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

Nothing in the CWA, its regulations, or case law requires local agencies to develop, fund, and implement a retrofitting and rehabilitation program. The most analogous provisions in the US EPA regulations require municipal NPDES 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.”¹⁴⁷ This requirement however applies only to structural flood control devices and does not extend to requiring the type of comprehensive retrofitting and rehabilitation programs required in the Regional Permit.

In addition, the habitat rehabilitation provisions require Permittees to address streams, channels and/or habitat, none of which qualify as MS4. Rehabilitation of water courses is not part of the NPDES permit program. As such, it is a state mandate, imposed by the Regional Board and pursuant to state law.

3. These Provisions Are New Programs or Require Higher Levels of Service

Although the 2009 Permit required a retrofitting program (which is subject to a pending test claim before the Commission),¹⁴⁸ it did not require stream, channel and/or habitat rehabilitation program requirements, or contain all elements set forth in the Regional Permit.

4. Mandated Activities in Regional Permit

Provision E.5.e. of the Regional Permit requires the Joint Test Claimants to develop and implement a program to rehabilitate streams, channels, and/or habitats in areas of existing development. Implementation of the rehabilitation program requires the Joint Test Claimants to identify streams, channels, and/or habitats in areas of existing development as candidates for rehabilitation; develop a strategy to facilitate the implementation of rehabilitation projects in areas of existing development identified as candidates; identify areas of existing development where Priority Development Projects may be allowed or should be encouraged to implement or contribute toward the implementation of alternative compliance stream, channel, and/or habitat rehabilitation projects; and, where stream, channel, and/or habitat rehabilitation projects within specific areas of existing development are determined to be infeasible to address the highest priority water quality conditions in the Water Quality Improvement Plan, collaborate and cooperate with each other and/or entities in the Watershed Management Area to identify, develop, and implement regional stream, channel, and/or habitat rehabilitation projects.

5. Actual and Estimated Reimbursable Costs

The Joint Test Claimants must expend significant resources to develop, administer, and maintain a costly new program to comply with the Regional Permit’s retrofit and stream rehabilitation requirements. This includes costs needed to conduct studies and investigations (mapping, modeling, etc.), plan and implement program activities (identification, evaluation, and

¹⁴⁷ 40 C.F.R. § 122.26 (d)(2)(iv)(A)(1).

¹⁴⁸ Test Claim 10-TC-11, § IV.J.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

prioritization of candidate projects; selection of projects for implementation; project design and engineering; coordination with regulatory agencies; outreach and coordination with stakeholders and project partners; acquisition and management of project funding; etc.), and to monitor, assess, report on, and modify these programs as necessary to maintain compliance with Permit Provision E.5.e. Any of these cost types may include staffing, materials and supplies, and contract work. The Joint Test Claimants expect to expend funds for program development and implementation. The Joint Test Claimants spent \$10,838 plus, for one Test Claimant, a yet to be identified share of a \$1,5621,878 project in FY 2015-16 and estimate that they will spend \$44,954 plus, for one Test Claimant, a yet to be identified share of a \$6,445,232 project in FY 2016-17.¹⁴⁹

I. ENFORCEMENT RESPONSE PLANS, PROVISION E.6

1. Mandated Requirements in Regional Permit

Provision E.6 of the Regional Permit, entitled “Enforcement Response Plans” imposes new requirements to develop and implement an Enforcement Response Plan as part of the Jurisdictional Runoff Management Program (“JRMP”) document. JRMP requirements are addressed generally in Section IV.J, below. Provision E.6 requires the following:

6. Enforcement Response Plans

Each Copermittee must develop and implement an Enforcement Response Plan as part of its jurisdictional runoff management program document. The Enforcement Response Plan must describe the applicable approaches and options to enforce its legal authority established pursuant to Provision E.1, as necessary, to achieve compliance with the requirements of this Order. The Enforcement Response Plan must be in accordance with the strategies in the Water Quality Improvement Plan described pursuant to Provision B.3.b.(1) and include the following:

a. ENFORCEMENT RESPONSE PLAN COMPONENTS

The Enforcement Response Plan must include the following individual components:

- (1) Illicit Discharge Detection and Elimination Enforcement Component;
- (2) Development Planning Enforcement Component;
- (3) Construction Management Enforcement Component; and
- (4) Existing Development Enforcement Component.

b. ENFORCEMENT RESPONSE APPROACHES AND OPTIONS

¹⁴⁹ See Section 6 Declarations, ¶ 7.h.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

Each component of the Enforcement Response Plan must describe the enforcement response approaches that the Copermittee will implement to compel compliance with its statutes, ordinances, permits, contracts, orders, or similar means, and the requirements of this Order. The description must include the protocols for implementing progressively stricter enforcement responses. The enforcement response approaches must include appropriate sanctions to compel compliance, including, at a minimum, the following tools or their equivalent:

- (1) Verbal and written notices of violation;
- (2) Cleanup requirements;
- (3) Fines;
- (4) Bonding requirements;
- (5) Administrative and criminal penalties;
- (6) Liens;
- (7) Stop work orders; and
- (8) Permit and occupancy denials.

c. CORRECTION OF VIOLATIONS

- (1) Violations must be corrected in a timely manner with the goal of correcting the violations within 30 calendar days after the violations are discovered, or prior to the next predicted rain event, whichever is sooner.
- (2) If more than 30 calendar days are required to achieve compliance, then a rationale must be recorded in the applicable electronic database or tabular system used to track violations.

d. ESCALATED ENFORCEMENT

- (1) The Enforcement Response Plan must include a definition of “escalated enforcement.” Escalated enforcement must include any enforcement scenario where a violation or other non-compliance is determined to cause or contribute to the highest priority water quality conditions identified in the Water Quality Improvement Plan. Escalated enforcement may be defined differently for development planning, construction sites, commercial facilities or areas, industrial facilities, municipal facilities, and residential areas.
- (2) Where the Copermittee determines escalated enforcement is not required, a rationale must be recorded in the applicable electronic database or tabular system used to track violations.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

(3) Escalated enforcement actions must continue to increase in severity, as necessary, to compel compliance as soon as possible.

e. REPORTING OF NON-COMPLIANT SITES

(1) Each Copermittee must notify the San Diego Water Board in writing within five (5) calendar days of issuing escalated enforcement (as defined in the Copermittee's Enforcement Response Plan) to a construction site that poses a significant threat to water quality as a result of violations or other noncompliance with its permits and applicable local ordinances, and the requirements of this Order. Written notification may be provided electronically by email to the appropriate San Diego Water Board staff.

(2) Each Copermittee must notify the San Diego Water Board of any persons required to obtain coverage under the statewide Industrial General Permit and Construction General Permit and failing to do so, within five (5) calendar days from the time the Copermittee become aware of the circumstances. Written notification may be provided electronically by email to RB9_Nonfilers@waterboards.ca.gov.

2. The Permit Requirements Are State Mandates

The Commission already has considered whether certain elements in a JRMP are state mandates and also whether the requirement in the 2007 San Diego County MS4 Permit to review and update BMP requirements listed in Standard Urban Stormwater Management Plans ("SUSMP") and to develop, submit and implement an updated Model SUSMP constituted a state mandate. The Commission determined that that nothing in federal law or regulations requires updates to the SUSMP and likewise determined that the requirements to collaborate with copermittees in the development of standards, to undertake street sweeping and conveyance system cleaning, and to undertake educational activities in the JRMP also constituted state mandates. As noted in more detail in Section IV.J.2, below, nothing in the CWA, its regulations, or case law requires local agencies to create and implement an Enforcement Response Plan as part of a JRMP. Likewise, nothing in federal law or regulation requires the Joint Test Claimants to develop and implement an Enforcement Response Plan, to include protocols for implementing progressively stricter enforcement responses, to create a definition for "escalated enforcement," or to notify the Regional Board in writing within 5 days of issuing certain escalated enforcement.

With regard to the statewide general permits, as this Commission has already previously determined, enforcement of the permits is a state obligation. The Regional Board itself has responsibility to ensure that facilities that should be covered under such permits have obtained such coverage.

3. These Provisions Are New Programs or Require Higher Levels of Service

Nothing in the 2009 Permit required a local agency to develop an Enforcement Response Plan. The most analogous provision in the 2009 Permit only required permittees to "develop and implement an escalating enforcement process that achieves prompt corrective actions at construction sites for violations of ... water quality protection permit requirements and

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

ordinances.”¹⁵⁰ The cited provision of the Regional Permit also mandates specific elements of the Response Plan. Thus, these requirements in the Regional Permit represent new programs and require higher levels of service.

4. Mandated Activities in Regional Permit

To comply with the requirements in the Regional Permit, the Joint Test Claimants will need to retain an attorney to assist in the development of an Enforcement Response Plan to comply with the requirements of Provision E.6. The draft plan will be required to be reviewed by the Permittees and adapted to the specific circumstances of the Permittee. Permittee staff will be required to be trained in the implementation of the Enforcement Response Plan elements, including recording rationales for delayed responses to enforcement and notification to the Regional Board.

5. Actual and Estimated Reimbursable Costs

To comply with the Regional Permit’s requirement to develop and implement an Enforcement Response Plan, the Joint Test Claimants have retained legal counsel to undertake an update of the existing Enforcement Consistency Guide to ensure its conformance with the requirements in Provision E.6. Each of the Claimants must also expend funds to implement the update through training of staff and other implementation activities. The Joint Test Claimants did not spend funds in FY 2015-16 but estimate that they will spend \$22,336 in FY 2016-17 with respect to these requirements.¹⁵¹

**J. JURISDICTIONAL URBAN RUNOFF MANAGEMENT PLAN UPDATE,
PROVISION F.2.a**

1. Mandated Requirements in Regional Permit

Provision F.2.a of the Regional Permit, entitled “Jurisdictional Runoff Management Program Document Updates” imposes new requirements on the Joint Test Claimants to update their JRMPs.

Provision F.2.a requires the following:

Each Copermittee must update its jurisdictional runoff management program document in accordance with the following requirements:

- (1) Each Copermittee is encouraged to seek public and key stakeholder participation and comments, as early and often as possible during the process of developing updates to its jurisdictional runoff management program document;

¹⁵⁰ 2009 Permit, F.2.f.

¹⁵¹ See Section 6 Declarations, ¶ 7.i.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

- (2) Each Copermittee must update its jurisdictional runoff management program document to incorporate the [eight] requirements of Provision E concurrent with the submittal of the Water Quality Improvement Plan. Each Copermittee must correct any deficiencies in the jurisdictional runoff management program document based on comments received from the San Diego Water Board in the updates submitted with the Water Quality Improvement Plan Annual Report;
- (3) Each Copermittee must submit updates to its jurisdictional runoff management program, with the supporting rationale for the modifications, either in the Water Quality Improvement Plan Annual Report required pursuant to Provision F.3.b.(3), or as part of the Report of Waste Discharge required pursuant to Provision F.5.b;
- (4) The Copermittee must revise proposed modifications to its jurisdictional runoff management program as directed by the San Diego Water Board Executive Officer; and
- (5) Updated jurisdictional runoff management program documents must be made available on the Regional Clearinghouse required pursuant to Provision F.4 within 30 days of submitting the Water Quality Improvement Plan Annual Report.

2. The Permit Requirements Are State Mandates

The Commission has already considered in the San Diego County Test Claim, previously cited, whether certain elements in a JRMP are state mandates and also whether the requirement to review and update BMP requirements listed in a SUSMP and to develop, submit and implement an updated Model SUSMP constituted a state mandate. The Commission determined that that nothing in federal law or regulations requires updates to the SUSMP and likewise determined that the requirements to collaborate with copermittees in the development of standards, to undertake street sweeping and conveyance system cleaning, and to undertake educational activities in the JRMP, also constituted state mandates.

Nothing in federal law or regulation requires local agencies, including the Joint Test Claimants, to create, review and update a JRMP where that update consists of at least eight elements (legal authority establishment and enforcement, illicit discharge detection and elimination, development planning, construction management, existing development management, enforcement response plans, public education and participation, and fiscal analysis), providing supporting rationale for modifications, providing public and stakeholder input during the update process and providing a regional clearinghouse for the plan.

3. These Provisions Are New Programs or Require Higher Levels of Service

Provision F of the 2009 Permit required the Joint Test Claimants to update their Jurisdictional Runoff Management Plans. This requirement is subject to a pending test claim,

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

which is incorporated herein by reference.¹⁵² As noted above, the Commission considered a challenge to the same requirement in the 2007 Permit and to requirements to update similar plans and determined the requirements constituted state mandates. Moreover, the Regional Permit requires additional requirements from the related provision in the 2009 Permit, and thus imposes a higher level service.

4. Mandated Activities in Regional Permit

To comply with the requirements in the Regional Permit, the Joint Test Claimants will need to develop new programs and modify existing programs. Specifically, the Joint Test Claimants have to revise ordinances to expand legal authority, modify policies, procedures and regulations applicable to development planning, modify inspection procedures and standards, develop an enforcement response plan, increase public education activities, and expand illicit discharge detection and elimination programs. As part of each of these modifications, the Joint Test Claimants also have to establish a public participation and stakeholder involvement process.

5. Actual and Estimated Reimbursable Costs

In compliance with Permit Section F.2, the Joint Test Claimants must undertake efforts to update the JRMP document. The Joint Test Claimants must also submit updates to the jurisdictional runoff management program, with the supporting rationale for the modifications, either in the WQIP Annual Report required pursuant to Provision F.3.b.(3) or as part of the Report of Waste Discharge required pursuant to Provision F.5.b. The costs of these efforts include: meetings and correspondence to coordinate content development with staff; developing, distributing, and revising draft content; and, monitoring, assessing, reporting on, and modifying programs and activities as necessary to maintain compliance with the Permit. Such efforts may include staffing, materials and supplies, and contract work. The Joint Test Claimants did not spend funds in FY 2015-16 and estimate that they will spend \$77,220 in FY 2016-17 with respect to these requirements.¹⁵³

**K. REQUIREMENT TO APPEAR BEFORE THE REGIONAL BOARD,
PROVISION**

F.3.a

1. Mandated Requirement in Regional Permit

Provision F.3.a of the Regional Permit, entitled “Progress Report Presentations” requires the Joint Test Claimants to appear before the Regional Board on request by the Board to provide progress reports on implementation of WQIPs and jurisdictional runoff management programs. These appearances and presentations are in addition to annual reports on the jurisdictional runoff management program, monitoring and assessment program, and WQIP.

Provision F.3.a requires:

¹⁵² Test Claim 10-TC-11, § H.

¹⁵³ See Section 6 Declarations, ¶ 7.j.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

a. PROGRESS REPORT PRESENTATIONS

The Copermittees for each Watershed Management Area must periodically appear before the San Diego Water Board, as requested by the Board, to provide progress reports on the implementation of the Water Quality Improvement Plan and jurisdictional runoff management programs.

2. The Permit Requirements Are a State Mandate

Nothing in the CWA, its regulations, or case law authorizes a state agency to compel a local agency to appear before a Regional Water Board and make presentations or to provide progress reports on plan implementation at intervals other than annual reports. The most analogous provision in the federal regulations requires a permittee to provide “information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.”¹⁵⁴ This federal regulation requiring submission of information does not compel physical attendance and oral presentation at meetings of the Regional Board.

3. These Provisions Are New Programs or Require Higher Levels of Service

Nothing in the 2009 Permit required a local agency to appear before the Regional Board and make presentations or to provide progress reports on plan implementation at intervals other than annual reports. The most analogous provision in the 2009 Permit required permittees to provide information to regulatory agencies that requested such information in accordance with 40 C.F.R. 122.41(h), discussed above.¹⁵⁵

4. Mandated Activities in Regional Permit

To comply with the Regional Permit, South Orange County Permittee staff members, or their representatives, will be required to prepare presentations on any topic, to attend meetings of the Regional Board when requested by the Board, and to present information to the Board on any Permit topic, when requested. Preparation of such presentations may require the Joint Test Claimants to collaborate with each other, conduct research, write materials for distribution to the public at Regional Board meetings, and undertake other, as of yet, undetermined activities.

5. Actual and Estimated Reimbursable Costs

If required by the Regional Board to make a presentation, the Joint Test Claimants will be required to conduct research, meet with or confer with other permittees, write materials for distribution at the meeting and appear before the Regional Board. No funds were spent by the Joint Test Claimants during FY 2015-16 concerning this requirement. The Joint Test Claimants have spent an estimated \$2,500 so far in FY 2016-17 with respect to an appearance made by

¹⁵⁴ 40 C.F.R. § 122.41.

¹⁵⁵ 2009 Permit, Attachment B, Provision 5(a).

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

County representatives on behalf of all of the South Orange County Copermittees and anticipate spending a further \$3,176 with respect to this requirement.¹⁵⁶

V. STATEWIDE COST ESTIMATE

This Joint Test Claim concerns a regional municipal stormwater permit covering municipalities in San Diego, South Orange and southwest Riverside Counties. The Joint Test Claimants do not, however, have information concerning the potential costs incurred by San Diego and Riverside County municipalities, other than to refer the Commission to the costs set forth in the County of San Diego's test claim regarding costs incurred by that agency in the 2013 Permit, which did not cover the South Orange County Copermittees. The San Diego County test claim contains no information on costs for FY 2016-17.

The Joint Test Claimants estimate that, for all requirements set forth in the Regional Permit that are applicable to all South Orange County Copermittees that are the subject of this Joint Test Claim, the amount of \$1,396,250, plus, for one Test Claimant, a yet to be determined share of a \$6,445,232 project, will be spent in FY 2016-17. This amount does not include a separate amount for compliance with receiving water limitations in Provisions A.2 and A.4 (see Section IV.A above), but does include costs to comply with numeric effluent limits in the Beaches & Creeks TMDL (see Section IV.B), to develop the WQIP (see Section IV.C) and to implement the alternative compliance program (see Section IV.D).

VI. FUNDING SOURCES

A. THE JOINT TEST CLAIMANTS DO NOT HAVE FEE AUTHORITY TO OFFSET THEIR COSTS

The ability of a local government to impose fees or taxes on individuals residing, owning property or conducting business within its jurisdiction is limited by various provisions within the California Constitution. Any fee or tax imposed by the Joint Test Claimants would have to comply with the relevant constitutional requirements. As explained below, those constitutional provisions effectively prevent the Joint Test Claimants from recouping the costs in implementing any of the Regional Permit requirements at issue in this Joint Test Claim by imposing fees. Any tax or jurisdiction-wide property related fee to fund costs associated with the Joint Test Claimants' stormwater management program could only be imposed if approved by a vote of the electorate and would likely require approval by a supermajority or 2/3 vote. Please also see the discussion in Section IV.G.5 above, concerning the unavailability of fees for the inspection of residential areas.

¹⁵⁶ See Section 6 Declarations, ¶ 7.k.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

1. Activities Mandated By The Regional Permit Do Not Convey Unique Benefits On Or Deal With Unique Burdens Being Imposed On The MS4 By Individual Persons, Businesses Or Property Owners.

The provisions of the Regional Permit that are the subject of this Joint Test Claim involve requirements to develop programs and perform activities that apply throughout the Joint Test Claimants' jurisdictions and are not related to services being performed directly for individual businesses, property owners, or residents. The programs are intended to improve the overall water quality of receiving water, which benefits all persons within the jurisdiction. It would be impossible to identify benefits that any individual resident, business or property owner within the jurisdiction is receiving that are distinct from benefits that all persons within the jurisdictions are receiving. The Joint Test Claimants, therefore, cannot develop a fee structure that allocates the total costs of complying with the mandates in the Regional Permit to individuals that would be based on the unique benefit that such individuals are receiving from that program or activity.

The Regional Permit is intended to deal with water quality impacts from stormwater that is being conveyed by the Joint Test Claimants' MS4s and to reduce pollutants being discharged from the MS4. Most of the requirements in the Permit involve developing programs to minimize the likelihood of pollutants being carried by runoff into the MS4 and to otherwise reduce those pollutants before being discharged into receiving waters.

The vast majority of the water that enters MS4 enters as runoff after flowing over properties being put to a vast array of uses. Except in rare cases, it would be difficult to identify the volume of water or amount of pollutants attributable to an individual property owner. Unlike a sanitary sewer system, where water is being discharged directly into the sanitary sewer and the operator of a sanitary sewer can measure or reasonably approximate the volume being discharged into its conveyance system and thus approximate the burden being placed on its system by an individual property, the operator of an MS4 cannot approximate the individual burden being placed on the MS4 by an individual property owner. It is therefore difficult, if not impossible, for the Joint Test Claimants to develop a fee structure that is based on the burden that an individual property would be placing on the MS4.

As explained below, because of the impossibility of developing a fee structure based on the benefits enjoyed or burdens imposed by prospective payors, and because none of the activities being performed in response to the Regional Permit requirements at issue are being provided directly to any prospective payor, the Joint Test Claimants would not have the authority to charge a fee to recoup the costs of complying with the mandates in the Permit.

2. Article XIII C of the California Constitution Limits the Joint Test Claimants' Power to Impose Fees

Proposition 26 amended Article XIII C of the California Constitution and defines virtually any revenue device enacted by a local government as a tax requiring voter approval unless it falls within certain enumerated exceptions.

Article XIII C § 2(d) provides that:

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

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. A special tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

Article XIII C § 1(d) defines special tax as

... any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund

Article XIII C § 1(e) defines a tax as

... any levy, charge, or exaction of any kind imposed by a local government, except the following:

(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.

(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.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

The local government bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, 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.

Valid fees therefore must recover no more than the amount necessary to recover costs of the governmental program being funded by the fee. The person or business being charged the fee, the payor, may only be charged a fee based on the portion of the total government costs attributable to burdens being placed on the government by that payor or an amount based on the direct benefits the payor receives from the program or facility being funded by the fee. The services and work products produced by the Joint Test Claimants in response to the requirements of the Regional Permit are not being provided directly to any individual nor are they related to a specific benefit conferred on any individual. Any fee charged by the Joint Test Claimants for costs related to the requirements of the Regional Permit at issue in this Joint Test Claim, therefore would not meet the requirement of Article XIII C §§ 1(e) (1) or 1(e) (2) and would not be a valid fee. The fee also would not fall under subsections (e)(3) through (e)(7).

3. Any Fee or Tax Charged By the Joint Test Claimants Not Based On Benefits Received or Burdens Imposed By Payor Must Be Approved By a Vote Of The Electorate

A fee or charge that does not fall within the seven exceptions listed in Article XIII C § 1(e) and does not meet the other requirements of Article XIII C is automatically deemed a tax, which must be approved by the voters.

Any tax that is intended to fund a specific program such as a stormwater management program is a "special tax." subject to the requirements of Article XIII A § 4, and Article XIII C § 2(d).

Article XIII A § 4 and Article XIII C § 2(d) require Special Taxes be approved by 2/3 of the voters of the portion of the jurisdiction subject to the fee.

If a fee were imposed on owners or occupants or real property that is triggered by their ownership or use of property within the jurisdiction it would constitute a property related fee governed by Article XIII D of the California Constitution.

Article XIII D requires voter approval of most property related fees. Relevant portions of Article XIII D § 3(a) provide that:

(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 except ... (2) Any special tax receiving a two-thirds vote pursuant to § 4 of Article XIII A ... (4) Fees or charges for property related services as provided by this article...."

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

Article XIII D § 2(e) defines fee or charge as:

“... any levy other than an ad valorem tax, a special tax, or an assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including a user fee or charge for a property related service.”

Article XIII D § 2(h) defines property-related service as “... a public service having a direct relationship to property ownership.”

Article XIII D § 6(c) requires voter approval for most new or increased fees and charges. It provides “Except for fees or charges for sewer, water, and refuse collection services, no property related fee or charge shall be imposed or increased unless and until that fee or charge is submitted and approved by a majority vote of the property owners of the property subject to the fee or charge or, at the option of the agency, by a two-thirds vote of the electorate residing in the affected area. ...”

In *Howard Jarvis Taxpayers Association v. City of Salinas*, the Court of Appeal struck down a fee that the City of Salinas attempted to enact to fund the city’s stormwater program. The court held in that case that a stormwater fee was a property related fee governed by Article XIII D and that such a fee could not be imposed unless it was approved by the voters.

The fee at issue in that case was a storm drainage fee enacted by the Salinas City Council. It was enacted by the City Council but not approved by the voters of the City. The purpose of the fee was to fund and maintain a program put in place to comply with the City’s obligations under its MS4 Permit. The fee would be imposed on “users of the storm water drainage system,” and the City characterized the fee as a user fee recovering the costs incurred by the City for the use of the City’s storm and surface water management system by property owners and occupants.

The City attempted to develop a methodology that based the fee on the amount of runoff leaving certain classes of property. The fee was charged to the owners and occupiers of all developed parcels and the amount of the fee was based on the impervious area of the parcel. The rationale used by the City for basing the fee on impervious area was that the impervious area of a property most accurately measured the degree to which the property contributed runoff to the City’s drainage facilities. Undeveloped parcels and developed parcels that maintained their own storm water management facilities or only partially contributed storm or surface water to the City’s storm drainage facilities were required to pay in proportion to the amount they did contribute runoff or used the City’s treatment services.

The City asserted that the fee did not require voter approval requirements of Article XIII D § 6(c) on two grounds. The first ground was that the fee was not a “property related” fee but rather a “user fee” which the property owner could avoid simply by maintaining a storm water management facility on the property. The City argued that because it was possible to own property without being subject to the fee, it was not a fee imposed “as an incident of property

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

ownership.”¹⁵⁷ The second ground asserted by the City was that, even if the fee could be characterized as a property related fee, it was exempted from the voter approval requirements by the provisions of Article XIII D § 6(c) that allow local governments to enact fees for sewer and water services without prior voter approval.¹⁵⁸

The court rejected both arguments, finding that because the fee was not directly based on or measured by use, comparable to the metered use of water or the operation of a business, it could not be characterized as a use fee. Rather the fee was based on ownership or occupancy of a parcel and was based on the size of the parcel and therefore must be viewed as a property related fee.¹⁵⁹

The court also found that the “Proportional Reduction” provision of the City’s fee did not alter the nature of the fee as a property related fee. A property owner’s operation of a private storm drain system reduced the amount owed to the City to the extent that runoff into the City’s system is reduced but did not eliminate the need to pay a fee. The reduction was not proportional to the amount of services requested or used by the occupant, but rather was based on the physical properties of the parcel. Thus, the Court determined that the fee was ultimately a fee for a public service having a direct relationship to the ownership of developed property. The court concluded that the storm drainage fee “burden[s] landowners *as landowners*,” and thus it was in reality a property related fee subject to the requirements of Article XIII D and not a user fee. The fee was therefore subject to the voter-approval requirements of Article XIII D unless one of the exceptions in section 6(c) of that section applied.¹⁶⁰

The court then went on to reject the City’s contention that the fee fell within exemption from the voter-approval requirement applicable to fees for sewer or water services. The court concluded that the term “sewer services” was ambiguous in the context of both § 6(c) and Article XIII D as a whole. The court found that, because Article XIII D was enacted through the initiative process, the rule of judicial construction that an enactment must be strictly construed required the court to take a narrow reading of the sewer exemption. The court went on to hold that the sewer services exception in Article XIII D § 6(c) was applicable only to sanitary sewerage and *not* to services related to stormwater.¹⁶¹

The court observed:

The City itself treats storm drainage differently from its other sewer systems. The stated purpose of [the City storm drainage fee ordinance] was to comply with federal law by reducing the amount of pollutants discharged into the storm water, and by preventing the discharge of “non-storm water” into the storm drainage system, which channels storm water into state waterways ... the City’s storm drainage fee was to be used not just to provide drainage

¹⁵⁷ (2002) 98 Cal.App.4th 1351,1354.

¹⁵⁸ *Id.*

¹⁵⁹ *Id.* at p. 1355.

¹⁶⁰ *Id.*

¹⁶¹ *Id.* at 1357-58.

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

service to property owners, but to monitor and control pollutants
that might enter the storm water before it is discharged into natural
bodies of water..¹⁶²

The court likewise rejected the argument that the storm drainage fee fell within provisions of Article XIII D § 6(c) exempting fees for water services from the voter approval requirements, holding:

[W]e cannot subscribe to the City's suggestion that the storm
drainage fee is “for . . . water services.” *Government Code section*
53750, enacted to explain some of the terms used in articles XIII C
and XIII D, defines “[w]ater” “as “any system of public
improvements intended to provide for the production, storage,
supply, treatment, or distribution of water.” (Gov. Code, § 53750,
subd. (m).) The average voter would envision “water service” as
the supply of water for personal, household, and commercial use,
not a system or program that monitors storm water for pollutants,
carries it away, and discharges it into the nearby creeks, river, and
ocean..¹⁶³

4. Conclusion

In summary, Articles XIII A, XIII C, and XIII D of the California Constitution severely limit the Joint Test Claimants’ power to impose fees. Any fees developed by the Joint Test Claimants to fund the portions of the MS4 Permit that are the subject of this unfunded mandate claim could only be imposed by some form of special tax or property related fee that would require approval by either a 2/3 vote of the electorate subject to the tax; or a majority vote of the property owners subject to the property related fee.

B. THE JOINT TEST CLAIMANTS HAVE LIMITED OTHER FUNDING SOURCES

The Joint Test Claimants are not aware of any state, federal or other non-local agency funds that are or will be available to fund these new activities, with the exception of Measure M2 grant funds administered by the Orange County Transportation Authority, a Metropolitan Water District (“Met”) funding program and a rebate program from the Municipal Water District of Orange County (“MWDOC”), and State Proposition 84 and Proposition 1 Integrated Regional Water Management Program and Stormwater Program funds. These are limited, competitive grant programs and/or limited rebate programs, which are not generally available to the Joint Test Claimants and which, as set forth in the attached Section 6 Declarations, may have only limited applicability to the requirements set forth in this Joint Test Claim and which require some element of local matching funds. These programs also require recipients to meet specific criteria. Thus, even if these funding sources were available with respect to the requirements set

¹⁶² *Id.* at 1358.

¹⁶³ *Id.*

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

forth in this Joint Test Claim, they would not be available to fully recompense the Joint Test Claimants for such requirements. Further, as indicated in the attached declarations, to the extent such funds may have been received by various of the Joint Test Claimants, those funds are not included in the costs identified in the declarations.

Also, as noted in the Declaration of Khalid Bazmi, P.E. for the County of Orange, the County currently has access to monies from the Orange County Flood Control District assessments, but such monies are not permanently dedicated to the County and in any event, would not fully compensate the County for the obligations set forth in the Regional Permit which are the subject of this Test Claim. Absent such funds, or in light of the expanded requirements of the Regional Permit, the County would be required to access General Fund monies. Moreover, such funds, having been made available to the County, are not available to the Orange County Flood Control District to address costs incurred by that local agency.

VII. PRIOR MANDATE DETERMINATIONS

A. LOS ANGELES COUNTY

In 2003 and 2007, the County of Los Angeles and 14 cities within the county (the Los Angeles claimants) submitted test claims 03-TC-04, 03-TC-19, 03-TC-20, and 03-TC-21. The test claims asserted that provisions of Los Angeles Water Board Order 01-182 constitute reimbursable state mandates. Order 01-182 was the 2001 renewal of the existing MS4 Permit. Order 01-182 was the MS4 Permit for Los Angeles County and most of its incorporated cities, and served as an NPDES permit. The permit provisions required the Los Angeles claimants to install and maintain trash receptacles at specified transit stops and to inspect certain industrial, construction, and commercial facilities for compliance with local and/or state storm water requirements.

On September 3, 2009, the Commission issued a final decision entitled *In re Test Claim On: Los Angeles Regional Quality Control Board Order No. 01-182, Case Nos.: 03-TC-04, 03-TC-19, 03-TC-20, 03-TC-21* ("Los Angeles Decision"). The Los Angeles Decision partially approved the test claims. The Commission found the trash receptacle requirement to be a reimbursable State mandate. The Commission's decision was appealed and is awaiting a decision from the California Supreme Court.

B. SAN DIEGO COUNTY

In 2007, the County of San Diego and 21 cities within the county (the San Diego claimants) submitted test claim 07-TC-09. The test claim asserted that many provisions of San Diego Water Board Order R9-2007-0001 constitute reimbursable State mandates. Order R9-2007-0001 renewed the municipal storm water permit for San Diego County and many of its incorporated cities, and served as an NPDES permit until the adoption of the Regional Permit. The challenged permit provisions required the San Diego claimants to: (1) conduct and report on street sweeping activities; (2) clean and report on storm sewer cleaning; (3) implement a regional urban runoff management program; (4) assess program effectiveness; (5) conduct public education and outreach; (6) collaborate among Permittees to implement the program; (7)

SECTION 5 NARRATIVE STATEMENT IN SUPPORT OF TEST CLAIM OF THE COUNTY
OF ORANGE, ET AL., TO SAN DIEGO REGIONAL WATER QUALITY CONTROL
BOARD ORDER NO. R9-2013-0001, AS AMENDED

implement hydromodification management plans; and (8) implement plans for low impact development.

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 (San Diego Decision). The San Diego Decision partially approved the test claim. The Commission's decision took the relatively narrow Los Angeles Decision to its logical conclusion, finding the following permit requirements to be reimbursable State mandates:

1. Street Sweeping
2. Street Sweeping Reporting
3. Conveyance System Cleaning
4. Conveyance System Cleaning Reporting
5. Public Education Requirements with Specific Target Communities and Specified Topics
6. Mandatory Watershed Activities and Collaboration in Watershed Urban Management Program
7. Regional Urban Runoff Management Program
8. Program Effectiveness Assessment
9. Long-term Effectiveness Assessment
10. Permittee Collaboration

The Commission also found the hydromodification and low impact development requirements in the San Diego Permit to be State mandates, but not reimbursable mandates because the local agencies could charge fees to pay for these programs. The San Diego Decision has been appealed, is fully briefed, and is pending resolution.

VIII. CONCLUSION

The Regional Permit imposes many new mandated activities and programs on the Joint Test Claimants that are not required to be imposed on local governments under federal law. As detailed above, the costs to develop and implement these new programs and activities are substantial. At the same time, the Joint Test Claimants lack the ability/authority to develop and impose fees to fund these programs. The costs incurred and to be incurred to comply with these state-mandated programs all satisfy the criteria for reimbursable mandates, and the Joint Test Claimants respectfully request that the Commission make such findings as to each of the mandated programs and activities set forth herein, and find that they require funding under the California Constitution.

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 December 14, 2017, I served the:

- **Notice of Complete Test Claim, Renaming of Matter, Request for Administrative Record, and Tentative Hearing Date issued December 14, 2017**
- **Claimants' Second Response to the Second Notice of Incomplete Test Claim filed November 20, 2017**
- **Claimants' First Response to the Second Notice of Incomplete Test Claim filed November 20, 2017**
- **Test Claim filed by County of Orange, Orange County Flood Control District, and the Cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano, (Claimants) on June 30, 2016 revised September 18, 2017 and November 20, 2017**

California Regional Water Quality Control Board, San Diego Region, Order No. R9-2015-0001, Provisions A.2, A.3.b, A.4, B, E.3.c(2), E.3.d, E.5, E.5.e, E.6., F, and Attachment E; and Order No. R9-2015-0100, Provision B.3.c., 15-TC-02

County of Orange, Orange County Flood Control District, and the Cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano, 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 December 14, 2017 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/30/17

Claim Number: 15-TC-02

Matter: California Regional Water Quality Control Board, San Diego Region, Order No. R9-2015-0001, Provisions A.2, A.3.b, A.4, B, E.3.c(2), E.3.d, E.5, E.5.e, E.6., F, and Attachment E; and Order No. R9-2015-0100, Provision B.3.c.

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City of Laguna Niguel
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City of Mission Viejo
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City of San Clemente
City of San Juan Capistrano
County of Orange
Orange 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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