



Los Angeles County  
Department of Regional Planning

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*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

September 5, 2012

**TO:** Paul McCarthy, Hearing Officer

**FROM:** Steve Mar  
Regional Planning Assistant II, Zoning Permits East

**SUBJECT:** **Project Number: R2011-00719-(2)**  
**CUP 201100066**  
**Hearing Officer Meeting: September 18, 2012**  
**Agenda Item: TBA**  
**Applicant: California American Water Company**

Attached are additional materials for the abovementioned case.

Should you have any questions regarding this please contact the case planner Steve Mar at (213) 974-6435 or via email at [smar@planning.lacounty.gov](mailto:smar@planning.lacounty.gov)

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August 31, 2012

Hon. Hearing Officer Paul McCarthy  
County of Los Angeles, Department of Regional Planning  
320 West Temple Street, Room 150  
Los Angeles, CA 90012

Re: Application 201100066; Response to Request of the View Park Preservation Society for an Environmental Impact Report for California American Water's Olympiad Booster Station Replacement Project

Dear Hon. Hearing Officer McCarthy:

### **I. Introduction and Summary**

As allowed pursuant to your order of August 7, 2012, California American Water responds to the unfounded allegations and speculation by the View Park Preservation Society ("Society") regarding the environmental impacts of California American Water's proposed Olympiad Booster Station Replacement Project ("Project").

A careful analysis of the materials submitted by the Society shows that their request for an Environmental Impact Report ("EIR") has little to do with the Project. The Society has unrealistic expectations regarding the EIR process; the vast majority of the issues raised by the Society will not be addressed in an EIR because an EIR would be limited to the impacts of the Project, not the operation of California American Water's water distribution system. Further, the Society's opposition is deficient because it is not supported by either legal precedent or substantial evidence. The Society attempts to embrace within the Project the current operations of California American Water's distribution system, despite the fact that those operations are neither part of the Project nor even within the jurisdiction of Los Angeles County. Then, the Society admittedly engages in speculation, offers innuendo, and makes blatantly incorrect statements about the current operation of the water system as well as making libelous and unsupported accusations that California American Water violated the law, all of which are unrelated to the Project. In the end, the record in this proceeding is devoid of substantial evidence to support a fair argument that, after mitigation, the Project may have a significant effect on the environment. Accordingly, an EIR is not required and the County can comply with the California Environmental Quality Act ("CEQA") by adopting a mitigated negative declaration.

California American Water respectfully requests the hearing officer to: (a) adopt findings that the materials submitted by the Society do not constitute substantial evidence, as substantial

evidence is defined by the California Environmental Quality Act, because the materials constitute narrative, unsubstantiated opinion, argument, speculation, and are clearly erroneous or inaccurate; and (b) adopt additional findings stating that, to the extent that the Society has submitted documents of purported experts: (i) the experts are not qualified to offer the expert opinion; (ii) those opinions are unsupported by facts, are based on speculation, contain only clearly inaccurate and erroneous information and argument, and (iii) therefore do not constitute substantial evidence.

That being said, California American Water welcomes the opportunity the Project has presented to have a dialog with our customers regarding the quality of the water we deliver and the service we provide. We are concerned about the allegations described in the Society's opposition materials. On May 24, 2012 California American Water held a community open house to discuss not only the Project, but also address any other issues our customers have with our service. In addition, we have an additional open house in that area scheduled for September 18, 2012. Despite these outreach efforts, many of the issues raised by the Society in its opposition have never before been brought to the Company's attention.<sup>1</sup> Although these issues are not appropriate for an EIR, California American Water is working to address these concerns.

## **II. The Society Incorrectly Attempts to Expand the Scope of the Project and Makes False Allegations of Piecemeal Environmental Review**

### ***A. The Project is the Replacement of the Existing Olympiad Booster Station; the Project Does Not Include the Current Operations of California American Water's Water Distribution System***

CEQA requires the Lead Agency to evaluate the environmental effects of "the project."<sup>2</sup> "Project" is a defined term under CEQA. The CEQA Guidelines define "project" as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that . . . [involves] the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies."<sup>3</sup> The Guidelines further clarify that "'project' refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term 'project' does not mean each separate governmental approval."<sup>4</sup> Here, California American Water is seeking a conditional use permit to replace the existing booster station as a matter of Los Angeles County's land use authority.<sup>5</sup> The Olympiad Reservoir and Booster Station property is zoned Low Density

<sup>1</sup> California American Water employees have regular communication with our customers on a myriad of issues. On the issues relating to the Project, On August 28, 2012 California American Water's external affairs vice president spoke with Ms. Moore and her husband regarding the issues outlined in the Society's materials.

<sup>2</sup> Public Resources Code § 21000(g).

<sup>3</sup> 14 Cal.Code Reg. § 15378(a)

<sup>4</sup> 14 Cal.Code Reg. § 15378(c)

<sup>5</sup> California American Water has sought this permit in an effort to cooperate with Los Angeles County in regard to this land use matter. The submission of the application is not, and should not be construed as, a waiver of any argument that the County has no or limited jurisdiction over California American Water's operations. See Article XII, § 8 of the California Constitution, Section I.9 of California Public Utilities Commission General Order 103A, and *California Water and Telephone v. County of Los Angeles*, (1967) 253 Cal.App.3d 16.

Residential. The County Zoning Code requires a use permit for water distribution facilities in the Low Density Residential zone.

For the purposes of CEQA, the environmental impacts of the “project” are determined by comparing the existing environment to the changes that will result from the construction and operation of the project.<sup>6</sup> “[T]he impacts of a proposed project are ordinarily to be compared to the actual environmental conditions existing at the time of CEQA analysis.”<sup>7</sup> These existing conditions are colloquially referred to as “the environmental baseline.” The Lead Agency *may not* construct an artificial baseline to account for past changes in, or activities on, the project site.<sup>8</sup> When these rules are applied here, the following issues raised by the Society are, therefore, **properly excluded from** the Initial Study and Mitigation Measures proposed for the Project:

- The existing physical condition of the Olympiad Reservoir, including any speculation that the reservoir might rupture;<sup>9</sup>
- The sales, which occurred 8 years ago in 2004, of the so-called “Contiguous Athenian Lot” and “Contiguous Valley Ridge Lot;”<sup>10</sup>
- The condition of those portions of the water distribution system that are not replaced as part of the Project;<sup>11</sup>
- The requirements of the Regional Water Quality Control Board relating to discharges into the storm drain system;<sup>12</sup>
- The allegedly poor water quality;<sup>13</sup>
- The odors allegedly emanating from the reservoir site at various times in the past;<sup>14</sup>
- The allegedly poor condition of the existing vegetation;<sup>15</sup>
- Preexisting changes in insect populations;<sup>16</sup>
- Alleged health conditions of the surrounding population;<sup>17</sup>
- Alleged puddling or pooling of water that currently occurs;<sup>18</sup>

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<sup>6</sup> See, e.g., 14 C.C.R. § 15125

<sup>7</sup> *Communities for a Better Environment v. South Coast Air Quality Management District* (2007) 48 Cal.4<sup>th</sup> 310, 321

<sup>8</sup> See *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4<sup>th</sup> 1428, 1452 (baseline excludes past illegal mining activity) and *Fat v. County of Sacramento* (2002) 97 Cal.App.4<sup>th</sup> 1270 (EIR adequate when comparing project to unpermitted airport operations).

<sup>9</sup> Kane Ballmer and Berkman letter dated August 7, 2012, (“KBB Letter”), paragraphs 8.c, 14, 14.k, and 14.r.; and Declaration of Geraldine Moore (“Moore Declaration”) Paragraphs 6.o, 13.a, and 13.n.

<sup>10</sup> KBB Letter, paragraphs 8.a, 8.b., 8.c, 14.a. and 14.c; Moore Declaration paragraphs 4, 13.a, 13.s, and 13.v.

<sup>11</sup> KBB letter, paragraphs 10.c, 12, 14, 14.b, 14.c and 14.f and Moore Declaration paragraphs 9, 10, 11, 12, 13.o, and 13.t.

<sup>12</sup> KBB letter, paragraphs 9, 10.b, 14.f, and 14.l and Moore Declaration paragraph 13.

<sup>13</sup> KBB letter, paragraph 14.d and 14.f and Moore Declaration paragraphs 13.b. and 13.c.

<sup>14</sup> KBB letter, paragraph 14.e and Moore Declaration paragraph 13.d.

<sup>15</sup> KBB Letter, paragraph 14.h and Moore Declaration paragraph 13.e.

<sup>16</sup> KBB letter, paragraph 14.i and Moore Declaration paragraph 13.f.

<sup>17</sup> KBB letter, paragraph 14.j and Moore Declaration paragraph 13.g.

- The manner in which California American Water operates the distribution system.<sup>19</sup>
- The operation of the backup generators on the site.<sup>20</sup>

Because these matters are part of the environmental baseline and not impacts of the Project, the vast majority of the Society's comments are completely irrelevant to County's CEQA compliance. Although these issues are excluded from the scope of the EIR, that does not mean that California American Water is ignoring these concerns. California American Water has, or is in the process of, investigating each of these issues and attempting to resolve our customer's concerns to the extent the Company can determine the cause and has control over the solution.

For example, to the extent the Society is concerned that structures are being constructed within the drainage easement on the Contiguous Athenian Lot and the Contiguous Valley Ridge Lot, California American Water has inspected the site and determined that no construction is occurring within the easement.<sup>21</sup> Moreover, the County Building Inspector is charged with enforcing such restrictions. Similarly, California American Water has investigated the circumstances surrounding the service line failure at the Williams' residence, and determined that California American Water's distribution system pressures are within the range allowed by California Public Utilities Commission General Order 103A, and that the incident was not caused by a failure or condition of California American Water's system. Again, these are not issues that would be addressed in an EIR, but California American Water has not ignored, and is not ignoring, these concerns.

*B. The County is not "Piecemealing" Project Approvals Because California American Water is not Seeking and Does Not Require Any Other Approvals of Los Angeles County to Construct the Project.*

The Society alleges that County is violating CEQA because the County is engaging in "piecemeal" environmental review. Specifically, the Society raises these claims in conjunction with the addition of a dechlorination vault, the possible existence of asbestos in the existing structure, and the use of an emergency generator.<sup>22</sup> The Society incorrectly applies the concept of piecemeal review here in an effort to improperly expand the scope of the County's environmental review to encompass the on-going operation of the water distribution system or compliance with previously adopted orders.

For piecemealing to occur, the project applicant must be seeking two different approvals from the same agency through two different application processes, even though the approvals all facilitate the same development. For example, in the seminal "piecemealing" case, the County of Inyo attempted approve a new shopping center development in two separate actions; one to approve a general plan amendment and zoning reclassification, and the second to approve a

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<sup>18</sup> KBB Letter, paragraph 14.o and Moore Declaration paragraph 13.l and 13.m.

<sup>19</sup> KBB Letter, paragraph 14.m and Moore Declaration paragraphs 7, 13.k, 13.t, 13.w, In fact, Los Angeles County is preempted from regulating California American Water's operation of the water system. See *California Water and Telephone Company v. County of Los Angeles*, (1967) 253 Cal.App.2d 16.

<sup>20</sup> KBB Letter paragraph 14.g

<sup>21</sup> See Declaration of Garry Hofer ("Hofer Declaration"), ¶ 6.

<sup>22</sup> KBB Letter, ¶¶ 7, 13, 14.g.

tentative tract map and road abandonment.<sup>23</sup> The precise legal test to determine if piecemeal environmental review is occurring is to ask whether future expansion or action is: (1) a reasonably foreseeable consequence of the Project; and (2) the future expansion or activity will likely change the scope or nature of the initial project or its environmental effects.<sup>24</sup> In addition, piecemealing cannot occur when the activities are being approved by two different, independent agencies.<sup>25</sup>

Here, the Society misses the mark on all counts. First, unlike the *Bishop* case, California American Water needs only one approval from Los Angeles County to implement the Project – the conditional use permit. There is no separate, subsequent approval that is being processed for the Project. Second, the dechlorination vault and the potential release of asbestos due to demolition of the existing booster station building are included within the description **of this Project**; they are not a reasonably foreseeable change in the scope or nature of the Project. Third, as to the use of the dechlorination vault and the backup generator, the dechlorination of water and the use of a backup generator are part of the current operation of the water distribution system<sup>26</sup> – they are part of the environmental baseline and no approval is being sought here. More importantly, these operations have been previously approved by independent agencies. Dechlorination is required by the Regional Water Quality Control Board pursuant to order R4-2006-0074<sup>27</sup> and operation of the backup generator was approved by the California Air Resources Board pursuant to the Portable Equipment Registration Program.<sup>28</sup> Thus, the Society's claims that the County is conducting piecemeal environmental review are unsupported by law or evidence.

### **III. The Society Does Not Present Substantial Evidence That There May be a Significant Effect on the Environment**

Having clearly established that the Project for CEQA purposes is the replacement of the existing Olympiad Booster Station, and does not include the operation of the existing water distribution system, the legal question is whether there is substantial evidence that supports a fair argument that the Project, after mitigation, may have a significant effect on the environment. Such a review must be conducted in light of CEQA's definition of "substantial evidence" which is:

Substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic

<sup>23</sup> *Citizens Assn. for the Sensible Development of Bishop v. County of Inyo* (1985) 172 Cal.App.3d. 151.

<sup>24</sup> See *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376.

<sup>25</sup> See *Sierra Club v. West Side Irrigation District* (2005) 128 Cal.App.4<sup>th</sup> 690 (two water transfers by separate agencies to the City of Tracy can be analyzed in two separate Initial Studies because each transfer was independent of the other).

<sup>26</sup> Hofer Declaration, ¶ 14.

<sup>27</sup> See Exhibit 5 to the Hofer Declaration.

<sup>28</sup> See Exhibits 6 and 7 to the Hofer Declaration.

impacts that do not contribute to, or are not caused by, physical impacts on the environment.<sup>29</sup>

In addition, the Lead Agency has discretion to determine whether evidence offered by citizens claiming a fair argument exists meets CEQA's definition of "substantial evidence" because the evidence lacks credibility."<sup>30</sup> It is important to note that the Lead Agency must employ additional procedures to exclude such evidence. "[B]efore an agency may rely on its purported rejection of evidence as incredible, it must first identify that evidence with sufficient particularity to allow the reviewing court to determine whether there were legitimate, disputed issues of credibility."<sup>31</sup>

California American Water has reviewed the materials presented by the Society and these materials do not meet the definition of substantial evidence. Consistent with the requirement that the agency identify the evidence with sufficient particularity for appellate review, California American Water requests the County to adopt specific findings that the Society's submissions do not constitute substantial evidence for the reasons discussed subsequently.

A. *The Kane, Ballmer and Berkman Letter Contains Only Argument, Speculation, and Erroneous Facts*

The materials presented by the Society in opposition to the Project are submitted under the cover of the KBB Letter. As clearly stated in CEQA, argument, speculation, unsubstantiated opinion or narrative are not substantial evidence. The KBB Letter is mostly argument, as evidenced by its frequent references to other documents, such as the Declaration of Geraldine Moore, the MBA Report, the Studio Report, the Tobin Report, and the Eastern Municipal Water District Design Guidelines, all of which do not constitute substantial evidence, as will be discussed subsequently. To the extent that the KBB Letter contains assertions that may be construed as facts, reasonable assumption predicated on facts, or expert opinion based on facts, the KBB Letter does not establish that Mr. Lamanna is sufficiently familiar with the Project or the surrounding neighborhood to provide credible observations regarding non-technical issues, such that those observations may be considered substantial evidence independent of any referenced external sources. Accordingly, the County should adopt a finding that the KBB Letter contains only argument and unsubstantiated opinion and therefore is not substantial evidence.

B. *The MBA Report Is Inaccurate and Erroneous Because it Addresses An Earlier Version of the Initial Study.*

As noted in the KBB letter, the environmental review documents for the Project have been revised multiple times since first being released in March 2012. These revisions were due, in part, to the issues raised by the Michael Brandman Associates Report ("MBA Report") dated April 4, 2012 attached to the KBB Letter as Exhibit D-1. Because the County's analysis has been revised since that time, the MBA Report is now "clearly inaccurate and erroneous" for the following reasons:

<sup>29</sup> Public Resources Code § 21080(e)(1) and (2).

<sup>30</sup> See *Pocket Protectors v. City of Sacramento*, (2004) 124 Cal.App.4<sup>th</sup> 903, 928.

<sup>31</sup> *Consolidated Irrigation District v. City of Selma*, (2012) 204 Cal.App.4<sup>th</sup> 187, 207-208.

### 1. *Aesthetics/Views*

The MBA Report concludes that the prior version of the Initial Study was inadequate because it concluded that there would be no impact to the existing visual character or quality of the site because of the height, bulk, pattern, scale character or other features of the site. The revised Initial Study concludes that there would be a less than significant impact based on a comparison of the proposed booster station's features to other buildings in the area. Accordingly, the MBA Report's criticisms of the Initial Study are now inaccurate because they do not reflect the current analysis.

### 2. *Air Quality*

The MBA Report questioned the conclusion in the original Initial Study that the Project would not generate air pollutants or odors. The revised Initial Study includes a full estimate of criteria pollutants that would be generated by construction equipment, discusses the fact that operation of the backup generator is part of the baseline operations of the facility and therefore are not part of the Project, and discusses the potential for certain hazardous air pollutants to be emitted through demolition activities and notes that, based on compliance with existing air quality regulations, the emission of those hazardous materials would not have a significant effect on the environment.

### 3. *Biological Resources*

As respects Biological Resources, the MBA Report questioned the conclusions in the original Initial Study that the Project would have no impact on resident or migratory birds. In response, the County has revised the Initial Study to require California American Water to implement a pre-construction nesting survey and mitigate the impacts to any nesting birds.

### 4. *Cultural Resources*

The MBA Report noted that the original Initial Study did not analyze potential impacts to archaeological and paleontological resources that may be caused by the grading. Mitigation measures have been added to the revised Initial Study. The MBA Report also questioned the original Initial Study's conclusions regarding the historical significance of the water distribution facilities, which is discussed in more detail, *infra*, in conjunction with the Studio Report.

### 5. *Energy*

The MBA Report noted that the "no impact" conclusion regarding energy use was unsupported by analysis. The revised Initial Study now has an analysis showing that the newer pumps are more efficient and that therefore there is a less than significant impact on the use of energy resources.

### 6. *Geology and Soils*

The MBA Report questioned the basis for the "no impact" conclusions in the original Initial Study for all of the Geology and Soils issues. Those analyses have all been updated with references to accepted sources to support the various conclusions.

### *7. Greenhouse Gas Emissions*

Similar to the Energy discussion, the original Initial Study contained unsupported conclusions regarding the impacts of the Project on GHG emissions. The revised Initial Study now has quantified the potential GHG emissions and referenced the appropriate standard of significance in concluding that the Project will have a less-than-significant effect.

### *8. Hazards and Hazardous Materials*

The MBA Report raised concerns that the original Initial Study did not adequately explain the “no impact” conclusion with respect to the “routine transport, storage, production, use, or disposal of hazardous materials” or “create a significant hazard to the public through a reasonably foreseeable upset and accident conditions involving the release of hazardous materials or waste.” In particular, the MBA Report noted that the original Site Plan included a “chemical room” as part of the booster station.

California American Water has revised the site plans, and has replaced the chemical room with permanent restroom facilities. In addition, California American Water has explained that the only “chemical” retained stored on-site is a non-toxic substance, ascorbic acid, to use in dechlorinating water before it is discharged into the storm drains, as required by order of the Regional Water Quality Control Board. Based on the fact that the ascorbic acid is non-toxic, Department Staff have correctly concluded that there is a less-than-significant impact with respect to the storage or accidental release of such materials, and therefore has not imposed any conditions on the storage or use of the ascorbic acid.

### *9. Hydrology and Water Quality*

The MBA Report noted that the original Initial Study provided no discussion of erosion and sediment control measures typically associated with grading and construction activities. The revised Initial Study contains a discussion of Construction General Storm Water Permit and the Storm Water Pollution Prevention Plans associated with those permits. California American Water has agreed to include those as part of the Project. Accordingly, the revised Initial Study now correctly concludes that the Project, with the mitigation incorporated, will have a less-than-significant effect on hydrology and water quality.

### *10. Noise*

The MBA Report questioned the “no impact” conclusion contained in the original Initial Study because the MBA Report opined that the nearby residences were each sensitive receptors. The revised Initial Study notes that the County Department of Public Health has reviewed the noise specifications for the Project and determined that the noise will be less than significant based on the enclosure of the pumps within the building and because they will be below ground level. The conclusions of planning staff are substantial evidence.<sup>32</sup> Because the MBA Report does not challenge the correctness of planning staff’s conclusion, there is no substantial evidence that contradicts the conclusions of planning staff, so substantial evidence supports the conclusion in the revised Initial Study that there will be a less-than-significant impact due to noise.

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<sup>32</sup> See *Pocket Protectors v. City of Sacramento*, 124 Cal.App.4<sup>th</sup> at 928

For each of the ten resource areas the MBA Report provided commentary, the original Initial Study was revised to address those comments. Based on those revisions, the criticisms contained in the MBA Report are now clearly inaccurate or erroneous, and therefore the MBA Report does not constitute substantial evidence that supports a fair argument the Project may have a significant effect on the environment. California American Water requests the County to adopt a finding that the MBA Report analyzed a prior version of the Initial Study, that revisions were made to all ten resources areas discussed in the MBA Report, and that the MBA Report is **now** clearly inaccurate or erroneous, and therefore does not constitute substantial evidence.

C. *The Studio 2902 Report Is Unsubstantiated Opinion, Based on Speculation, and is Clearly Erroneous Because The Olympiad Reservoir and Booster Station Was Constructed After the 1932 Olympics and Did Not Serve the Olympic Village.*

In its opposition to the Project, the Society submitted a letter, attached as Exhibit D-2 to the KBB Letter, from Studio 2902, a company that purports to be an architecture and construction management firm operated by Hector Ayala ("Studio Report"). The key analysis in the Studio Report occurs on pages 4 and 5, wherein Mr. Ayala opines:

Given the age of the Historic Facility of roughly between 73 and 82 years and historic significance of the View Park area as the host to the Olympic Village, we are of the opinion the Historic Facility represents a "rare archaeological, cultural and historic resource."

Furthermore, the likelihood of the Historic Facility of playing a role in the Olympic Village in View Park during the 1932 Los Angeles Olympics, we are of the opinion that the Historic Facility represents a "rare archaeological, cultural resource with American and International significance as part of the tenth Olympiad.

***We believe that an EIR would likely reveal if the Historic Facility were in fact documented to part of the Olympic Village for the 1932 Los Angeles Olympics. . . . [W]e believe there is historical and cultural significance of the View Park area as the site of the 1932 Olympic Village and the Historic Facility played a key role in those events as part of View Park. (emphasis added).***

These statements need to be evaluated first and foremost in light of Mr. Ayala's definition of the "Historic Facility" on page 2, which is the "water reservoir facility." Mr. Ayala appears to incorrectly be evaluating the significance of the geodesic-domed reservoir, not the booster station building. Attached to the Declaration of Matthew Lasecki are photographs of the booster station building.<sup>33</sup> As has been emphasized throughout the Initial Study, the Project does not involve the reservoir, but only the booster station, which is a non-descript stucco building, not the reservoir with the geodesic dome.

More importantly, Mr. Ayala's opinion is premised on the assumption that these facilities were used to support the 1932 Olympic Village. California American Water's records indicate that

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<sup>33</sup> Declaration of Matthew Lasecki ("Lasecki Declaration"), Ex. 2.

these facilities weren't constructed until approximately 1938, six years after the Olympics.<sup>34</sup> The Lasecki Declaration also includes publically-available information showing the nature of the water distribution system that supported the Olympic Village.<sup>35</sup> That information shows that the water distribution facilities used to support the Olympic Village were nowhere near the current site of the Project.<sup>36</sup> Water for the Village was supplied via a 40,000 ft steel main constructed specifically for the project. This main was connected to the City of Los Angeles' water system.<sup>37</sup>

It is important to note that the Lasecki Declaration does not create "a dispute among experts" regarding the historical significance of the booster station building that would require the preparation of an EIR; rather, the Lasecki Declaration merely shows that a key assumption of the Studio Report that underlies their opinion of significance is untrue – California American Water's Olympiad Booster Station (the so-called Historic Facility) neither existed at the time of the Tenth Olympiad nor provided water service to the Olympic Village. The falsity of this premise undermines the entirety of the Studio Report's analysis.

In light of this key assumption being untrue, the Studio Report is unsubstantiated opinion and clearly inaccurate and erroneous. Accordingly, the Studio Report does not constitute substantial evidence that the Project will have a significant effect on a historical resource. California American Water requests the County to adopt a specific findings that: (1) the Studio Report assumes that the Olympiad Booster Station was constructed at the time of the Tenth Olympiad and provided service to the Olympic Village; (2) that the record of this proceeding reflects that the Olympiad Booster Station was not constructed until 1938 and did not provide service to the Olympic Village; (3) that therefore the Studio Report is unsubstantiated opinion and clearly inaccurate and erroneous; and (4) accordingly, the Studio Report does not constitute substantial evidence that supports a fair argument that the Project may have a significant effect on a historic resource.

*D. The Charles Tobin Report Is Not Substantial Evidence Because It Is Irrelevant to the County's Jurisdiction, Mr. Tobin Is Not Qualified to Opine on Potable Water Distribution Systems, it is Unsubstantiated Opinion and Clearly Erroneous.*

The Society's opposition to the Project includes a letter, attached as Exhibit D-3 to the KBB Letter and dated August 4, 2012, authored by Charles Tobin purporting to offer the following opinion:

I believe the Increased Capacity Water Booster Station will increase water pressure in the delivery of water to the applicant's customers, in excess, of the baseline for the existing operation. I presume the existing operations are both inferior in water pump capacity and include four pumps or less while the Increased Capacity Water Booster Station will have new higher capacity vertical pumps and allow for the expansion to a fifth pump-on currently part of the existing booster station. As a result, Increased Capacity Water Booster Station will cause further water delivery

<sup>34</sup> Lasecki Declaration .¶ 4.

<sup>35</sup> Lasecki Declaration, ¶¶ 16 and 17, Ex. 4

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

plumbing system ruptures as the Water Delivery System Rupture. The Increased Capacity Water Booster Station would qualify as a potentially significant impact.

It is important to note at the outset that Tobin's opinion that "[t]he Increase Capacity Water Booster Station would qualify as a potentially significant impact" is circular and nonsensical; the project is a potentially significant effect of the project. This nonsense merely presages the multiple flaws in Tobin's opinion, as follows.<sup>38</sup>

1. *Tobin Is Not Qualified To Opine On The Design of California American Water's Water Distribution System Because He Is Not A Licensed Engineer And Has No Experience Operating Municipal Water Systems.*

Mr Tobin's curriculum vitae states that he is a licensed plumber and is experienced in operating institutional water systems. California Public Utilities Commission ("CPUC") General Order 103A makes the following requirements relating to the design of water utility distribution systems:

The design and construction of the utility's water or wastewater system(s) shall conform to acceptable engineering standards and practices. Each system shall be designed and operated so as to provide reasonably adequate and safe service to its customers and shall conform to the requirements of the Department and this General Order.

A professional Civil, Mechanical, or Electrical engineer registered in the State of California shall approve all design and construction documents of a utility's water or wastewater system(s) as required by the California Business and Professions Code Sections 6700 – 6799, or its successor.

Mr. Tobin is not a licensed civil, mechanical or electrical engineer. While he has experience operating *institutional* water systems, he has no experience operating *municipal* water systems. He has no relevant experience to draw upon to determine what is required for California American Water's municipal system to "provide reasonably adequate and safe service to its customers and conform to the requirements of the Department of Public Health and [the CPUC's] General Order 103A."

On the other hand, California American Water's project manager, Matthew Lasecki, is a licensed civil engineer,<sup>39</sup> and the plans and specifications for this system were designed by the engineering firm of Brown and Caldwell and stamped by a licensed engineer.<sup>40</sup> In addition,

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<sup>38</sup> As discussed previously, the County has no discretion to enforce as part of the conditional use permit process the operation of the water distribution system because the County of Los Angeles is preempted from regulating the operation California American Water's water distribution system because the California Public Utilities Commission has adopted General Order 103A. *California Water and Telephone v. County of Los Angeles* (1967) 253 Cal.App.2d 16. For this reason alone, the Tobin Report is irrelevant and should be excluded from the record.

<sup>39</sup> Lasecki Declaration, ¶ 2.

<sup>40</sup> See Application.

California American Water and its predecessor companies have been providing water service to its customers for over 100 years. California American Water is part of American Water, the largest water and wastewater utility in the United States, which has been providing municipal water service for over 125 years. The professional staff at California American Water and its affiliates have decades of experience designing and operating municipal water systems. The combined experience of these individuals has gone into ensuring that the Project will properly interface with the other parts of the water distribution system "so as to provide reasonably adequate and safe service to its customers."

"In the absence of specific factual foundation in the record, dire predictions by nonexperts regarding the consequences of a project do not constitute substantial evidence."<sup>41</sup> Mr. Tobin is a nonexpert because he is not a licensed engineer, and has no experience operating municipal water systems. Accordingly, California American Water requests the County to adopt specific findings that the Tobin Report is not substantial evidence because Mr. Tobin is not a licensed engineer and has no experience with municipal water systems, and therefore cannot offer expert opinion on a highly technical subject.

2. *The Tobin Report's Conclusions Regarding Increases In System Pressure Are Clearly Inaccurate and Erroneous Because Tobin Ignores That the New Pumps Will Be Driven By Variable Frequency Motors.*

An additional defect in the Tobin Report that further demonstrates Mr. Tobin's lack of expertise is found in comparing the Tobin Report to the Lasecki Declaration. The Tobin Report assumes that larger and additional pumps must cause a constant increase in system pressure and that only those pumps regulate system pressure.<sup>42</sup> The Tobin Report then goes on to discuss the differences in pressure regulation between gravity fed systems, implicitly distinguishing pump-driven systems. The Tobin Report is flawed in this regard because Tobin does not have an adequate understanding of the operation of California American Water's Baldwin Hills distribution system.

As discussed in the Lasecki Declaration, the Olympiad Reservoir and Booster Station serve two different zones of the distribution system – the Mt. Vernon Reservoir Zone and the Mt. Vernon Hydro Zone.<sup>43</sup> The existing booster station pumps water into the Olympiad Reservoir, which then uses gravity to distribute water to customers (a gravity fed system). The booster station also pumps water to an existing hydroneumatic tank that then serves the Mt. Vernon Hydro Zone.<sup>44</sup> The new booster station will operate in the same fashion – three of the new pumps will feed water to the reservoir, which will use gravity to serve the Mt. Vernon Reservoir Zone of the distribution system, and one of the new pumps will deliver water to the Mt. Vernon Hydro Zone.<sup>45</sup> Water system pressure to the Mt. Vernon Hydro Zone is controlled primarily by the Mt. Vernon hydroneumatic tank, not the pumps in the Olympiad Booster Station.<sup>46</sup> Thus, to the extent that the Society contends, both explicitly and implicitly, that the Project will increase system pressure, such contentions are clearly erroneous and inaccurate because they are

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<sup>41</sup> *Porterville Citizens for Responsible Hillside Development v. City of Porterville* (2007) 157 Cal.App.4<sup>th</sup> 885, 901.

<sup>42</sup> Tobin Report, p.4 .

<sup>43</sup> Lasecki Declaration, ¶ 7.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

predicated on an incorrect and incomplete understanding of California American Water's water distribution system.<sup>47</sup>

In addition, the Project incorporates "variable frequency motors."<sup>48</sup> The operation of these motors varies based on system demand.<sup>49</sup> As is typical for municipal water systems, system pressure decreases when the system is experiencing periods of higher demand. In the Mt. Vernon Hydro Zone, periods of high demand place greater demands on the hydroneumatic tank. This tank then cycles off and on more frequently to maintain the water level in the tank, causing fluctuations in water pressure that, in turn, adversely affects water service.<sup>50</sup> The new, higher capacity pump will help reduce the demand on the hydroneumatic tank, and reduce the pressure fluctuations that now occur during peak demand periods.<sup>51</sup> Importantly, because these pumps are driven by variable frequency motors, as demand increases, the operating speed of the motors will increase to meet demand; conversely, as system demand decreases, the motors will reduce their speed or shut down.<sup>52</sup> Hence, the fact that the new pumps and motors are higher capacity does not translate into constantly higher pressure.<sup>53</sup>

Similar to the Studio Report, it is important to note that the comparison of the Tobin Report to the Lasecki Declaration does not create a "dispute among experts" that mandates the preparation of an EIR. To the contrary, this comparison simply demonstrates that Mr. Tobin does not have the requisite education, licensing and experience to opine on the design and operation of a municipal water system.

3. *The Tobin Report Ignores The Requirements of California Public Utilities Commission General Order 103A and the California Plumbing Code.*

The Tobin Report also does not attempt to quantify either the existing pressure within the distribution system or the potential increase in the water system pressure, if any, attributable to the Project. Thus, in regard to the potential changes in system pressure, the Tobin Report does not offer facts or reasonable assumptions based on facts that the Project will adversely affect the distribution system, and is not expert opinion as discussed previously. It is merely unsubstantiated opinion. Quantifying the current and allegedly potential increase in system pressure is important because CPUC General Order 103A establishes an acceptable pressure range in California American Water's distribution system is between 30 psi and 125 psi.<sup>54</sup> Mr. Tobin's opinion does not acknowledge that there is an acceptable pressure range or attempt to demonstrate that the Project will cause actual system pressures to exceed this range.

The existing pressure notwithstanding, even more astonishing about the Tobin Report is that Mr. Tobin, as a licensed plumber, completely fails to discuss that the California Plumbing Code requires pressure reducing devices to be installed on each home or business where the water

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<sup>47</sup> Lasecki Declaration ¶ 12.

<sup>48</sup> Lasecki Declaration, ¶ 8. These may also be referred to as "variable frequency drives."

<sup>49</sup> *Id.*

<sup>50</sup> Lasecki Declaration ¶ 9.

<sup>51</sup> Lasecki Declaration ¶ 12.

<sup>52</sup> The Tobin Report also ignores the fact that the system needs multiple pumps for redundancy in case one of the existing pumps fails. This is the basis for having not only the four existing pumps, but also capacity to add an additional pump.

<sup>53</sup> Lasecki Declaration ¶ 12.

<sup>54</sup> See General Order 103A §VII.6.A.

utility's pressure exceeds 80 psi.<sup>55</sup> Thus, it is unclear how Mr. Tobin can conclude that more service line ruptures similar to those of Ms. Williams could occur. California American Water's investigation into the Williams' service line rupture shows that this occurred in the Williams' water service line, which is not controlled or maintained by California American Water and suggests that the service was either corroded due to age or Williams' pressure reducing device – required by the California Plumbing Code – failed.<sup>56</sup> Thus, the Tobin Report's conclusion that the Project will lead to increased pipe ruptures is unsubstantiated opinion and clearly inaccurate and erroneous, and therefore is not substantial evidence.

For the foregoing reasons, the County should adopt specific findings that the Tobin Report constitutes unsubstantiated opinion and is clearly inaccurate and erroneous because; (1) Mr. Tobin is not a licensed engineer and therefore is not qualified to provide expert opinion on the design of a municipal water system; (2) Mr. Tobin has no experience in operating a municipal water system, and therefore is unqualified to provide expert opinion regarding the operation of a municipal water system; (3) the Tobin Report is based on an inaccurate and/or incomplete understanding of California American Water's water distribution system; and (4) the Tobin Report does not: (a) consider the requirements of California Public Utilities Commission General Order 103A as setting a maximum allowable pressure for the water distribution system, (b) quantify the changes in the system pressure that would result from the Project, and (c) does not take into account pressure reducing devices required by the California Plumbing Code, all of which will prevent the Project from causing an unacceptable increase in system pressure; and therefore the Tobin Report does not constitute substantial evidence supporting a fair argument that the Project may have a significant effect on the environment.

E. *The Eastern Municipal Water District Design Guidelines Do Not Apply to California American Water's Operations.*

The KBB Letter offers the Eastern Municipal Water District Potable Water Hydro-Pneumatic Booster Station Submittal and Design Guidelines for the following propositions:

- The Project should, but does not, include a backup generator because California American Water is attempting to avoid obtaining a permit for that equipment;
- The use of vertical pumps is a design flaw, that they may create substantial earth movement, and that the result in more pollution; and,
- The Project has inadequate emergency vehicle access.

Each of these contentions are clearly erroneous and inaccurate or merely unsubstantiated opinion as follows:<sup>57</sup>

1. *Backup Generators*

The first flaw in the Society's reliance on the Eastern Municipal Water District's Guidelines is that CPUC General Order 103A contains specific requirements on reliability of service that

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<sup>55</sup> Lasecki Declaration, ¶ 21..

<sup>56</sup> Hofer Declaration, ¶ 12.

<sup>57</sup> As noted previously in the discussion of the KBB Letter, most of these contentions are unsupported by specific facts and therefore are unsubstantiated opinion. The analysis in this Section III.F. supplement the analysis in Section III.A.

require the use of stationary or **portable** backup power.<sup>58</sup> Because the CPUC has adopted a standard in this regard, any other standard is expressly preempted by operation of Article XII, § 8 of the California Constitution.<sup>59</sup> The second flaw is that the excerpt provided by the Society contains no reference to the need for backup power; it doesn't even stand for the proposition the Society purports. The third flaw in the Society's opposition is the fact that California American Water maintains multiple portable backup generators, and they each have a permit issued by the California Air Resources Board.<sup>60</sup> The KBB Letter is clearly inaccurate in this regard.

## 2. *Vertical Pumps*

The KBB Letter cites the Eastern Municipal Water District Design Guidelines for the proposition that vertical pumps should not be used, that gravity fed systems should be used, and that they generate substantial earth movement. The Society's reliance on these guidelines is flawed at the outset because a substantial portion of the Project feeds the Olympiad Reservoir, which in turn uses gravity to supply the Mt. Vernon Reservoir Zone; that portion of the system is a gravity fed system.<sup>61</sup> To the extent that the Mt. Vernon Hydro Zone is fed by a hydroneumatic tank, that hydroneumatic tank is not being altered as part of the Project,<sup>62</sup> and therefore any analysis of that tank exceeds the acceptable scope of CEQA review. Moreover, these guidelines merely reflect the preferences of the design engineers at the Eastern Municipal Water District. California American Water has a number of vertical turbine pumps in use at many of its service areas across California.<sup>63</sup> In addition, to the extent that the licensed engineers employed by California American Water, as previously discussed, have concluded that this Project requires the use of pumps "to provide reasonably adequate and safe service to its customers" as required by General Order 103A, the "guidelines" of Eastern Municipal Water District and the KBB Letter do not contain a specific factual record here to demonstrate that the use of a vertical turbine pump either is inappropriate for the proper operation of the Mt. Vernon Reservoir Zone or the Mt. Vernon Hydro Zone, or will generate "substantial earth movement" or additional air, soil or water pollution. Accordingly, those guidelines are clearly inaccurate as applied to the Project.

## 3. *Emergency Vehicle Access*

The KBB Letter refers to the Eastern Municipal Water District Design Guidelines for the proposition that water distribution facilities need adequate access for emergency equipment, and suggests, without reference to the specific factual record, that the Project will adversely affect emergency access to the reservoir. This contention is simply preposterous. A review of the site plan shows that the Project will move the booster station from being 15 feet from the reservoir to being approximately 30 feet away.<sup>64</sup> The Project actually **improves** emergency access to the reservoir. This is further evidence that the KBB Letter is clearly inaccurate and

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<sup>58</sup> General Order 103A, §III.8.b.

<sup>59</sup> Article XII, § 8 states: A city, county, or other public body may not regulate matters over which the Legislature grants regulatory power to the Commission. This provision has been previously construed to preempt local laws when the CPUC has adopted a standard in a general order. See *California Water and Telephone v. County of Los Angeles*, (1967) 253 Cal.App.2d 16.

<sup>60</sup> Hofer Declaration, ¶ 14. ex. 6 and 7.

<sup>61</sup> Lasecki Declaration, ¶ 7.

<sup>62</sup> Lasecki Declaration, ¶ 11.

<sup>63</sup> Lasecki Declaration, ¶ 12.

<sup>64</sup> Lasecki Declaration, ¶ 18.

erroneous and therefore is not substantial evidence to support a fair argument that the Project may have a significant effect on the environment.

Based on the foregoing, the Eastern Municipal Water District Design Guidelines are clearly inaccurate or erroneous because they do not stand for the cited proposition and are inapplicable to the Project. Therefore, these guidelines do not constitute substantial evidence supporting a fair argument that the Project may have a significant effect on the environment. The County should adopt specific findings that the guidelines are clearly inaccurate or erroneous as applied to the Project and that they therefore do not constitute substantial evidence.

F. *The Declaration of Geraldine Moore Contains only Narrative, Unsubstantiated Opinion, and Speculation And Is Not Substantial Evidence*

The Society offers the Declaration of Geraldine Moore in support of its opposition. Ms. Moore is not offered as an expert witness with regard to any particular discipline. Thus, Ms. Moore's declaration only constitutes substantial evidence to the extent that it contains observations on nontechnical subjects.<sup>65</sup>

Despite the potential for Ms. Moore's declaration to make personal observations on nontechnical matters, the entirety of Ms. Moore's declaration contains narrative, speculation and unsubstantiated opinion, as follows:

- The prior sale of contiguous property is not part of the Project, therefore any discussion of the past use or disposition of that property is only narrative.
- Ms. Moore does not have direct knowledge of the extent to which construction on the contiguous parcels is or is not encroaching into the County's drainage easement. Therefore, Ms. Moore's declaration in that regard is just speculation. As noted in the Hofer Declaration, California American Water has investigated this and determined no encroachment is occurring,<sup>66</sup> making Ms. Moore's declaration clearly erroneous and inaccurate in that regard.
- The condition of the reservoir is not part of the Project or its baseline because the reservoir is not being modified by the Project. In addition, Ms. Moore states that "she has been told" of such cracks, but has no direct knowledge of their existence, and therefore Ms. Moore's statements are speculation.
- Ms. Moore states that she does not know the state of the water system and "speculates" that the water system is in need of study. Clearly, these statements are speculation because they are not based on fact. As discussed in the Lasecki Declaration, California American Water regularly prepares condition based assessments of the water distribution system,<sup>67</sup> and makes requests to the CPUC to make improvements to the water system based on the results of the assessments.<sup>68</sup> Thus, Ms. Moore's speculation on the need for study is unfounded because those studies are taking place.

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<sup>65</sup> See *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4<sup>th</sup> 903, 928.

<sup>66</sup> Hofer Declaration ¶ 6.

<sup>67</sup> Lasecki Declaration, ¶ 5.

<sup>68</sup> Lasecki Declaration, ¶ 6.

- Ms. Moore contends that California American Water does not send out reports concerning the water system. California American Water at least annually sends to its customers the Consumer Confidence Reports, as required by State and federal law, discussing the quality of the water we provide.<sup>69</sup> These reports are sent with customer bills once per year, but are available on the California American Water website year round for anyone to view at anytime.<sup>70</sup> Thus, Ms. Moore's declaration is clearly erroneous and inaccurate in that regard.
- Ms. Moore opines that the Project will cause increased pressure and induce pipe ruptures similar to those experienced by Tammy Williams. Ms. Moore's declaration does not qualify Ms. Moore as an expert in matters of water distribution system operations. Thus, Ms. Moore's declaration is unsubstantiated opinion, and is an unqualified opinion on a technical matter, and therefore is not substantial evidence. To the contrary, Matthew Lasecki has opined in his capacity as a licensed engineer that such leaks will not result from the Project.<sup>71</sup>
- Ms. Moore complains of oily residue and rust in the water. California American Water's system routinely meets all State and federal standards for both contaminants and aesthetics.<sup>72</sup> These contaminants could be entering Ms. Moore's water through old, corroded galvanized pipes serving Ms. Moore's home.<sup>73</sup> There is no evidence that these substances exist in California American Water's distribution system.<sup>74</sup> Moreover, there is no evidence that the Project will exacerbate any such conditions.
- Ms. Moore complains of the landscaping at the Olympiad Reservoir site. California American Water has previously planned to replace that landscaping but delayed those plans based on Ms. Moore's discontent with the proposed drought tolerant landscaping.<sup>75</sup> Notwithstanding these prior discussions, the Project's landscaping plan calls for new landscaping of the type California American Water has at its other locations.<sup>76</sup> Thus, the Project will actually resolve this concern.
- Ms. Moore states that there has been a reduction in the insect population recently. This is an existing environmental condition, not an impact of the Project, and there are no facts to conclude that the operation of California American Water's water system is related to the allegedly declining insect population.
- Ms. Moore states that there are "respiratory ailments and cancers at a higher rate than normal." There are no specific facts to show that there is in fact an increase in the rate of such ailments. Even if there are, these incidents are part of the existing baseline, not the Project and therefore would not be considered in the EIR. Moreover, there are no facts that link the increases in these ailments to California American Water's water distribution system.
- Ms. Moore raises concern about a different reservoir that failed in the Baldwin Hills area in the 1960's. The reservoir that failed in Baldwin Hills in the 1960's was an earthen

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<sup>69</sup> Hofer Declaration, ¶ 7.

<sup>70</sup> *Id.*

<sup>71</sup> Lasecki Declaration, ¶ 12.

<sup>72</sup> Hofer Declaration, ¶ 8.

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> Hofer Declaration, ¶ 10.

<sup>76</sup> See Project Landscape Plan.

reservoir, not a concrete –reinforced reservoir such as California American Water’s Olympiad Reservoir.<sup>77</sup> In addition, modification of the reservoir is not part of the Project, therefore the condition of the reservoir would not be addressed in an EIR.

- Ms. Moore raises concerns regarding asbestos being emitted during demolition of the old booster station. The revised Initial Study adequately addresses the potential for, and the control of, asbestos emissions. Department Staff correctly concludes that this is a less-than-significant impact, and Ms. Moore’s declaration does not include any facts that contradict the facts in the revised Initial Study, nor is Ms. Moore qualified to opine on the asbestos content of the building materials or their control.
- Ms. Moore engages in sheer speculation that California American Water is purposefully deceiving the Department on the use of chemicals at the site or the use of the dechlorination vault. There are no facts to substantiate Ms. Moore’s fears and speculation regarding the site’s operations.
- Ms. Moore opines there is “debate” regarding the best design for water distribution systems. To the extent Ms. Moore then purports to offer opinion regarding the proper design of the water distribution system, Ms. Moore is not an engineer and therefore her personal observations do not constitute substantial evidence.
- Ms. Moore states that she has heard people complain of puddling and pooling of water, and implies that these puddles and pools are California American Water’s responsibility. In most instances any puddles or pools are caused by overuse of residential irrigation systems, not due to leaks in the water distribution system.<sup>78</sup> The water distribution system operated by California American Water ends at the water meter, the pipes and system on the customer side of the meter are the responsibility of the customer. As to Ms. Moore’s implication that any such pools or puddles are caused by California American Water’s water distribution system, this is speculation because she is not testifying to her personal observations. In addition, if the puddles or pools were caused by leaks in California American Water’s distribution system, they would not be “puddles” or “pools” but would be “streams” as the water would continuously leave the system under pressure and then inundate and overflow any depression where a pool formed; it would not create a static “pool.”<sup>79</sup>
- Ms. Moore’s declaration contains a number of statements regarding the beliefs of Ms. Moore and other community members regarding the Project and the operation of the water distribution system. Public controversy is expressly excluded from the definition of substantial evidence,<sup>80</sup> and therefore these statements do not constitute substantial evidence.
- Ms. Moore contends that there is limited parking for construction vehicles and vehicles for on-going operations. Ms. Moore offers no specific facts regarding the extent of any existing parking problems. The revised Initial Study specifically states the number of additional vehicles that will be in the area for the 3-4 month construction period. In addition, the site plan shows that there will be adequate open space on the site for the limited time personnel are on the site during routine operations. Thus, Ms. Moore’s

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<sup>77</sup> Lasecki Declaration, ¶ 19, Ex. 5.

<sup>78</sup> Hofer Declaration, ¶ 11.

<sup>79</sup> *Id.*

<sup>80</sup> Public Resources Code § 21082.2(b).

observations are merely unsubstantiated opinion or clearly inaccurate in regard to temporary and permanent parking.

As stated previously, "dire predictions of non experts regarding the consequences of a project do not constitute substantial evidence." The entirety of Ms. Moore's declaration is composed of such dire predictions based solely on narrative, unsubstantiated opinion, and information that is clearly erroneous and inaccurate. Accordingly, Ms. Moore's declaration does not constitute substantial evidence and California American Water requests the County to adopt specific findings consistent with the above analysis of Ms. Moore's statements.

G. *The Declaration of Tammy Williams Is Irrelevant to the Project, Erroneous, and Contains Speculation*

The Declaration of Tammy Williams is nearly identical in content to that of Geraldine Moore's and therefore suffers from the same defects as Ms. Moore's Declaration. To the extent that Ms. Williams gives a first hand account of the circumstances regarding a pipe rupture in her home, the extent to which the Project will affect system pressure is a technical matter and Ms. Williams' declaration does not reveal that Ms. Williams has the credentials to opine on the design and operation of a municipal water system. Accordingly, Ms. Williams' declaration is not substantial evidence that supports a fair argument that the Project may have a significant effect on the environment and California American Water requests the County to adopt specific findings in that regard. As stated above, water pipes on the customer side of the meter are the responsibility of the customer, including the pipe rupture and associated plumbing bills discussed in her declaration.

H. *Public Controversy Does Not Require the Preparation of an EIR*

In addition to the statements in the KBB Letter and the declarations of Ms. Moore and Ms. Williams, the Society has submitted a petition signed by a number of people purporting to oppose the project. As previously noted, "[t]he existence of public controversy over the environmental effects of a project shall not require preparation of an environmental impact report if there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment."<sup>81</sup> Accordingly, the Petition is irrelevant to the County's CEQA compliance.

**IV. California American Water Has Met Its Burden Under the County Code For the Issuance of A Conditional Use Permit**

The Society also contends that California American Water has not met its burden under the County Code for the issuance of a use permit. The Society contends that the Project will adversely affect the health, peace, comfort, and welfare of persons in the area, or jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare.

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<sup>81</sup> Public Resources Code § 21082.2(c).

The Society's contention in this regard focuses on the existence of the reservoir, the allegations of an increased risk of flooding associated with the sale of the adjacent lots, and with reference to the MBA Report. When the Project is properly viewed as the replacement of the existing booster station, neither the existence of the reservoir or flooding associated with any speculative rupture of the reservoir are not a consideration in the issuance of the permit. As discussed previously, the MBA Report is inaccurate because it addresses an outdated draft of the Initial Study. To the contrary, if California American Water does not implement the Project, there is a risk that a true public health emergency will be created if the existing pumps fail, or if system demands increase beyond the current capacity of the booster station, as the community will not have potable water service until such equipment is replaced. The Project will improve the service our customers receive, not degrade the surrounding environment.

#### **V. California American Did Not Violate Section 851 of the Public Utilities Code.**

The KBB Letter and the Declaration of Geraldine Moore both discuss the fact that in 2004 California American Water sold two lots that adjoin the Olympiad Reservoir site. These documents go on to make the unsupported allegation that California American Water violated the Public Utilities Code with the sale of these properties. These claims are totally unfounded, as evidenced by the fact that the KBB Letter and the Geraldine Moore declaration contain absolutely no reference to any external evidence to support this claim. California American Water did not violate Public Utilities Code section 851 when it sold these properties.

Section 851 of the Public Utilities Code requires any utility to: (a) obtain an order from the CPUC before it sells or encumbers property that is necessary or useful in the performance of its duties to the public and exceeds \$5 million in value; or (b) file an advice letter with the CPUC and obtain approval of that advice letter before it sells or encumbers property that is necessary or useful in the performance of its duties to the public and is valued at \$5 million or less.

The flaw in the Society's claim is that Athenian Way Lot 2 and Athenian Way Lot 4 were *not* necessary or useful in the performance of California American Water's performance of its duties to the public. The Society labors under the misconception that *the entirety* of the property was necessary to accept any overflow of water from the Olympiad Reservoir. ***The Society's own documents prove this to be false.*** As shown in the Society's Exhibit F-4, the right to overflow water onto Lots 2 and 4 ***only extends to the rear 10 feet*** – not the entirety of the lot. This right still exists in favor of California American Water as the owner of Lot 3. Thus, Lot 2 and Lot 4 were not necessary or useful in the performance of California American Water's duties.

As further evidence of the fact that these parcels were not necessary or useful in the performance of California American Water's duties to the public, this property was held on California American Water's books as "Non Utility Property" as distinguished from "Utility Plant in Service," the import of which is further described in the Declaration of Gary Paquette.

Moreover, the remedy the Society has sought through its opposition is the preparation of an EIR. Whether California American Water properly notified the CPUC of the sale of this property is not evidence that supports a fair argument that the Project may have a significant effect on the environment. Hence, these allegations are completely irrelevant to the purported desires of the Society in opposing the Project. These allegations are clearly argument and speculation and therefore do not constitute substantial evidence.

## VI. Conclusion

As discussed above, Department Staff has correctly concluded that the Project will not have a significant effect on the environment once certain mitigation measures have been incorporated. As discussed above, nothing in the Society's opposition rises to the level of substantial evidence that supports a fair argument the Project may have a significant effect on the environment. To the contrary, as discussed above, each aspect of the Society's opposition falls short of the requirements to constitute substantial evidence as substantial evidence is defined by CEQA. Accordingly and based on the above analysis, the County should adopt specific findings excluding these submissions from the record because the materials contain only inaccuracies, speculation, argument and unsubstantiated opinions, not facts, reasonable assumptions predicated on facts, or expert opinion based on facts.

In addition, the record in this proceeding contains substantial evidence that the County has properly complied with CEQA and that California American Water has met its burden under the County Code for the issuance of a conditional use permit. California American Water requests that the hearing officer adopt the Mitigated Negative Declaration prepared by Department Staff and approve the instant application, along with the appropriate and requisite findings.

The Society has also leveled unfounded allegations that California American Water violated the Public Utilities Code when it sold certain parcels of land over 8 years ago. As was discussed, California American Water did not violate the law.

California American Water welcomes the opportunity the Project has presented to have a dialog with our customers regarding the quality of the water we deliver and the service we provide. We are concerned that our customers could possibly be experiencing the types of issues described in their opposition materials. We have held a community open house to discuss not only the Project, but also other issues our customers have with our service. Despite these outreach efforts, many of the issues raised by the Society in its opposition have never before been brought to the Company's attention. Although these issues are not appropriate for an EIR, California American Water is working to address these concerns.

Best Regards,



Tim Miller  
Corporate Counsel



**BEFORE THE COUNTY OF LOS ANGELES  
DEPARTMENT OF REGIONAL PLANNING**

In re: The Application of California  
American Water for a Conditional Use  
Permit for the Replacement of an Existing  
Water Supply Booster Station

Project No. R2011-00719(2)

**DECLARATION OF MATTHEW LASECKI IN SUPPORT OF CALIFORNIA-  
AMERICAN WATER COMPANY'S RESPONSE TO THE VIEW PARK  
PRESERVATION SOCIETY'S REQUEST FOR AN ENVIRONMENTAL IMPACT  
REPORT**

I, Matthew Lasecki, declare as follows:

1. I am employed by California American Water as a Senior Project Manager. I manage water and wastewater investment projects in the Counties of Los Angeles, Ventura, San Diego, Honolulu, and Hawaii. In this capacity I am responsible for overseeing the project design, permitting and construction. My typical projects include improvements, replacements, and new facilities on a variety of projects including pump stations, storage tanks, treatment facilities, watermain, forcemain, and gravity sewer.
2. I have worked in the utilities industry for over 20 years. I received a Bachelor of Science in Civil Engineering from Purdue University in 1992 and a Masters of Science in Environmental Engineering from the University of Illinois in 1995. I have been employed by California American Water as a Senior Project Manager since April 2007. From January 2005 to April 2007, I was employed by California American Water as an Operations Engineer. From February 2003 to January 2005, I was employed at American Water's subsidiary, Illinois American Water, as an Operations Engineer. Prior to Illinois American Water, I worked at: (1) Montgomery Watson Harza as a Senior Engineer (from October 1999 to February 2003), (2) ARCADIS Geraghty & Miller as a Staff Engineer (from September 1996 to October 1999), and (3) HDR Engineering as a Project Engineer (from June 1994 to September 1996). I am a registered professional engineer in Civil Engineering in the State of California.
3. I have personal knowledge regarding the activities of California American Water to obtain a use permit from the County of Los Angeles to replace the Olympiad Booster Station Replacement Project ("Project"), in addition to personal knowledge regarding the operation of the Baldwin Hills water distribution system. I have read the following

materials prepared by the View Park Preservation Society and submitted to the County of Los Angeles in opposition to the Project:

- The letter from the law firm Kane, Ballmer and Berkman authored by Gustavo Lamanna;
  - The Michael Brandman and Associates Report
  - The Studio 2902 Letter
  - The Charles Tobin Letter
  - The Declaration of Geraldine Moore
  - The Declaration of Tammy Williams
4. California American Water's records indicate the existing Olympiad Booster Station was constructed in approximately 1938, six years after the 1932 Olympics Games held in Los Angeles. Attached as Exhibit 1 is a photograph of a portion of the drawings for the Olympiad Booster Station, showing the original 1938 construction date and at least five modifications between 1941 and 1960.
  5. California American Water prepares studies on the condition of its distribution system at approximately 5-year intervals. These are called "condition based assessments." A condition based assessment was conducted for the Olympiad Booster Station, and that assessment concluded that the booster station should be replaced. The primary purpose of the Booster Station Replacement Project is to replace a building that is over 70 years old, is well past its useful life, and is difficult to maintain because the building was not designed to accommodate the electrical equipment necessary to operate a modern water distribution system. The current booster station has some effect on system pressure at peak demand. No aspect of the replacement of the booster station will change the extent to which the booster station affects maximum system pressure. Attached as Exhibit 2 is a collage of photographs of the existing booster station building. It is a non-descript stucco building with an asphalt shingle roof.
  6. California American Water has also prepared condition based assessments for other aspects of its distribution system. The results of these condition based assessments have resulted in California American Water performing multiple pipeline replacement projects in the Baldwin Hills system to ensure that the distribution system can reliably serve our customers.
  7. The Olympiad Reservoir and Booster Station serve two different zones of the distribution system – the Mt. Vernon Reservoir Zone and the Mt. Vernon Hydro Zone. The existing booster station pumps water into both zones. The Hydro Zone has one 6,000 gallon hydropneumatic storage tank, while the Reservoir Zone has a 1.29 million gallon reservoir called the Mt Vernon Reservoir. The new booster station will operate in the same fashion – three of the new pumps will feed water to the Reservoir Zone, and one pump will supply the Hydro Zone. Due to the nature of the storage, the pumping to each zone is controlled differently. The Hydro Zone pumps turn on and off based on system pressure, while the Reservoir Zone pumps operate to maintain tank level in the storage

tank. With the new pumps, the Hydro Zone pressure settings will not change. The additional capacity will stabilize pressures during peak demand periods, and will turn down as needed during lower flows. In addition, due to the small storage volume in the Hydro Zone, increased pumping capacity will increase available fire flow. In the Reservoir Zone, the same storage elevation will be maintained with the new pumps. Therefore, since pressure settings in the Hydro Zone will not change, maximum pressures will not change. In the Reservoir Zone, because the same tank level will be maintained, and because flows will not be increased, pressures also will not change compared to current conditions. More detail is included below.

8. As part of the design of the Olympiad Booster Station Replacement Project, the required flows were evaluated to accommodate peak hour flows, fire flows, and to provide pump redundancy. The proposed pumps will be operated with variable frequency drives which will allow the pumps to operate with variable flows, dependent upon system demands. This variable pumping rate will reduce pressure variability in the zones the pump station supplies by being able to provide more water during higher demand periods. Currently, pressures can drop during these higher demand periods in the Mount Vernon Hydro Zone.

<b>Current – Mt Vernon Hydro Zone</b>	<b>Proposed – Mt Vernon Hydro Zone</b>	<b>Current – Mt Vernon Reservoir Zone</b>	<b>Proposed – Mt Vernon Reservoir Zone</b>
1@ 350 gpm	1@1,000 gpm	3@800 gpm = 2,400 gpm	3@830 gpm = 2,490 gpm

9. The Mt Vernon Hydro zone has one hydropneumatic storage tank that is approximately 6,000 gallons. This zone has a peak hour demand of approximately 890 gpm. Due to the minimal storage, fire flow is predominantly supplied by pumping. Therefore increasing the pumping capacity also improves available fire flow capacity. In this zone, the new pump will be set to maintain discharge pressure. As system demand increases and the pressure drops, the pumps speed up to meet the pressure setpoint. As system demand decreases, the new pump will slow down to meet the pressure setpoint.
10. The Olympiad Booster Station Replacement Project does not involve any changes to the concrete structure of the Olympiad Reservoir. The reservoir can be seen on the site plan as the structure with the geodesic dome.
11. To the extent that the Mt. Vernon Hydro Zone is supplied by a hydroneumatic tank, that hydroneumatic tank is not being altered as part of the Project.
12. California American Water has many vertical turbine pumps in use at several of its service areas across California. In my opinion as a licensed civil engineer, the use of a vertical turbine pump in the Olympiad Booster Station will improve the operation of the water distribution system by stabilizing system pressure during periods of peak demand. It will not cause the system to be “over pressurized” and cause additional leaks in the distribution system. These pumps will also not generate increased noise. To the extent that Ms. Geraldine Moore and Mr. Charles Tobin contend, both explicitly and implicitly,

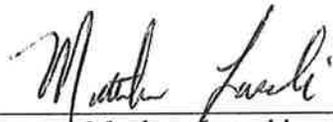
that the Project will increase maximum system pressure, in my expert opinion such contentions are clearly erroneous and inaccurate.

13. In my opinion as a licensed civil engineer, the replacement of the booster station will not cause system pressure to exceed the acceptable pressure range of 40 to 125 psi set forth in California Public Utilities Commission General Order 103A.
14. One of the concerns raised by the community is the existence of a “dechlorination vault.” California American Water is required by the Regional Water Quality Control Board to dechlorinate potable water before that water is discharged into the municipal storm sewer system. A true and correct copy of that order is attached as Exhibit 5 to the Declaration of Garry Hofer. Part 1.A.2.(2) of that order allows potable water discharges into the municipal separate storm sewer system, when such releases are performed consistent with American Water Works Association (“AWWA”) guidelines for dechlorination practices. Attached hereto as Exhibit 3 is a true and correct excerpt from the of best management practices from the AWWA guidelines for drinking water system releases. The best management practice for reservoir dewatering includes “on-site treatment.” The dechlorination vault is proposed to facilitate California American Water’s on-site treatment of potable water that could be released from the system in the future, consistent with the AWWA best management practices.
15. The Studio 2902 letter dated August 3, 2012 contends that: (a) Olympic Village was within the View Park community in 1932; and (b) The existing booster station and tank were ‘likely’ used to supply the Village and are therefore historically significant. There was no documentation attached in support of these contentions. As I stated previously, California American Water documents indicate the booster station was constructed in 1938. In addition, there are numerous documents available to the public via an internet search which document that while the first statement is accurate, the second is not.
16. A review of available documents shows that (a) the Olympic Village was constructed of materials intended to be temporary in nature; (b) water for the Village was supplied via a 40,000 ft steel main constructed specifically for the project. This main was connected the Los Angeles water system; (c) a site on the south end of the Village was used for several small tanks and a small booster pump house; (d) None of these facilities are incorporated into the current California American Water distribution system. The steel main, tanks, and pump house are not a part of the current system. There is no documentation that supports that they ever were are part of the system, and presumably they were abandoned and/or used elsewhere like the rest of the Village. There are no known remaining Olympic Village buildings or facilities remaining anywhere in the area.
17. Based on the above documentation, the Exhibit attached includes an approximation of the Olympic Village storage tank and booster station site relative to California American Water’s distribution system. Attached hereto as Exhibit 4 are excerpts from pertinent reference materials that support my conclusion that the 1932 Olympic Village was not supported by California American Water’s Olympiad Reservoir and Booster Station.

18. Ms. Geraldine Moore states that the Olympiad Booster Station Project will adversely affect emergency access to the Olympiad Reservoir. A review of the site plan shows that the Project will move the booster station from being approximately 15 feet from the reservoir to being approximately 30 feet away. The Project actually improves emergency access to the reservoir.
19. Concerns were raised in regard to the reservoir on site, and the fact that Los Angeles County had a reservoir failure in the Baldwin Hills area in the 1960s. A review of available literature including Investigation of Failure Baldwin Hills Reservoir, Department of Water Resources, April 1964, finds that the Baldwin Hills Reservoir was a clay-lined dam and reservoir. Attached as Exhibit 5 is a table which contains quotations taken from the referenced report, which indicate the Baldwin Hills Reservoir failed due to long term settling. This settling resulted in leaks that led to erosion of the earthen reservoir walls, and ultimate failure.
20. The Olympiad Tank is not an earthen dam, but rather a reinforced concrete tank. In my opinion as a licensed civil engineer it is highly unlikely the Olympiad Reservoir could sustain the same type of failure due to the Olympiad Reservoir's reinforced concrete.
21. Charles Tobin has opined that the Olympiad Booster Station Replacement Project could increase system pressure to unacceptably high levels, leading to a number of service line ruptures similar to that experienced by Tammy Williams. Mr. Tobin's opinion fails to acknowledge that Section 608.2 of the California Plumbing Code requires buildings where the static water pressure in the water supply piping exceeds 80 psi to have a pressure regulator installed that will reduce the static pressure to 80 psi or less.

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

Dated: August 31, 2012

  
Matthew Lasecki

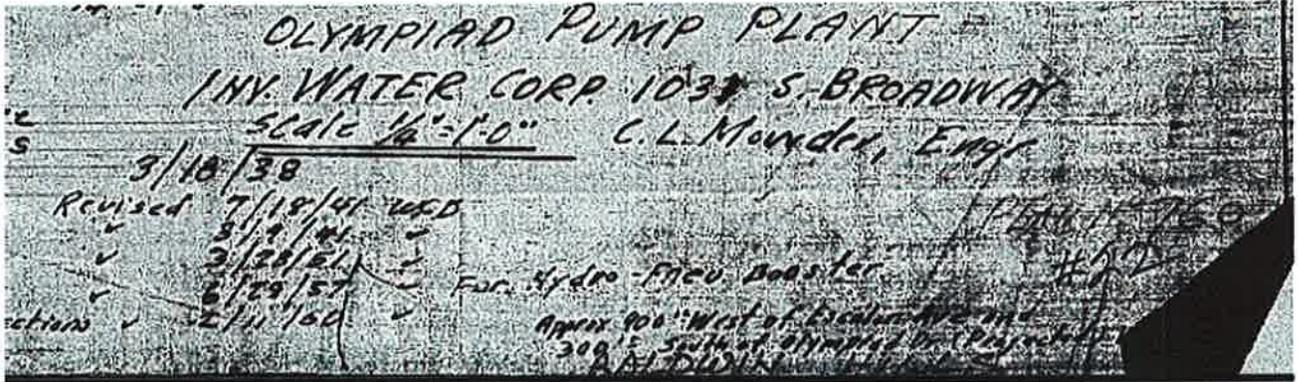
# **EXHIBIT 1**



To:  
Cc:  
Bcc:  
Subject: Fw: Olympiad BPS Dates

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Based on easement dwgs, I think the Olympiad Tank was constructed in ~1937/8. Booster dwgs indicated several revisions and upgrades w/ first date of 1938.

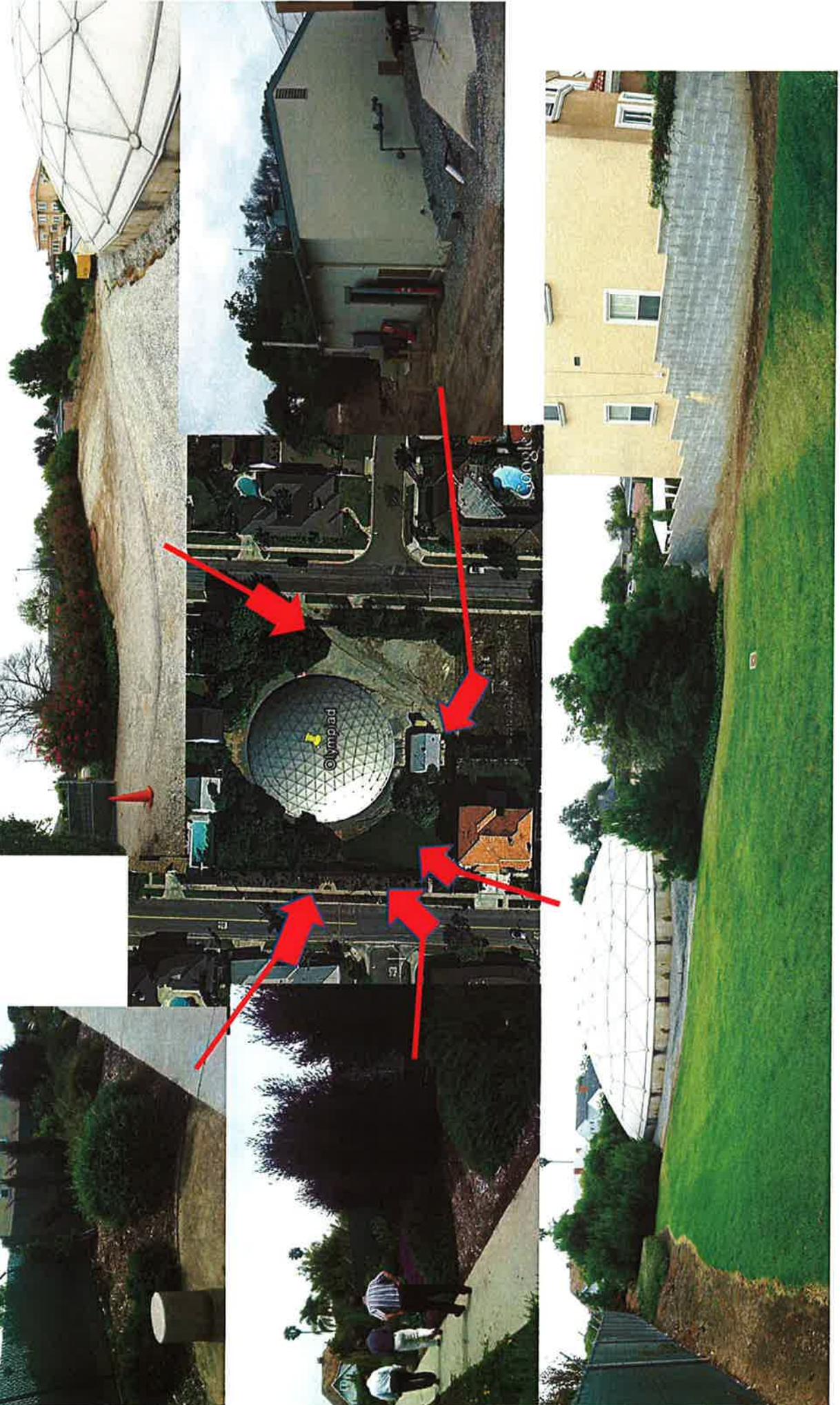


[attachment "estimate of Oly Village area.jpg" deleted by Tim Miller/CAWC/AWWSC] [attachment "gade-olympic-villages-2.jpg" deleted by Tim Miller/CAWC/AWWSC]

=====  
Matt Lasecki, P.E.  
Senior Project Manager  
California\Hawaii American Water  
tel: 916.568.4275  
cell: 916.275.4740  
fax: 916.568.4286

## **EXHIBIT 2**

# Olympiad Tank and Booster



## **EXHIBIT 3**

**TABLE 1  
LIST OF DRINKING WATER SYSTEM RELEASES  
& POTENTIAL POLLUTANTS OF CONCERN**

<b>TYPE OF RELEASE</b>	<b>RELEASE ACTIVITY</b>	<b>POTENTIAL POLLUTANTS OF CONCERN</b>	<b>APPLICABLE BMPs (refer to Section 4 for details)</b>
<b>POTABLE WATER</b>	Potable System Leak	Chlorine Sediment	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> </ul>
	Pipeline Flushing (line/main dewatering/flushing)	Chlorine Sediment Biofilm Metals	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> </ul>
	Pipeline Disinfection	Chlorine Sediment Biofilm	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> </ul>
	Water Quality Sampling	Chlorine Sediment Other organic or inorganics	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> </ul>
	Storage Tank Dewatering	Chlorine Sediment Metals	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> </ul>
	Reservoir Dewatering	Chlorine Sediment Metals Biofilm Other organics or inorganics	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> <li>• On-Site Treatment</li> </ul>
	Reservoir and Reservoir Cover Cleaning	Chlorine Sediment Metals Biofilm Other organics or inorganics	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> <li>• On-Site Treatment</li> </ul>
	Fire Hydrant Flushing & Testing	Chlorine Sediment (including rust particles)	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> </ul>

<b>TYPE OF RELEASE</b>	<b>RELEASE ACTIVITY</b>	<b>POTENTIAL POLLUTANTS OF CONCERN</b>	<b>APPLICABLE BMPs (refer to Section 4 for details)</b>
	Aqueduct Dewatering	Chlorine Sediment	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> </ul>
	Hydrostatic Testing	Chlorine Sediment	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> <li>• On-Site Treatment</li> </ul>
	Substructure Dewatering (vault/sump dewatering)	Chlorine Sediment Oil & Grease Biofilm	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> <li>• On-Site Treatment</li> </ul>
	Non-Contact Cooling Water Releases Anti - Scalants	Chlorine Oil & Grease	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> <li>• On-Site Treatment</li> </ul>
	Pump Station Releases/Maintenance	Chlorine Sediment Oil & Grease	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> <li>• On-Site Treatment</li> </ul>
	Unplanned Releases (broken water main, etc.)	Chlorine Sediment Biofilm	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> </ul>
	Virgin Granular Activated Carbon (GAC) Backwash	Chlorine  Particulates	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> </ul>
	Used GAC Backwash	Chlorine Particulate Other organics, or inorganics	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> </ul>

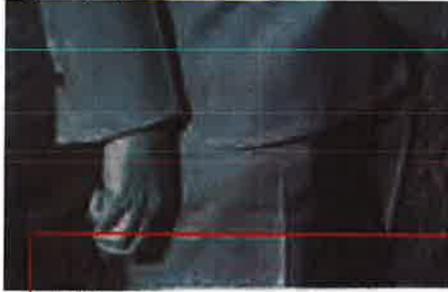
<b>TYPE OF RELEASE</b>	<b>RELEASE ACTIVITY</b>	<b>POTENTIAL POLLUTANTS OF CONCERN</b>	<b>APPLICABLE BMPs (refer to Section 4 for details)</b>
<b>RAW WATER</b>	Reservoir Dewatering (draining)	Sediment Metals Biofilm	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Erosion and Sediment Control</li> <li>• On-Site Treatment</li> </ul>
	Reservoir Cleaning	Sediment Metals Biofilm	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Erosion and Sediment Control</li> <li>• On-Site Treatment</li> </ul>
	Unplanned Raw Water Release	Sediment Biofilm	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Erosion and Sediment Control</li> </ul>
	Hydrostatic Testing	Sediment Oil & Grease	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Erosion and Sediment Control</li> <li>• On-Site Treatment</li> </ul>
	Substructure Dewatering (vault/sump dewatering)	Sediment Oil & Grease Biofilm	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Erosion and Sediment Control</li> <li>• On-Site Treatment</li> </ul>
	Non-Contact Cooling Water Releases	Sediment Metals Oil & Grease	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Erosion and Sediment Control</li> <li>• On-Site Treatment</li> </ul>
	Aqueduct Dewatering	Sediment Biofilm Other organics or inorganics	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Erosion and Sediment Control</li> <li>• On-Site Treatment</li> </ul>
	Construction Dewatering	Sediment Other organics or inorganics	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Erosion and Sediment Control</li> </ul>
<b>GROUNDWATER</b>	Well Development / Drilling	Sediment Other organics or inorganics	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Erosion and Sediment Control</li> <li>• On-Site Treatment</li> </ul>
	Well Maintenance	Chlorine Sediment Other organics or inorganics	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> <li>• On-Site Treatment</li> </ul>

TYPE OF RELEASE	RELEASE ACTIVITY	POTENTIAL POLLUTANTS OF CONCERN	APPLICABLE BMPs (refer to Section 4 for details)
	Well Purging / Flushing	Chlorine Sediment Other organics or inorganics	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> <li>• On-Site Treatment</li> </ul>
	Construction Dewatering/ Tunnel Dewatering (groundwater seepage)	Sediment Other organics or inorganics	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Erosion and Sediment Control</li> <li>• On-Site Treatment</li> </ul>
<b>POTENTIAL LOW VOLUME POTABLE WATER RELEASES</b>	These releases may be low volume, but the following BMP's may be applicable.		
	Meter Calibration	Chlorine Sediment	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> </ul>
	Pressure Relief Valve Releases	Chlorine Sediment	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> </ul>
	Pressure Regulator Station Release/Maintenance	Chlorine Sediment	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> </ul>
	Chlorination Station Release/Maintenance	Chlorine Sediment	<ul style="list-style-type: none"> <li>• Administrative</li> <li>• Dechlorination</li> <li>• Erosion and Sediment Control</li> </ul>

## **EXHIBIT 4**

## References

1. The Official Report of the Games of the Xth Olympiad Los Angeles, 1932, available at <http://olympic-museum.de/o-reports/report1932.htm>



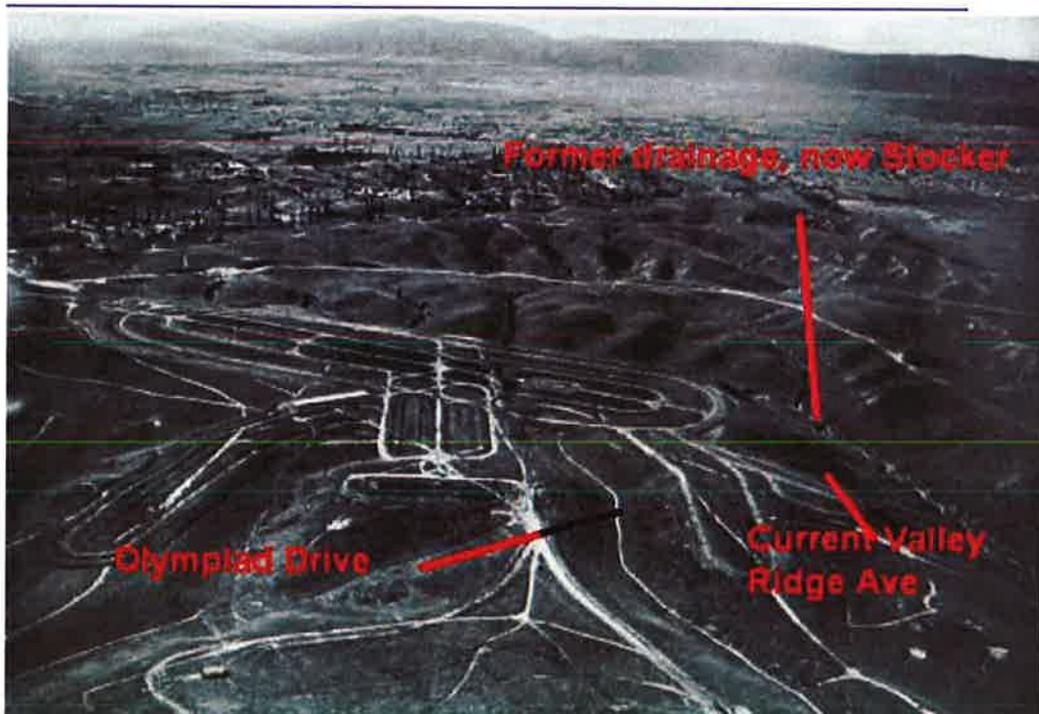
"THE BURGOMASTER" — H. O. DAVIS  
MANAGING DIRECTOR, OLYMPIC VILLAGE

struction of streets and roadways. A contour map was accordingly made of the property and the Village was plotted on lines which avoided marring the landscape. As the rear of the site had the greater elevation, the outcome was that the entire community had a wide outlook.

The tract lay beyond the municipal boundaries of Los Angeles. To secure water a contract was made with the City of Los Angeles whereby permission was granted to tap the city mains half a mile to the south of the Village. Using nearly forty thousand lineal feet of welded steel pipe, a complete underground water system was installed.

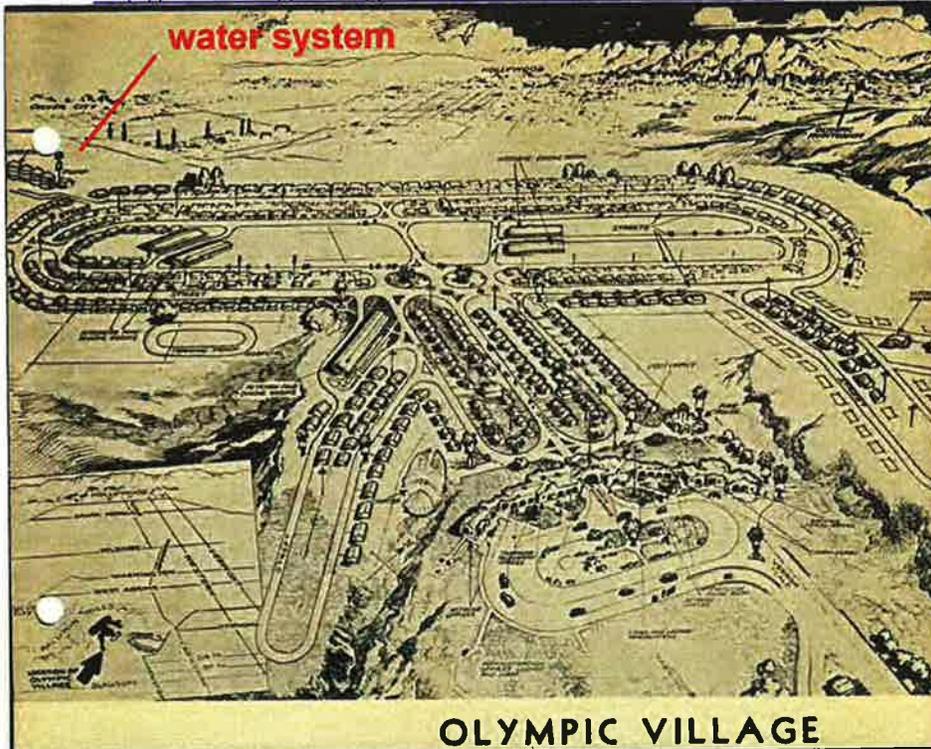
The Committee wished to give each nation its own dining room and kitchen so that each could be supplied with its particular native food prepared by its own chef. When it came to designing these separate dining rooms several problems

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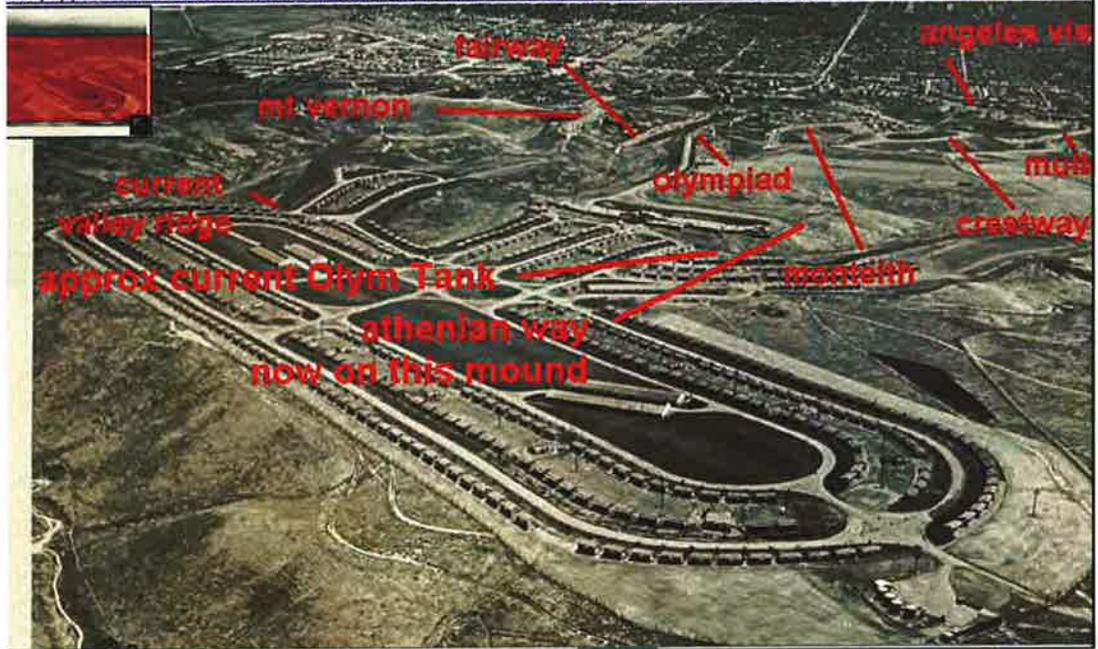


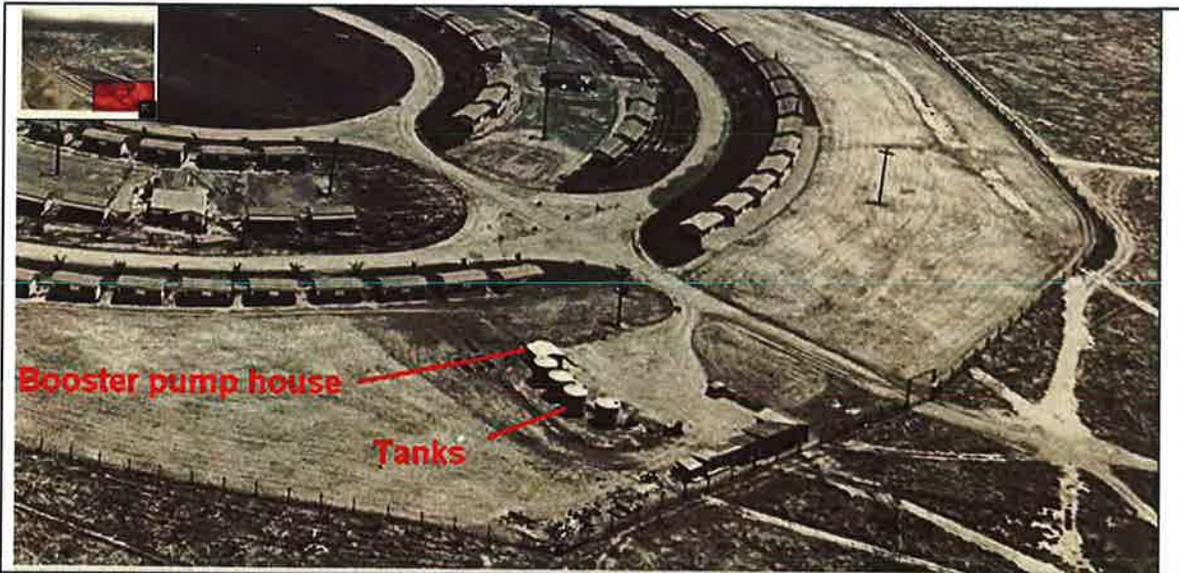
THE GROUND PLAN TAKING FORM

2. Map of Olympic Village, available at <http://flickr.com/photos/patrice91701/5988573365/lightbox/>

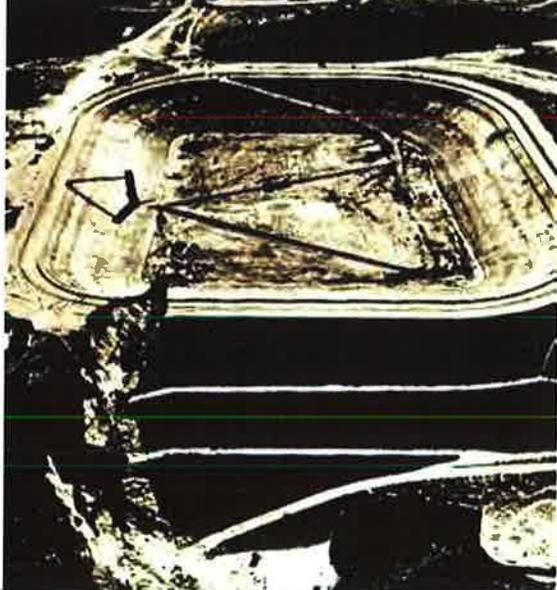


3. Aerial located at <http://cdm16061.contentdm.oclc.org/cdm/compoundobject/collection/p16061.coll12/id/230>





## **EXHIBIT 5**

<p>Page 6, Letter Report from the Consulting Board</p>	<p><i>The State of California report, "Investigation of Failure, Baldwin Hills Reservoir," dated April 1964, presents the work of the State Engineering Board of Inquiry. The objectives of the Board of Inquiry were to determine the way in which failure occurred and the physical causes of the failure. The Consulting Board is in agreement with the findings which the Board of Inquiry presents in the above report.</i></p> <p><i>The reservoir was a basin having four sides, carved and constructed on the top of a hill. An impervious compacted clay blanket covered all excavated slopes and constructed embankments. The blanket was 10 feet thick on the reservoir floor, tapering up the slopes to a lesser thickness. Under the blanket was a four inch thick porous concrete drainage layer which was placed over an asphalt seal coating. The main dam constituted the North Side. Failure took place by piping and erosion in and along a steeply dipping fault that passed under the reservoir and through the East Abutment of the main dam.</i></p>
<p>Page 13 of the Introduction, 'Summary of Findings'</p>	<p><i>How Did the Reservoir Fail?</i></p> <p><i>Earth movement occurred at the reservoir on December 14, 1963, following an apparent long-term development of stress and displacement in the foundation. The movement was apparently not seismic but took place at faults which were planes of foundation weakness. Foundation displacement resulted in rupture of the reservoir lining and consequent entry of water under pressure into a pervious and erodible fault. Erosion in the fault and adjacent foundation proceeded rapidly, causing uncontrolled leakage through the east abutment of the main dam.</i></p>
<p>Image source:  <a href="http://en.wikipedia.org/wiki/Baldwin_Hills_Reservoir">http://en.wikipedia.org/wiki/Baldwin_Hills_Reservoir</a></p>	

**BEFORE THE COUNTY OF LOS ANGELES  
DEPARTMENT OF REGIONAL PLANNING**

In re: The Application of California  
American Water for a Conditional Use  
Permit for the Replacement of an Existing  
Water Supply Booster Station

Project No. R2011-00719(2)

**DECLARATION OF GARRY HOFER IN SUPPORT OF CALIFORNIA-AMERICAN  
WATER COMPANY'S RESPONSE TO THE VIEW PARK PRESERVATION  
SOCIETY'S REQUEST FOR AN ENVIRONMENTAL IMPACT REPORT**

I, Garry Hofer, declare as follows:

1. I am employed by California-American Water Company ("California American Water") as the Operations Manager for the Los Angeles Service Area, which includes the operations with the Cities of Bradbury, Duarte, El Monte, Rosemead, San Gabriel, San Marino, Temple City as well as unincorporated areas of Los Angeles County around these cities and the community of Baldwin Hills, also within the unincorporated area of Los Angeles County. I am responsible for water delivery service including customer service, regulatory compliance, safety, personnel management and development, the construction, maintenance, and operations of facilities and infrastructure, and the administration of the operating and capital investment budgets.
2. I have worked in the water utility industry for a total of 27 years. I have been employed by California American Water in my current role for four years. Prior to that, I held the position of external affairs manager. Prior to that, I held the positions with Southwest Water Company and the Metropolitan Water District of Southern California.
3. I have personal knowledge regarding the activities of California American Water to obtain a use permit from the County of Los Angeles to replace the Olympiad Booster Station Replacement Project ("Project"), in addition to personal knowledge regarding the operation of the Baldwin Hills water distribution system. I have read the following materials prepared by the View Park Preservation Society and submitted to the County of Los Angeles in opposition to the Project:
  - The letter from the law firm Kane, Ballmer and Berkman authored by Gustavo Lamanna;

- The Declaration of Geraldine Moore;
  - The Declaration of Tammy Williams
4. As part of our routine operation of the water distribution system, California American Water—in non-drought and low-demand periods—flushes the water distribution system by opening hydrants or other valves and releasing a considerable volume of water from the system. We also employ this practice when we receive complaints regarding sediment or other foreign materials in a customer's water.
  5. As a routine part of our operations, we periodically check the system pressure to ensure the system is within California Public Utilities Commission General Order 103A parameters of 40 psi to 125 psi. We have no records of system pressure exceeding 125 psi in the time that I have been Operations Manager. We specifically tested the system pressure near Tammy Williams' home and determined the pressure was 96 psi. This is within the allowable range under General Order 103A.
  6. California American Water has investigated the construction occurring on Lot 2 and Lot 4 adjacent to the Olympiad Reservoir site in response to multiple allegations by Ms. Moore that construction is occurring within a drainage easement. Our investigation has determined no encroachment is occurring on either the 10-foot California American Water easement or the 12-foot Los Angeles County easement.
  7. California American Water at least annually sends to its customers the Consumer Confidence Report, as required by State and federal law, discussing the quality of the water we provide. These reports are sent with customer bills once per year, but are available on the California American Water website year-round for anyone to view at anytime. Attached hereto as Exhibits 1 and 2 are the 2011 and 2012 Consumer Confidence Reports for California American Water's Baldwin Hills distribution system.
  8. Ms. Moore states in her declaration that her water has an "oily residue" and contains rust. The View Park area was constructed over 50 years ago. Homes of this age typically had a galvanized steel water service line and related plumbing installed when the home was constructed. In my experience of 27 years in the water utility industry, I have learned that galvanized steel tends to rust from the inside out. These contaminants could be entering Ms. Moore's water as it flows through aged galvanized plumbing in Ms. Moore's yard and home. California American Water takes water quality samples for both contaminant and aesthetic standards. Our water consistently meets all State and federal water quality and aesthetic standards. If there was any substance that would leave an "oily residue," such substances should be detected in those tests or in weekly visual sampling. Accordingly, any such oily residue does not appear to be coming from California American Water's distribution system.
  9. The water distribution system operated by California American Water ends at the customer's water meter. The pipes and system on the customer side of the meter are the responsibility of the customer. Attached hereto as Exhibit 3 is a true and correct copy of California American Water's tariff rule 16, as approved by the California Public Utilities Commission. Section A.2.a.(1) states that it is the responsibility of the customer to keep

pipng from the service connection to the point of consumption in good repair. The service connection is the customer's meter.

10. California American Water has previously planned to replace aged landscaping on the Athenian Way side of the facility, but delayed those plans based on Ms. Moore's opinion that new landscaping would allow a fuller, unwanted view of the reservoir. Attached hereto as Exhibit 4 are photographs of the landscaping we have installed on the other side of the Olympiad Reservoir site from Ms. Moore's home. This landscaping exceeds the planned height of the replacement booster station.
11. In my experience, any puddles or pools in sidewalks, streets or yards can be due to a variety of reasons, including precipitation or overuse of residential irrigation systems, and rarely leaks in the water distribution system. When leaks do occur in California American Water's distribution system, they are easily identified as the water continuously leaves the system under pressure and then inundates and overflows any depression where a pool formed. It is highly unlikely that a static "pool" would form. Distribution system leaks are quickly repaired.
12. California American Water investigated the circumstances surrounding the service line rupture discussed in the Declaration of Tammy Williams. Our investigation revealed that the home was built in 1960. We believe that the service line (the pipe that brings water from the meter to the home) was the original galvanized steel line. We believe this because our field representative noted the service line material when he shut off the customer's water for repair. In my experience in 27 years in the water utility industry, I have learned that galvanized steel tends to rust from the inside out. It is my opinion that based on the age and composition of this line, it likely failed due to its age. It is also possible that the customer's pressure-reducing valve (PRV) failed, which would have caused pressure to surge. That possibility, combined with the likely age of the houseline, may have caused the break.
13. California American Water is required by the Regional Water Quality Control Board to dechlorinate potable water before that water is discharged into the municipal storm sewer system. Attached hereto as Exhibit 5 is a true and correct copy of the order of the Regional Water Quality Control Board for Region 4 regulating non-storm water discharges into the storm sewer system.
14. California American Water has obtained permits to operate its portable backup generators. Attached hereto as Exhibits 6 and 7 are true and correct copies of the permits issued by the California Air Resources Board authorizing the operation of this equipment.

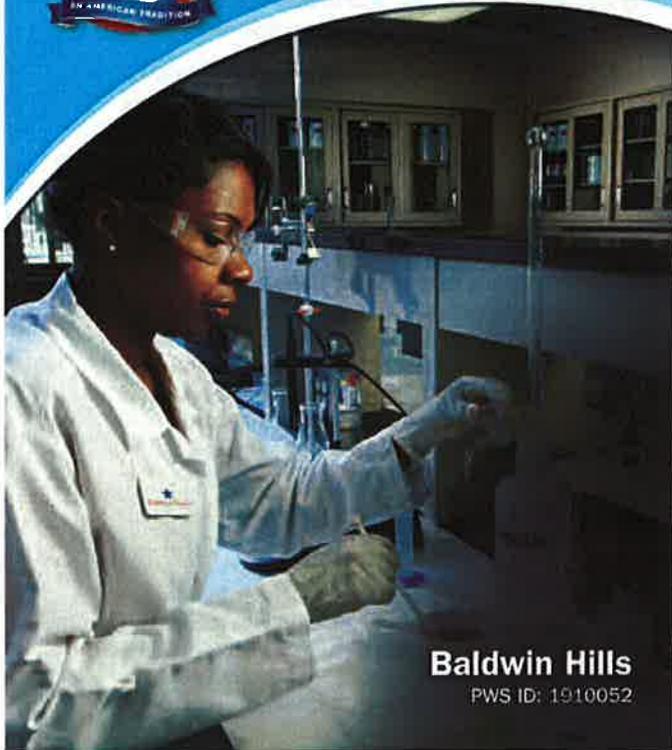
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: August 31, 2012

  
Garry Hofer

**EXHIBIT 1**

# 2010 Annual Consumer Confidence Report



**Baldwin Hills**  
PWS ID: 1910052

Este informe contiene información muy importante sobre su agua potable. Tradúzcalo o hable con alguien que lo entienda bien.

Mahalaga ang impormasyong ito. Mangyaring ipasalin ito.

## A Message from California American Water President, Rob MacLean

*California American Water is proud to be your local water company. For all of us, water is central to our lives. It's involved in everything we do, everything we use. That's why it's important that we share with you, our customer, information about the quality of the water service we provide.*

*I am proud to share with you the 2010 annual water quality report with detailed information about the source and quality of your drinking water. We have prepared this report using the data from water quality testing conducted through December 2010. You'll find that we supply water that surpasses or meets all federal and state water quality regulations.*

*Just as important, we place a strong focus on acting as stewards of our environment. In California, we participate in activities that help communities protect the watershed and educate customers how to use water wisely. You can learn more about these ideas and programs on our website, [www.californiaamwater.com](http://www.californiaamwater.com).*

*California American Water is a wholly-owned subsidiary of American Water (NYSE:AWK) which celebrates its 125th anniversary this year, we're part of a long standing American tradition of quality service. American Water is the largest U.S. investor-owned water and wastewater utility in the Country. You can celebrate this milestone with us, read useful information about wise water use, learn more about the history of water service delivery in America and pledge to help the planet at [www.amwater125.com](http://www.amwater125.com).*

*At California American Water, our customers are our top priority, and we are committed to providing them with the highest quality drinking water and service possible now and in the years to come.*

*In addition to this written report, you can view an electronic version at [www.californiaamwater.com](http://www.californiaamwater.com).*

*Please contact us at (888) 237-1333 if you have any questions or concerns about any aspect of your water service. We look forward to providing this critical resource for you throughout 2011.*

Sincerely

A handwritten signature in black ink, appearing to read "Rob MacLean".

Rob MacLean

## A+ WATER QUALITY FOR LESS THAN A PENNY

Did you know that you pay less than a penny for a gallon of your tap water?

Providing high-quality water service is our business. Our team of water quality experts and certified operators monitor your water from source to tap, and we have an exceptional track record when it comes to water quality. **Our compliance record for meeting or surpassing state and federal drinking water standards was 100 percent last year.** That beats the national average.

Tap water: an exceptional value!

WE CARE ABOUT WATER. IT'S WHAT WE DO.

### What is a Consumer Confidence Report (CCR)?

The data presented in this report is a combination of data from our nationally recognized main water quality lab and local commercial laboratories that are certified in drinking water analyses by the State of California Department of Public Health.

### About Your Water

The Baldwin Hills Water System is primarily served by groundwater sources in the West Central Basin and supplemented with drinking water purchased from the West Basin Municipal Water District. The West Basin Municipal Water District is an authorized wholesaler of treated surface water from the Metropolitan Water District of Southern California (MWD). The Baldwin Hills Water System receives treated surface water from MWD's Weymouth Treatment Plant. MWD's sources of raw surface water are the Sacramento River Delta and Colorado River. Water is conveyed to Southern California via the California Aqueduct (also known as the State Water Project) and Colorado River Aqueduct. Drinking water treatment technologies used for this imported water included conventional treatment (coagulation, filtration, and disinfection). California American Water distributes water for residential and commercial use throughout the communities of Ladera Heights, Windsor Hills and View Park within an unincorporated area of Los Angeles County. In October 2007, MWD began adding fluoride to their treated water at an optimized target level of 0.8 mg/L. Our ground water supplies naturally contain fluoride at ~0.4 mg/L. Groundwater supplies are disinfected with chlorine to ensure the bacteriological quality.

For more treatment information, please refer to the websites listed in the Water Information Sources for California American Water, the West Basin Municipal Water District and the Metropolitan Water District of Southern California.

### About American Water

Founded in 1886, American Water is the largest publicly traded U.S. water and wastewater utility company. With headquarters in Voorhees, N.J., the company employs more than 7,000 dedicated professionals who provide drinking water, wastewater and other related services to approximately 15 million people in more than 30 states, as well as parts of Canada. More information can be found by visiting [www.amwater.com](http://www.amwater.com).

### Notice of Source Water Assessment

An assessment of California American Water's Baldwin Hills system was completed in February 2003. No man-made contaminants have been detected in most of the groundwater supplies. The sources are considered most vulnerable to the following activities (associated with contaminants detected in the water supply): automobile-repair shops and body shops, metal planting/finishing/fabricating, landfills/dumps, and sewer collections systems. The sources are considered vulnerable to the following activities (although not associated with any detected chemicals): automobile gas stations, automobile body shops, automobile repair shops, sewer collection systems, water supply wells, chemical/petroleum processing/storage, and dry cleaners.

A copy of the completed assessment may be viewed at: California American Water; 8657 Grand Avenue; Rosemead, CA 91770-1221. You may request a summary of the assessment be sent to you by contacting: Joe Marcinko, Water Quality/Environmental Compliance Superintendent, (626) 614-2538.

Large water utilities are required by the CDPH to conduct a Watershed Sanitary Survey every five years to examine possible sources of drinking water contamination. Metropolitan's most recent surveys were completed in December 2006 (Colorado River) and June 2007 (State Water Project) and include suggestions for how to better protect these source waters. In December 2002, Metropolitan Water District of southern California completed its source water assessment of its State Water Project supplies. State Water Project supplies are considered to be most vulnerable to urban/storm water run-off, wildlife, agriculture, recreation and wastewater. A copy of the assessment can be obtained by contacting Metropolitan by phone at (213) 217-6850.

### Educational Information – Special Health Information

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the USEPA's Safe Drinking Water Hotline (800) 426-4791.

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants may be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. USEPA/CDC guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the USEPA's Safe Drinking Water Hotline (800) 426-4791.

## Our Water Research Efforts

Cryptosporidium is a pathogenic protozoan found in the surface water throughout the United States. Although filtration removes Cryptosporidium, the most commonly used filtration methods cannot guarantee 100% removal. Ingestion of Cryptosporidium may cause cryptosporidiosis, an abdominal infection. Symptoms of infection include nausea, diarrhea, and abdominal cramps. Most healthy individuals can overcome the disease within a few weeks. People with severely weakened immune systems have a risk of developing life-threatening illness. We encourage immuno-compromised individuals to consult their doctor regarding appropriate precautions to take to avoid infection. Current test methods do not allow us to determine if the organisms are dead or if they are capable of causing disease. Cryptosporidium must be ingested to cause disease, and it may be spread through means other than drinking water. Researchers with American Water have developed a new, more accurate test for Cryptosporidium in water. Our testing has shown this organism consistently absent in our drinking water.

For additional information regarding cryptosporidiosis and how it may affect those with weakened immune systems, please contact our Customer Service Center at (888) 237-1333 or speak to your health care provider.

## Notice of Unregulated Contaminant Monitoring (UCMR)

The Federal Unregulated Contaminants Monitoring Rule First Cycle (UCMR1) testing was completed in 2003 for a list of contaminants specified by the USEPA. UCMR2 testing was conducted between November 2008 and August 2009 for the assessment monitoring of 10 chemical contaminants under List 1 and the screening survey of 15 contaminants under List 2. All List 1 and List 2 contaminants from the MWD treatment plant effluent were not detected except for NDMA.

These results were reported directly to the USEPA. Unregulated contaminants are those for which the USEPA has not established drinking water standards. The purpose of unregulated contaminant monitoring is to assist the USEPA in determining the occurrence of unregulated contaminants in drinking water and whether regulation is warranted. The results of this monitoring are incorporated in the data tables in this report as appropriate. For more information, contact our Customer Service Center at (888) 237-1333.

## How to Contact Us

If you have any questions about this report, your drinking water, or service, please call California American Water's Customer Service toll free: (888) 237-1333.

## Water Information Sources

**California American Water**  
[www.californiaamwater.com](http://www.californiaamwater.com)

**California Department of Public Health**  
[www.cdph.ca.gov/programs/Pages/DDWEM.aspx](http://www.cdph.ca.gov/programs/Pages/DDWEM.aspx)

**United States Environmental Protection Agency (USEPA)**  
[www.epa.gov/safewater](http://www.epa.gov/safewater)

**Safe Drinking Water Hotline:** (800) 426-4791

**Centers for Disease Control and Prevention**  
[www.cdc.gov](http://www.cdc.gov)

**Metropolitan Water District of Southern California**  
<http://www.mwdh2o.com>

**West Basin Municipal Water District**  
<http://www.westbasin.org/>

**American Water Works Association**  
[www.awwa.org](http://www.awwa.org)

**Water Quality Association**  
[www.wqa.org](http://www.wqa.org)

**National Library of Medicine/National Institute of Health**  
[www.nlm.nih.gov/medlineplus/drinkingwater.html](http://www.nlm.nih.gov/medlineplus/drinkingwater.html)

## What are the Sources of Contaminants?

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and in some cases, radioactive material, and can pick up substances resulting from the presence of animals or human activity.

Contaminants that may be present in source water include:

**Microbial Contaminants**, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.

**Inorganic Contaminants**, such as salts and metals, which can be naturally occurring or may result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.

**Pesticides and Herbicides**, which may come from a variety of sources, such as agriculture, urban stormwater runoff, and residential uses.

**Organic Chemical Contaminants**, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and may also come from gas stations, urban stormwater runoff, agricultural application, and septic systems.

**Radioactive Contaminants**, which can be naturally occurring or may be the result of oil and gas production and mining activities.

In order to ensure that tap water is safe to drink, USEPA and the California Department of Public Health (Department) prescribe regulations that limit the amount of certain contaminants in water provided by public water systems. Department regulations also establish limits for contaminants in bottled water that must provide the same protection for public health.

## **Special Note for Residents Considering Tankless Water Heaters:**

Some residents in the Baldwin Hills system have experienced problems when they switched from the older conventional water heaters to the newer tankless water heaters. Problems experienced include particle formation, screen clogging, reduced water pressure, heat exchanger fouling, and unit failure. Please take the time to consider this information before purchasing and installing one of these units.

## **Action Level Exceeded for Lead**

Lead was found in three residential tap samples that exceeded the AL (Action Level) of 15 ppb during the 2008 round of residential Lead and Copper monitoring. Even though three residential samples exceeded the Lead AL, the system was in compliance with the Lead regulations. We have implemented a corrosion control strategy to control the lead release into the water and this has made us compliant with the Lead regulations since 2006. The next round of triennial residential Lead and Copper monitoring is scheduled to be conducted in 2011.

## **Lead Statement**

Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and/or flush your tap for 30 seconds to 2 minutes before using tap water.

Additional information is available from the USEPA Safe Drinking Water Hotline (1-800-426-4791).

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. California American Water is responsible for providing high-quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>.

## **Chloramine Statement**

Chloramines are a California and federally approved alternative to free chlorine for water disinfection. Chloramines minimize disinfection by-product formation. Another benefit of chloramines is improved taste of the water as compared with free chlorine. Chloramines are also used by many American Water systems and many other water utilities nationally. Chloramines have the same effect as chlorine for typical water uses with the exception that chloramines must be removed from water used in kidney dialysis and fish tanks or aquariums. Treatments to remove chloramines are different than treatments for removing chlorine. Please contact your physician or dialysis specialist for questions pertaining to kidney dialysis water treatment. Contact your pet store or veterinarian for questions regarding water used for fish and other aquatic life. You may also contact our Customer Service Center at (888) 237-1333 for more chloramine information.

## **Nitrate Statement**

Nitrate in drinking water at levels above 45 mg/L is a health risk for infants of less than six months of age. Such nitrate levels in drinking water can interfere with the capacity of the infant's blood to carry oxygen, resulting in a serious illness; symptoms include shortness of breath and blueness of the skin. Nitrate levels above 45 mg/L may also affect the ability of the blood to carry oxygen in other individuals, such as pregnant women and those with certain specific enzyme deficiencies. If you are caring for an infant, or you are pregnant, you should ask advice from your health care provider.

## **Trichloroethylene**

Some people who use water containing trichloroethylene in excess of the MCL over many years may experience liver problems and may have an increased risk of getting cancer.

## **Radon**

Radon is a radioactive gas that you cannot see, taste, or smell. It is found throughout the U.S. Radon can move up through the ground and into a home through cracks and holes in the foundation. Radon can build up to high levels in all types of homes. Radon can also get into indoor air when released from tap water from showering, washing dishes, and other household activities. Compared to radon entering the home through soil, radon entering the home through tap water will in most cases be a small source of radon in indoor air. Radon is a known human carcinogen. Breathing air containing radon can lead to lung cancer. Drinking water containing radon may also cause increased risk of stomach cancer. If you are concerned about radon in your home, test the air in your home. Testing is inexpensive and easy. You should pursue radon removal for your home if the level of radon in your air is 4 picocuries per liter of air (pCi/L) or higher. There are simple ways to fix a radon problem that are not too costly. For additional information, call the State radon program (1-800-745-7236), the EPA Safe Drinking Water Act Hotline (1-800-426-4791), or the National Safe Council Radon Hotline (1-800-SOS-RADON).

## How to Read This Table

California American Water conducts extensive monitoring to ensure that your water meets all water quality standards. The results of our monitoring are reported in the following tables. While most monitoring was conducted in 2010, certain substances are monitored less than once per year because the levels do not change frequently. For help with interpreting this table, see the "Definitions of Terms" section.

Starting with a **Substance**, read across. **Year Sampled** is usually in 2010 or year prior. **MCL** shows the highest level of substance (contaminant) allowed. **MCLG** is the goal level for that substance (this may be lower than what is allowed). **Average Amount Detected** represents the measured amount (less is better). **Range** tells the highest and lowest amounts measured. A **No** under **Violation** indicates government requirements were met. **Major Sources in Drinking Water** tells where the substance usually originates.

Unregulated substances are measured, but maximum allowed contaminant levels have not been established by the government.

## Definitions of Terms Used in This Report

**AL (Action Level):** The concentration of a contaminant, which, if exceeded, triggers treatment or other requirements, that a water system must follow.

**MCL (Maximum Contaminant Level):** The highest level of a contaminant that is allowed in drinking water. MCL's are set as close to the MCLG's as feasible using the best available treatment technology. Secondary MCL's (SMCL) are set to protect the odor, taste, and appearance of drinking water.

**MCLG (Maximum Contaminant Level Goal):** The level of a contaminant in drinking water below which there is no known or expected risk to health.

MCLG's allow for a margin of safety.

**MPL:** Million fibers per liter.

**MRDL (Maximum Residual Disinfectant Level):** The highest level of disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

**MRDLG (Maximum Residual Disinfectant Level Goal):** The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLG's do not reflect the benefits of the use of disinfectants to control microbial contaminants.

**NA:** Not applicable

**ND:** Not detected

**NL (Notification Level):** The concentration of a contaminant, which, if exceeded, requires notification to CDPH and the consumer. Not an enforceable standard.

**NS:** No standard

**NTU (Nephelometric Turbidity Units):** Measurement of the clarity, or turbidity, of the water.

**pCi/L (picocuries per liter):** Measurement of the natural rate of disintegration of radioactive contaminants in water (also beta particles).

**PDBWS (Primary Drinking Water Standard):** MCL's for contaminants that affect health along with their monitoring and reporting requirements, and water treatment requirements.

**pH:** A measurement of acidity, 7.0 being neutral.

**PHG (Public Health Goal):** The level of a contaminant in drinking water below which there is no known or expected risk to health. PHG's are set by the California EPA.

**ppb (parts per billion):** One part substance per billion parts water, or micrograms per liter.

**ppm (parts per million):** One part substance per million parts water, or milligrams per liter.

**ppt (parts per trillion):** One part substance per trillion parts water, or nanograms per liter.

**TOM:** Threshold Odor Number

**Total Dissolved Solids:** An overall indicator of the amount of minerals in water.

**TT (Treatment Technique):** A required process intended to reduce the level of a contaminant in drinking water.

**Variance and Exemptions:** State or USEPA permission not to meet an MCL or utilize a treatment technique under certain conditions.

**µmhos/cm (micromhos per centimeter):** A measure of electrical conductance.

**%:** means percent

## Water Quality Statement

Last year, as in years past, your tap water met all USEPA and California State drinking water standards. In 2005 and 2006, we introduced a corrosion inhibitor to remediate the lead leaching problem. As of April 2006, we are pleased to report that the corrosion inhibitor is working and we are in compliance with the lead standard.

## Water Quality Results: Baldwin Hills - 2010

Regulated Substances (Measured on the Water Within the Baldwin Hills Distribution System and Leaving the MWD Weymouth Treatment Facility)									
Substance (units)	Year Sampled	MCL	PHG (MCLG)	Baldwin Hills		MWD - Weymouth		Violation	Major Sources in Drinking Water
				Average Amount Detected	Range Low-High	Average Amount Detected	Range Low-High		
Gross Alpha Particle Activity (pCi/L)	2008	15	(0)	4.5	3.4 - 6	5.2	ND - 7.6	No	Erosion of natural deposits
Gross Beta Particle Activity (pCi/L)	2008	50	(0)	NA	NA	4.2	ND - 9.7	No	Decay of natural and man-made deposits
Uranium (pCi/L)	2008	20	0.43	4.9	3.9 - 6.6	2.9	2.4 - 3.4	No	Erosion of natural deposits
Arsenic (ppb)	2009/10	10	0.004	ND	ND - 1	2.2	ND - 2.7	No	Erosion of natural deposits
Fluoride (ppm)	2010	2	1	0.35	0.33 - 0.36	0.8	0.7 - 1.0	No	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories
Nitrate as N (ppm)	2010	10	10	2.8	0.2 - 8.1	ND	ND - 0.4	No	Runoff and leaching from fertilizer use; Leaching from septic tanks and sewage; Erosion of natural deposits
Trichloroethylene (TCE) (ppb)	2010	5	1.7	1.5	ND - 4.2	ND	ND	No	Discharge from metal degreasing sites and other factories
Chloramines (ppm)	2010 (RAA)	MRDL = 4.0 (as Cl <sub>2</sub> )	MRDL = 4.0 (as Cl <sub>2</sub> )	1.0	0.4 - 1.4	2.3	1.2 - 2.9	No	Drinking water disinfectant added for treatment
Total Trihalomethanes (THM) (ppb)	2010 (RAA)	80	NA	25.2	ND - 72.2	44	26 - 65	No	By-product of drinking water chlorination
Halocetic Acids (ppb)	2010 (RAA)	60	NA	10.3	ND - 31.3	15	8.1 - 24	No	By-product of drinking water chlorination
Bacterial Results (from the Baldwin Hills Distribution System)									
Substance (units)	Year Sampled	MCL	PHG (MCLG)	Highest Percentage Detected	Violation	Typical Source			
Total Coliform Bacteria	2010	more than 5% of monthly samples are positive	(0)	1.6%	No	Naturally present in the environment			
Secondary Substances (Measured on the Water Within the Baldwin Hills Distribution System and Leaving the MWD Weymouth Treatment Facility)									
Substance (units)	Year Sampled	SMCL	PHG (MCLG)	Baldwin Hills		MWD - Weymouth Plant		Violation	Typical Source
				Results	Range Low-High	Results	Range Low-High		
Chloride (ppm)	2010	500	NA	53	46 - 60	93	84 - 94	No	Runoff/leaching from natural deposits; Seawater influence
Color (color units)	2010	15	NS	5	ND - 10	1	1 - 1	No	Naturally occurring organic materials
Aluminum (ppb)	2009/10	200	600	ND	ND	170	ND - 200	No	Erosion of natural deposits; Residual from some surface water treatment processes
Manganese (ppm)	2010	0.05	NS	0.017	0.005 - 0.03	ND	ND	No	Leaching from natural deposits; Industrial wastes
Odor (units)	2010	3	NS	1.5	<1 - 3	2	2	No	Naturally occurring organic materials
Specific Conductance (µmho/cm)	2010	1,600	NS	773	720 - 830	950	460 - 1,000	No	Substances that form ions when in water; Seawater influence
Sulfate (ppm)	2010	500	NS	96	83 - 110	210	160 - 250	No	Runoff/leaching from natural deposits; Industrial wastes
Total Dissolved Solids (ppm)	2010	1000	NS	453	410 - 470	570	470 - 630	No	Runoff/leaching from natural deposits
Turbidity (NTU)	2010	5	NS	1.83	0.05 - 3.6	0.05	0.03 - 0.06	No	Soil runoff
Turbidity: A Measure of the Clarity of the Water (Measured on the Water Leaving the MWD Weymouth Treatment Facility)									
Plant	Year Sampled	MCL	PHG (MCLG)	Level Found	Violation	Typical Source			
Turbidity (NTU)	2010	TT = 1 NTU	NA	0.05	No	Soil runoff			
		TT = percentage of samples < 0.3 NTU		100%					
Unregulated Substances (Measured on the Water Within the Baldwin Hills Distribution System and Leaving the MWD Weymouth Treatment Facility)									
Substance (units)	Year Sampled	Notification Level (NL)	Baldwin Hills 2009		MWD - Weymouth Plant 2010				
			Results	Range Low-High	Results	Range Low-High			
Boron (ppb)	2009/2010	1,000	146	138 - 153	120	120 - 130			
Vanadium (ppb)	2009/2010	50	ND	ND	6.4	ND - 3.4			
N-Nitrosodimethylamine (NDMA) (ppt)	2009/2010	10	NA	NA	ND	ND - 2			
Tap Water Samples: Lead and Copper Results (from Homes Within the Baldwin Hills Distribution System)									
Substance (units)	Year Sampled	Action Level	PHG (MCLG)	Number of Samples	Amount Detected at the 90th Percentile	Number of Homes Above Action Level	Violation	Typical Source	
Copper (ppm)	2008	1.3	0.17	43	0.192	0	No	Internal corrosion of household plumbing system; Erosion of natural deposits; Leaching from wood preservatives	
Lead (ppb)	2008	15	0.2	43	8	3	No	Internal corrosion of household water plumbing system; Discharges from industrial manufacturers; Erosion of natural deposits	

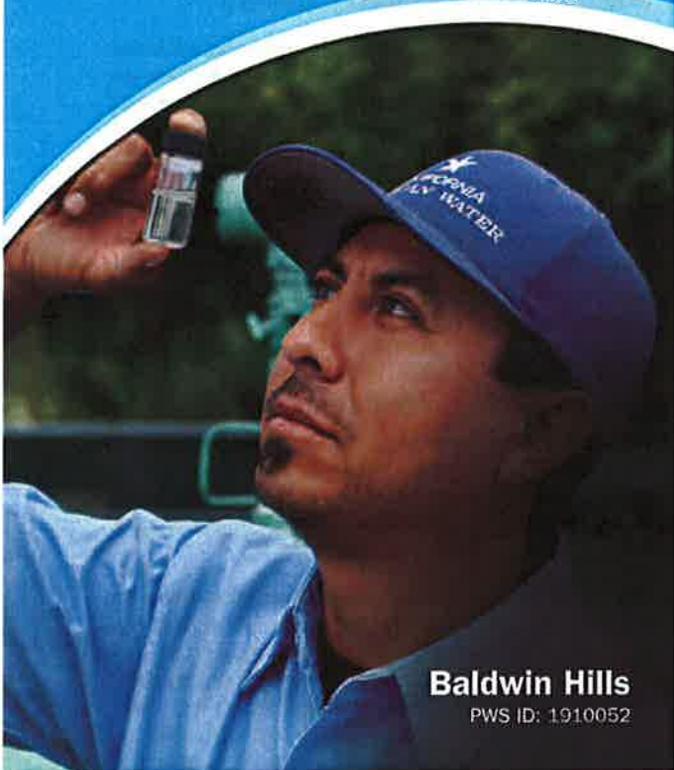
### Additional Water Quality Parameters of Interest

This table shows average levels of additional water quality parameters, which are often of interest to consumers. Values shown here are averages of operating data for 2010. Values may vary from day to day. There are no health-based limits for these substances in drinking water.

Additional Constituents (Measured on the Water Within the Baldwin Hills Distribution System and Leaving the MWD Weymouth Treatment Facility)					
Substance (units)	Year Sampled	Baldwin Hills		MWD - Weymouth Plant	
		Average Amount Detected	Range Low-High	Average Amount Detected	Range Low-High
Alkalinity as CaCO <sub>3</sub> (ppm)	2010	210	200 - 220	120	63 - 130
Calcium (ppm)	2010	84	75 - 89	64	49 - 71
Magnesium (ppm)	2010	19	17 - 21	26	20 - 28
Potassium (ppm)	2010	3.9	3.8 - 4.0	4.6	3.8 - 5.0
pH	2010	7.5	7.2 - 7.8	7.9	7.6 - 8.6
Radon (pCi/L)	2010	338	178 - 497	ND	ND
Sodium (ppm)	2010	48	46 - 50	94	83 - 98
Total Hardness as CaCO <sub>3</sub> (ppm)	2010	288	260 - 310	260	84 - 300
Total Hardness as Grains Per Gallon (gpg)	2010	16.8	15.2 - 18.1	7.3	4.9 - 17.5

**EXHIBIT 2**

# 2011 Annual Consumer Confidence Report



**Baldwin Hills**

PWS ID: 1910052

Este informe contiene información muy importante sobre su agua potable. Tradúzcalo o hable con alguien que lo entienda bien.

Mahalaga ang impormasyong ito. Mangyaring ipasalin ito.

## **A Message from California American Water President, Rob MacLean**

*California American Water is proud to be your local water service provider and I am pleased to share with you good news about the quality of your drinking water. Each year, we provide you with our Annual Water Quality Report – and like so many years prior – you'll find that we continue to supply water that meets or surpasses both state and federal water quality regulations.*

*This doesn't happen by chance. It requires having the right team of experts and technologies in place. Delivering high-quality, reliable water service to your tap around the clock also requires significant investment in our water infrastructure. In 2011 alone, we invested more than \$54 million in water system improvements statewide. From upgrading our treatment facilities to replacing aging water pipelines, we invest prudently and with purpose. And, because we invest our dollars responsibly, we provide our water for about a penny per gallon; an exceptional value for a service that is so essential to our daily lives.*

*We hope you agree, it's worth every penny and worth learning more about. Please take the time to review this report. It provides details about the source and quality of your drinking water using data from water quality testing conducted in your local water system through December 2011. For an electronic copy of this report, visit us online at [www.amwater.com/caaw/](http://www.amwater.com/caaw/).*

*At California American Water, our customers are our top priority, and we are committed to providing you with the highest quality drinking water and service possible now and in the years to come.*

Sincerely,

Rob MacLean

## What is a Consumer Confidence Report (CCR)?

To comply with state and U.S. Environmental Protection Agency (USEPA) regulations, California American Water issues a report annually describing the quality of your drinking water. The purpose of this report is to raise your understanding of drinking water and awareness of the need to protect your drinking water sources. In 2011, tests for over 250 contaminants were conducted at various sampling points in the water system, all of which were below state and federal maximum allowable levels. This report provides an overview of last year's (2011) water quality. It includes details about where your water comes from and what it contains.

The data presented in this report is a combination of data from our nationally recognized main water quality lab and local commercial laboratories that are certified in drinking water analyses by the State of California Department of Public Health.

## About Your Water

The Baldwin Hills Water System is primarily served by groundwater sources in the West Central Basin and supplemented with drinking water purchased from the West Basin Municipal Water District. The West Basin Municipal Water District is an authorized wholesaler of treated surface water from the Metropolitan Water District of Southern California (MWD). The Baldwin Hills Water System receives treated surface water from MWD's Weymouth Treatment Plant. MWD's sources of raw surface water are the Sacramento River Delta and Colorado River. Water is conveyed to Southern California via the California Aqueduct (also known as the State Water Project) and Colorado River Aqueduct. Drinking water treatment technologies used for this imported water included conventional treatment (coagulation, filtration, and disinfection). California American Water distributes water for residential and commercial use throughout the communities of Ladera Heights, Windsor Hills and View Park within an unincorporated area of Los Angeles County. In October 2007, MWD began adding fluoride to their treated water at an optimized target level of 0.8 mg/L. Our ground water supplies naturally contain fluoride at ~0.4 mg/L. Groundwater supplies are disinfected with chlorine to ensure the bacteriological quality.

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## About American Water

Founded in 1886, American Water is the largest publicly traded U.S. water and wastewater utility company. With headquarters in Voorhees, N.J., the company employs approximately 7,000 dedicated professionals who provide drinking water, wastewater and other related services to approximately 15 million people in more than 30 states, as well as parts of Canada. More information can be found by visiting [www.armwater.com](http://www.armwater.com).

## Notice of Source Water Assessment

An assessment of California American Water's Baldwin Hills system was completed in February 2003. No man-made contaminants have been detected in most of the groundwater supplies. The sources are considered most vulnerable to the following activities (associated with contaminants detected in the water supply): automobile-repair shops and body shops, metal planting/finishing/fabricating, landfills/dumps, and sewer collections systems. The sources are considered vulnerable to the following activities (although not associated with any detected chemicals): automobile gas stations, automobile body shops, automobile repair shops, sewer collection systems, water supply wells, chemical/petroleum processing/storage, and dry cleaners.

A copy of the completed assessment may be viewed at: California American Water; 8657 Grand Avenue; Rosemead, CA 91770-1221. You may request a summary of the assessment be sent to you by contacting: Joe Marcinko, Water Quality/Environmental Compliance Director, (626) 614-2538.

Large water utilities are required by the Department to conduct a Watershed Sanitary Survey every five years to examine possible sources of drinking water contamination. Metropolitan's 2010 update to the surveys were completed and submitted to the California Department of Public Health in March (Colorado River) and May 2012 (State Water Project) and include suggestions for how to better protect these source waters. EPA also requires utilities to complete one Source Water Assessment (SWA) that utilizes information collected in the watershed sanitary surveys. Metropolitan completed its SWA in December 2002. The SWA is used to evaluate the vulnerability of water sources to contamination and helps determine whether more protective measures are needed.

## Educational Information – Special Health Information

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the USEPA's Safe Drinking Water Hotline (800) 426-4791.

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants may be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. USEPA/CDC guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the USEPA's Safe Drinking Water Hotline (800) 426-4791.

## Our Water Research Efforts

*Cryptosporidium* is a pathogenic protozoan found in the surface water throughout the United States. Although filtration removes *Cryptosporidium*, the most commonly used filtration methods cannot guarantee 100% removal. Ingestion of *Cryptosporidium* may cause cryptosporidiosis, an abdominal infection. Symptoms of infection include nausea, diarrhea, and abdominal cramps. Most healthy individuals can overcome the disease within a few weeks. People with severely weakened immune systems have a risk of developing life-threatening illness. We encourage immuno-compromised individuals to consult their doctor regarding appropriate precautions to take to avoid infection. Current test methods do not allow us to determine if the organisms are dead or if they are capable of causing disease.

*Cryptosporidium* must be ingested to cause disease, and it may be spread through means other than drinking water. Researchers with American Water have developed a new, more accurate test for *Cryptosporidium* in water. Our testing has shown this organism consistently absent in our drinking water.

For additional information regarding cryptosporidiosis and how it may affect those with weakened immune systems, please contact our Customer Service Center at (888) 237-1333 or speak to your health care provider.

## Notice of Unregulated Contaminant Monitoring (UCMR)

The Federal Unregulated Contaminants Monitoring Rule First Cycle (UCMR1) testing was completed in 2003 for a list of contaminants specified by the USEPA. UCMR2 testing was conducted between November 2008 and August 2009 for the assessment monitoring of 10 chemical contaminants under List 1 and the screening survey of 15 contaminants under List 2. All List 1 and List 2 contaminants from the MWD treatment plant effluent were not detected except for NDMA.

These results were reported directly to the USEPA. Unregulated contaminants are those for which the USEPA has not established drinking water standards. The purpose of unregulated contaminant monitoring is to assist the USEPA in determining the occurrence of unregulated contaminants in drinking water and whether regulation is warranted. The results of this monitoring are incorporated in the data tables in this report as appropriate. For more information, contact our Customer Service Center at (888) 237-1333.

## How to Contact Us

If you have any questions about this report, your drinking water, or service, please call California American Water's Customer Service toll free: (888) 237-1333.

## Water Information Sources

**California American Water**  
[www.californiaamwater.com](http://www.californiaamwater.com)

**California Department of Public Health**  
[www.cdph.ca.gov/programs/Pages/DDWEM.aspx](http://www.cdph.ca.gov/programs/Pages/DDWEM.aspx)

**United States Environmental Protection Agency (USEPA)**  
[www.epa.gov/safewater](http://www.epa.gov/safewater)

**Safe Drinking Water Hotline:** (800) 426-4791

**Centers for Disease Control and Prevention**  
[www.cdc.gov](http://www.cdc.gov)

**Metropolitan Water District of Southern California**  
<http://www.mwdh2o.com>

**West Basin Municipal Water District**  
<http://www.westbasin.org/>

**American Water Works Association**  
[www.awwa.org](http://www.awwa.org)

**Water Quality Association**  
[www.wqa.org](http://www.wqa.org)

**National Library of Medicine/National Institute of Health**  
[www.nlm.nih.gov/medlineplus/drinkingwater.html](http://www.nlm.nih.gov/medlineplus/drinkingwater.html)

## What are the Sources of Contaminants?

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and in some cases, radioactive material, and can pick up substances resulting from the presence of animals or human activity.

**Contaminants that may be present in source water include:**

**Microbial Contaminants**, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.

**Inorganic Contaminants**, such as salts and metals, which can be naturally occurring or may result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.

**Pesticides and Herbicides**, which may come from a variety of sources, such as agriculture, urban stormwater runoff, and residential uses.

**Organic Chemical Contaminants**, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and may also come from gas stations, urban stormwater runoff, agricultural application, and septic systems.

**Radioactive Contaminants**, which can be naturally occurring or may be the result of oil and gas production and mining activities.

In order to ensure that tap water is safe to drink, USEPA and the California Department of Public Health (Department) prescribe regulations that limit the amount of certain contaminants in water provided by public water systems. Department regulations also establish limits for contaminants in bottled water that must provide the same protection for public health.

## Special Note for Residents Considering Tankless Water Heaters:

Some residents in the Baldwin Hills system have experienced problems when they switched from the older conventional water heaters to the newer tankless water heaters. Problems experienced include particle formation, screen clogging, reduced water pressure, heat exchanger fouling, and unit failure. Please take the time to consider this information before purchasing and installing one of these units.

## Action Level Exceeded for Lead

Lead was found in one residential tap samples that exceeded the AL (Action Level) of 15 ppb during the 2011 round of residential Lead and Copper monitoring. Even though three residential samples exceeded the Lead AL, the system was in compliance with the Lead regulations. We have implemented a corrosion control strategy to control the lead release into the water and this has made us compliant with the Lead regulations since 2006. The next round of triennial residential Lead and Copper monitoring is scheduled to be conducted in 2012.

## Lead Statement

Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and/or flush your tap for 30 seconds to 2 minutes before using tap water. Additional information is available from the USEPA Safe Drinking Water Hotline (1-800-426-4791).

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. California American Water is responsible for providing high-quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>.

## Chloramine Statement

Chloramines are a California and federally approved alternative to free chlorine for water disinfection. Chloramines minimize disinfection by-product formation. Another benefit of chloramines is improved taste of the water as compared with free chlorine. Chloramines are also used by many American Water systems and many other water utilities nationally. Chloramines have the same effect as chlorine for typical water uses with the exception that chloramines must be removed from water used in kidney dialysis and fish tanks or aquariums. Treatments to remove chloramines are different than treatments for removing chlorine. Please contact your physician or dialysis specialist for questions pertaining to kidney dialysis water treatment. Contact your pet store or veterinarian for questions regarding water used for fish and other aquatic life. You may also contact our Customer Service Center at (888) 237-1333 for more chloramine information.

## Nitrate Statement

Nitrate in drinking water at levels above 45 mg/L is a health risk for infants of less than six months of age. Such nitrate levels in drinking water can interfere with the capacity of the infant's blood to carry oxygen, resulting in a serious illness; symptoms include shortness of breath and blueness of the skin. Nitrate levels above 45 mg/L may also affect the ability of the blood to carry oxygen in other individuals, such as pregnant women and those with certain specific enzyme deficiencies. If you are caring for an infant, or you are pregnant, you should ask advice from your health care provider.

## Trichloroethylene

Some people who use water containing trichloroethylene in excess of the MCL over many years may experience liver problems and may have an increased risk of getting cancer.

## Radon

Radon is a radioactive gas that you cannot see, taste, or smell. It is found throughout the U.S. Radon can move up through the ground and into a home through cracks and holes in the foundation. Radon can build up to high levels in all types of homes. Radon can also get into indoor air when released from tap water from showering, washing dishes, and other household activities. Compared to radon entering the home through soil, radon entering the home through tap water will in most cases be a small source of radon in indoor air. Radon is a known human carcinogen. Breathing air containing radon can lead to lung cancer. Drinking water containing radon may also cause increased risk of stomach cancer. If you are concerned about radon in your home, test the air in your home. Testing is inexpensive and easy. You should pursue radon removal for your home if the level of radon in your air is 4 picocuries per liter of air (pCi/L) or higher. There are simple ways to fix a radon problem that are not too costly. For additional information, call the State radon program (1-800-745-7236), the EPA Safe Drinking Water Act Hotline (1-800-426-4791), or the National Safe Council Radon Hotline (1-800-SOS-RADON).

## A+ WATER QUALITY FOR ABOUT A PENNY

Did you know that you pay about  
a penny for a gallon of your tap water?

Providing high-quality water service is our business. Our team of water quality experts and certified operators monitor your water from source to tap, and we have an exceptional track record when it comes to water quality. Our compliance record for meeting or surpassing state and federal drinking water standards was 100 percent last year. That beats the national average.

Tap water: an exceptional value!

WE CARE ABOUT WATER. IT'S WHAT WE DO.

### How to Read This Table

California American Water conducts extensive monitoring to ensure that your water meets all water quality standards. The results of our monitoring are reported in the following tables. While most monitoring was conducted in 2011, certain substances are monitored less than once per year because the levels do not change frequently. For help with interpreting this table, see the "Definitions of Terms" section.

Starting with a **Substance**, read across. **Year Sampled** is usually in 2011 or year prior. **MCL** shows the highest level of substance (contaminant) allowed. **MCLG** is the goal level for that substance (this may be lower than what is allowed). **Average Amount Detected** represents the measured amount (less is better). **Range** tells the highest and lowest amounts measured. A **No** under **Violation** indicates government requirements were met. **Major Sources in Drinking Water** tells where the substance usually originates.

Unregulated substances are measured, but maximum allowed contaminant levels have not been established by the government.

### Definitions of Terms Used in This Report

**AL (Action Level):** The concentration of a contaminant, which, if exceeded, triggers treatment or other requirements, that a water system must follow.

**MCL (Maximum Contaminant Level):** The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLG's as feasible using the best available treatment technology. Secondary MCLs (SMCL) are set to protect the odor, taste, and appearance of drinking water.

**MCLG (Maximum Contaminant Level Goal):** The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLG's allow for a margin of safety.

**MFL:** Million fibers per liter.

**MRDL (Maximum Residual Disinfectant Level):** The highest level of disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

**MRDLG (Maximum Residual Disinfectant Level Goal):** The level of a drinking water disinfectant below which there is no known or expected risk to health.

MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.

**NA:** Not applicable

**ND:** Not detected

**NL (Notification Level):** The concentration of a contaminant, which, if exceeded, requires notification to CDPH and the consumer. Not an enforceable standard.

**NS:** No standard

**NTU (Nephelometric Turbidity Units):** Measurement of the clarity, or turbidity, of the water.

**pCi/L (picocuries per liter):** Measurement of the natural rate of disintegration of radioactive contaminants in water (also beta particles).

**PDWS (Primary Drinking Water Standard):** MCL's for contaminants that affect health along with their monitoring and reporting requirements, and water treatment requirements.

**pH:** A measurement of acidity, 7.0 being neutral.

**PHG (Public Health Goal):** The level of a contaminant in drinking water below which there is no known or expected risk to health. PHG's are set by the California EPA.

**ppb (parts per billion):** One part substance per billion parts water, or micrograms per liter.

**ppm (parts per million):** One part substance per million parts water, or milligrams per liter.

**ppt (parts per trillion):** One part substance per trillion parts water, or nanograms per liter.

**TON:** Threshold Odor Number

**Total Dissolved Solids:** An overall indicator of the amount of minerals in water.

**TT (Treatment Technique):** A required process intended to reduce the level of a contaminant in drinking water.

**Variance and Exemptions:** State or USEPA permission not to meet an MCL or utilize a treatment technique under certain conditions.

**µmhos/cm (microhms per centimeter):** A measure of electrical conductance.

%: means percent

## Water Quality Statement

Last year, as in years past, your tap water met all USEPA and California State drinking water standards. In 2005 and 2006, we introduced a corrosion inhibitor to remediate the lead leaching problem. As of April 2006, we are pleased to report that the corrosion inhibitor is working and we are in compliance with the lead standard.

## Water Quality Results: Baldwin Hills - 2011

### Regulated Substances (Measured on the Water Leaving the Treatment Facility or within the Distribution System)

Substance (units)	Year Sampled	MCL	PWS (MCLB)	Baldwin Hills		MWD - Weymouth		Violation	Major Sources in Drinking Water
				Average Amount Detected	Range Low-High	Average Amount Detected	Range Low-High		
Gross Alpha Particle Activity (pCi/L)	2011	15	(0)	NA	NA	ND	ND - 3	No	Erosion of natural deposits
Gross Beta Particle Activity (pCi/L)	2011	50	(0)	NA	NA	4	ND - 6	No	Decay of natural and man-made deposits
Uranium (pCi/L)	2011	20	0.43	NA	NA	2	1 - 2	No	Erosion of natural deposits
Arsenic (ppb)	2011	10	0.004	ND	ND	ND	ND	No	Erosion of natural deposits
Fluoride (ppm)	2011	2	1	0.4	0.3 - 0.4	0.8	0.7 - 1.0	No	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories
Nitrate as N (ppm)	2011	10	10	3.7	0.2 - 6.2	ND	ND - 0.4	No	Runoff and leaching from fertilizer use; Leaching from septic tanks and sewage; Erosion of natural deposits
Trichloroethylene (TCE) (ppb)	2011	5	1.7	2.3	ND - 3.2	ND	ND	No	Discharge from metal degreasing sites and other factories
Chloramines (ppm)	2011 (RAA)	MRDL - 4.0 (as Cl <sub>2</sub> )	MRDL - 4.0 (as Cl <sub>2</sub> )	1.2	0.5 - 2.2	2.3	1.3 - 2.8	No	Drinking water disinfectant added for treatment
Total Trihalomethanes (TTHM) (ppb)	2011 (RAA)	80	NA	12.7	ND - 61.0	57	48 - 68	No	By-product of drinking water chlorination
Halooacetic Acids (ppb)	2011 (RAA)	60	NA	10.3	ND - 31.3	26	17 - 33	No	By-product of drinking water chlorination

### Bacterial Results (from the Baldwin Hills Distribution System)

Substance (units)	Year Sampled	MCL	PWS (MCLB)	Highest Percentage Detected	Violation	Typical Source
Total Coliform Bacteria	2011	more than 5% of monthly samples are positive	(0)	4.3%	No	Naturally present in the environment

### Secondary Substances (Measured on the Water Leaving the Treatment Facility or within the Distribution System)

Substance (units)	Year Sampled	SMCL	PWS (MCLB)	Baldwin Hills		MWD - Weymouth Plant		Violation	Typical Source
				Results	Range Low-High	Results	Range Low-High		
Chloride (ppm)	2011	500	NA	51	42 - 55	70	63 - 76	No	Runoff/leaching from natural deposits; Seawater influence
Color (color units)	2011	15	NS	<1	<1	2	1 - 2	No	Naturally occurring organic materials
Aluminum (ppb)	2011	200	600	ND	ND	110	ND - 220	No	Erosion of natural deposits; Residual from some surface water treatment processes
Manganese (ppm)	2011	0.05	NS	0.027	0.025 - 0.029	ND	ND	No	Leaching from natural deposits; Industrial wastes
Odor (units)	2011	3	NS	<1	<1 - 1	2	2	No	Naturally occurring organic materials
Specific Conductance (µmho/cm)	2010/2011	1,600	NS	773	720 - 830	630	320 - 870	No	Substances that form ions when in water; Seawater influence
Sulfate (ppm)	2011	500	NS	86	80 - 94	150	120 - 170	No	Runoff/leaching from natural deposits; Industrial wastes
Total Dissolved Solids (ppm)	2010/2011	1000	NS	453	410 - 470	440	390 - 480	No	Runoff/leaching from natural deposits
Turbidity (NTU)	2011	5	NS	0.3	0.06 - 4.4	0.05	0.02 - 0.07	No	Soil runoff

### Turbidity - A Measure of the Clarity of the Water (at the MWD - Weymouth Plant Treatment Facility)

Plant	Year Sampled	MCL	PWS (MCLB)	Level Found	Violation	Typical Source
Turbidity (NTU)	2011	TI - 1 NTU	NA	0.07	No	Soil runoff
		TI - percentage of samples < 0.3 NTU		100%		

### Unregulated Substances (Measured on the Water Leaving the Treatment Facility or within the Distribution System)

Substance (units)	Year Sampled	Notification Level (NL)	Baldwin Hills		MWD - Weymouth Plant	
			Results	Range Low-High	Results	Range Low-High
Boron (ppb)	2011	1,000	142	138 - 148	130	130
N-Nitrosodimethylamine (NDMA) (ppt)	2011	10	NA	NA	ND	ND - 8

### Tap Water Samples: Lead and Copper Results (from the Baldwin Hills Distribution System)

Substance (units)	Year Sampled	Action Level	PWS (MCLB)	Number of Samples	Amount Detected at the 99th Percentile	Number of Homes Above Action Level	Violation	Typical Source
Copper (ppm)	2011	1.3	0.17	30	0.233	0	No	Internal corrosion of household plumbing system; Erosion of natural deposits; Leaching from wood preservatives
Lead (ppb)	2011	15	0.2	30	9	1	No	Internal corrosion of household water plumbing system; Discharges from industrial manufacturers; Erosion of natural deposits

### Additional Water Quality Parameters of Interest

This table shows average levels of additional water quality parameters, which are often of interest to consumers. Values shown here are averages of operating data for 2011. Values may vary from day to day. There are no health-based limits for these substances in drinking water.

Additional Constituents (Measured on the Water Leaving the Treatment Facility or within the Distribution System)					
Substance (units)	Year Sampled	Baldwin Hills		MWD - Weymouth Plant	
		Average Amount Detected	Range Low-High	Average Amount Detected	Range Low-High
Alkalinity as CaCO <sub>3</sub> (ppm)	2010/2011	210	200 - 220	82	43 - 110
Calcium (ppm)	2011	77	68 - 83	48	41 - 54
Magnesium (ppm)	2011	18	16 - 19	18	16 - 21
Potassium (ppm)	2011	ND	ND	3.8	3.4 - 4.1
pH	2011	7.8	7.6 - 8.2	8.1	7.8 - 8.8
Radon (pCi/L)	2011	271	171 - 527	ND	ND
Sodium (ppm)	2011	50	48 - 53	69	62 - 76
Total Hardness as CaCO <sub>3</sub> (ppm)	2011	246	198 - 278	170	60 - 250
Total Hardness as Grains Per Gallon (gpg)	2011	14.5	11.6 - 16.3	9.9	3.5 - 14.6

**EXHIBIT 3**

Rule No. 16

SERVICE CONNECTIONS, METERS, AND CUSTOMER'S FACILITIES

A. General

1. Utility's Responsibility

- a. (1) In urban areas with dedicated front streets, rear service roads, or public utility easements the utility will furnish and install the service pipe, curb stop, meter and meter box at its own expense for the purpose of connecting its distribution system to the customer's piping, except for temporary services and as otherwise provided in Rule No. 15, Main Extensions. The service connection, curb stop, meter and meter box will be installed at a convenient place between the property line and the curb, or inside the customer's property line where necessary.
- (2) In areas which do not have dedicated front streets, rear service roads, or public utility easements, the utility will furnish and install the service pipe, curb stop, meter and meter box as above provided but at a convenient point on or near the customer's property except for service beyond the service area.
- b. The service connection will determine the point of delivery of water service to the customer.

2. Customer's Responsibility

a. Condition Precedent to Receiving Service

The customer as a condition precedent to receiving service shall:

- (1) Furnish and lay the necessary piping to make the connection from the service connection to the place of consumption and shall keep such piping in good repair in accordance with such reasonable requirements of the utility as may be incorporated in its rules herein.
- (2) Provide a main valve on the piping between the service connection and the point of customer use.
- (3) Where service is rendered at or near the service area boundary for use beyond the service area, install, operate, and maintain the facilities necessary to provide service.
- b. The customer's piping shall extend to that point on the curb line or property line of easiest access to the utility from its existing distribution system or requiring the least extension of the existing distribution main. The utility shall be consulted before installation thereof and its approval of location secured.

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(continued)

(TO BE INSERTED BY UTILITY)  
ADVICE LETTER NO. 533  
DECISION NO.

ISSUED BY  
D. P. STEPHENSON  
NAME  
DIRECTOR - RATES & REVENUES  
TITLE

(TO BE INSERTED BY C.P.U.C.)  
DATE FILED MAY 14 1999  
EFFECTIVE JUN 23 1999  
RESOLUTION NO.

Rule No. 16

SERVICE CONNECTIONS, METERS, AND CUSTOMER'S FACILITIES

(continued)

A. 3. Ownership and Absence of Rental Obligation Where Facilities Are on Premises of Customer

- a. The service pipe, curb stop, meter, and meter box furnished by or on behalf of the utility and located wholly or partially upon a customer's premises are the property of the utility.
- b. No rent or other charge will be paid by the utility where the utility-owned service facilities are located on a customer's premises.

4. Access to Premises of Customer

- a. The utility shall at all reasonable hours have access to meters, service connections and other property owned by it which may be located on customer's premises for purposes of installation, maintenance, operation or removal of the property at the time service is to be terminated. The customer's system should be open for inspection at all reasonable times to authorized representatives of the utility.
- b. Any inspection work or recommendations made by the utility or its agents in connection with plumbing or appliances or any use of water on the customer's premises, either as a result of a complaint or otherwise, will be made without charge.

5. Responsibility for Loss or Damage

- a. The utility will not be responsible for any loss or damage caused by any negligence or wrongful act of a customer or of a customer's authorized representatives in installing, maintaining, operating or using any or all appliances, facilities or equipment for which service is supplied.
- b. The customer will be held responsible for damage to utility's meters and other property resulting from the use or operation of appliances and facilities on customer's premises, including, but not limited to damage caused by steam, hot water, or chemicals.

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B. Services

1. Charge for Service Connections

Except as provided in subparagraphs a., b., or c. below, the utility shall make no charge to a customer except in case of connections for private fire protection service, connections for temporary service, changes made at the request and for the convenience of the customer, where additional connections are requested because of divisions of land ownership when the land before division was receiving service, and as otherwise provided in the utility's main extension rules.

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(TO BE INSERTED BY UTILITY)

ISSUED BY

(TO BE INSERTED BY C.P.U.C.)

ADVICE LETTER NO. 533

D. P. STEPHENSON

DATE FILED MAY 14 1999

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EFFECTIVE JUN 23 1999

DECISION NO. \_\_\_\_\_

DIRECTOR - RATES & REVENUES

RESOLUTION NO. \_\_\_\_\_

TITLE

Rule No. 16

SERVICE CONNECTIONS, METERS, AND CUSTOMER'S FACILITIES

(continued)

B. 1. a. Individual Customer Connection Fee

A Class C or Class D utility, or a Class A or Class B utility district or subsidiary serving 2,000 or fewer connections, may accept from individual customers amounts in contribution as a connection fee calculated pursuant to the Commission's Connection Fee Data Form contained in the utility's tariffs.

- b. In lieu of paying the connection fee, an applicant for a service connection may retain a licensed contractor, qualified in the judgment of the utility, to install the service connections. Cost to the utility of inspections and supervision of the installation, including gross-up for tax required by a contribution, shall be paid by the applicant. The applicant shall provide the utility with a statement of actual construction cost in reasonable detail. The amount shall be treated as contribution by the utility. The installation shall be in accordance with plans and specifications of the utility.

c. Individual Customer Facilities Fee

A Class C or Class D utility, or a Class A or Class B utility district or subsidiary serving 2,000 or fewer connections, may accept from individual customers amounts in contribution as a facilities fee calculated pursuant to tariff approved by the Commission.

2. Size of Service Pipe

- a. The minimum size of service pipe installed by the utility will not be less than 3/4-inch nominal size.
- b. The utility may require the customer to provide such data as may be necessary for the utility to properly size a service larger than 3/4-inch nominal size consistent with pressure requirements.

3. Installation

Only duly authorized employees or agents of the utility (or contractors, upon approval of the utility) will be permitted to install a service pipe from the utility's main to the location of the service connection. The connection from the meter to the customer's piping will be made by the utility; provided, however, that if the customer's piping requires repair or replacement, the connection may, at the option of the utility, be made by the customer or his agent.

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(TO BE INSERTED BY UTILITY)  
ADVICE LETTER NO. 533

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Rule No. 16

SERVICE CONNECTIONS, METERS, AND CUSTOMER'S FACILITIES

(continued)

C. Cross-Connections

1. Protective Regulation

No physical connection between the potable water supply system of the public utility and that of any other water supply or source of actual or potential contamination will be permitted except in compliance with the regulations of the State Department of Public Health contained in Title 17, Sections 7583-7605 of the California Code of Regulations under "Regulations Relating to Cross-Connections."

2. Backflow Preventers Required

The utility will evaluate the degree of potential health hazard to the public water supply which may be created as a result of conditions existing on a user's premises. As a minimum, the evaluation will consider: the existence of cross-connections, the nature of materials handled on the property, the probability of a backflow occurring, the degree of piping system complexity, and the potential for piping system modification.

The utility will require the installation of approved backflow preventers of required type under any of the following conditions: (L)

- a. Where a fresh water supply which has not been approved by the State Department of Health Services is already available from a well, spring, reservoir or other source. (If the customer agrees to abandon this other supply and agrees to remove all pumps and piping necessary for the utilization of this supply, the installation of backflow preventers will not be required.)
- b. Where salt water, or water otherwise contaminated, is available for industrial or fire protection purposes at the same premises.
- c. Where the premises are or may be engaged in industrial processes using or producing process waters or liquid industrial wastes, or where the premises are or may be engaged in handling sewage or any other dangerous substances.
- d. Where fresh water hydrants or other outlets are or may be installed on piers or docks.
- e. Where the circumstances are such that there is special danger of backflow of sewage or other contaminated liquids through plumbing fixtures or water-using or treating equipment, or storage tanks and reservoirs.
- f. Premises that have internal cross-connections that are not abated to the satisfaction of the utility or the health agency.
- g. Premises where cross-connections are likely to occur and entry is restricted so that cross-connection inspections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist.
- h. Premises having a repeated history of cross-connections being established or reestablished. (L)

(continued)

(TO BE INSERTED BY UTILITY)

ISSUED BY

(TO BE INSERTED BY C.P.U.C.)

ADVICE LETTER NO. 533

D. P. STEPHENSON

DATE FILED MAY 14 1999

NAME

EFFECTIVE JUN 23 1999

DECISION NO.

DIRECTOR - RATES & REVENUES

RESOLUTION NO.

TITLE

Rule No. 16

SERVICE CONNECTIONS, METERS, AND CUSTOMER'S FACILITIES

(continued)

C. 3. Type and Expense of Backflow Preventers

Any backflow preventer utilized shall be of the type and design specified and approved for the circumstances in Section 7604, Title 17 of the California Code of Regulations, except that a customer may utilize an approved backflow preventer providing greater protection than required by Section 7604. Such backflow preventers shall be installed by and at the expense of the customer, in a manner approved by the utility and the public health agency having jurisdiction. Backflow preventers shall be installed as close as practical to the customer's connection to the utility and in a location which is readily available for periodic inspection.

Backflow preventers shall be tested, repaired or replaced at the expense of the customer.

4. Periodic Testing of Backflow Preventers

Whenever a backflow preventer is installed, relocated, or repaired, the customer shall have it tested by persons who have demonstrated their competency in testing of these preventers to the utility or health agency. Backflow preventers shall be tested at least annually or more frequently if determined to be necessary by the health agency or utility. The utility shall notify the customer when testing of backflow preventers is needed. The notice shall give the date when the test must be completed. Reports of testing and maintenance shall be maintained by the utility for a minimum of three years.

5. Refusal to Serve or Discontinuance of Service

The utility may refuse or discontinue service:

- a. Until there has been installed on the customer's piping an approved backflow preventer of the required type, if one is required.
- b. Where the utility has been denied access to the customer's premises to make an evaluation.
- c. Where the customer refuses to test a backflow preventer, or to repair or replace a faulty backflow preventer.
- d. Where there is a direct or indirect connection between the public water system and a sewer line. (L)
- e. Where there is an unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.
- f. Where there is an unprotected direct or indirect connection between the public water system and auxiliary water system.
- g. When there is a situation which presents an immediate health hazard to the public water system. (L)

(continued)

(TO BE INSERTED BY UTILITY)  
ADVICE LETTER NO. 533

ISSUED BY  
D. P. STEPHENSON  
NAME

(TO BE INSERTED BY C.P.U.C.)  
DATE FILED MAY 14 1999  
EFFECTIVE JUN 23 1999  
RESOLUTION NO. \_\_\_\_\_

DECISION NO. \_\_\_\_\_

DIRECTOR - RATES & REVENUES  
TITLE

CALIFORNIA-AMERICAN WATER COMPANY  
880 KUHN DRIVE  
CHULA VISTA, CALIFORNIA 91914

CANCELLING

Revised C.P.U.C. SHEET NO. 2974-W

Revised C.P.U.C. SHEET NO. 2157-W

Rule No. 16

SERVICE CONNECTIONS, METERS, AND CUSTOMER'S FACILITIES

(continued)

C. 6. Pumps and Boosters

When a customer receiving service at the utility's main or service connection must, by means of a pump of any kind, increase the pressure of the water received, the pump shall not be attached to any pipe directly connected to the utility's main or service pipe. Such pumping or boosting of pressure shall be done, at the option of the utility, either:

- a. From a sump, cistern or storage tank which must be served through an air gap connection, or
- b. From a combination of an approved backflow preventer plus a device approved by the water utility to prevent the booster pump from drawing the utility's system pressure below 20 psig.

This requirement shall not apply to American Water Works Association (AWWA) Class 2 Fire Protection systems, except as provided for in the Information Bulletin issued by the Office of State Fire Marshal on December 10, 1984.

AWWA Class 2 fire protection systems have direct connections from public water mains only; no pumps, tanks or reservoirs, except that booster pumps may be installed in the connections from the street mains to the fire protection systems; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells, or other safe outlets.

(TO BE INSERTED BY UTILITY)

ADVICE LETTER NO. 533

ISSUED BY

D. P. STEPHENSON

NAME

(TO BE INSERTED BY C.P.U.C.)

DATE FILED MAY 14 1999

EFFECTIVE JUN 23 1999

DECISION NO. \_\_\_\_\_

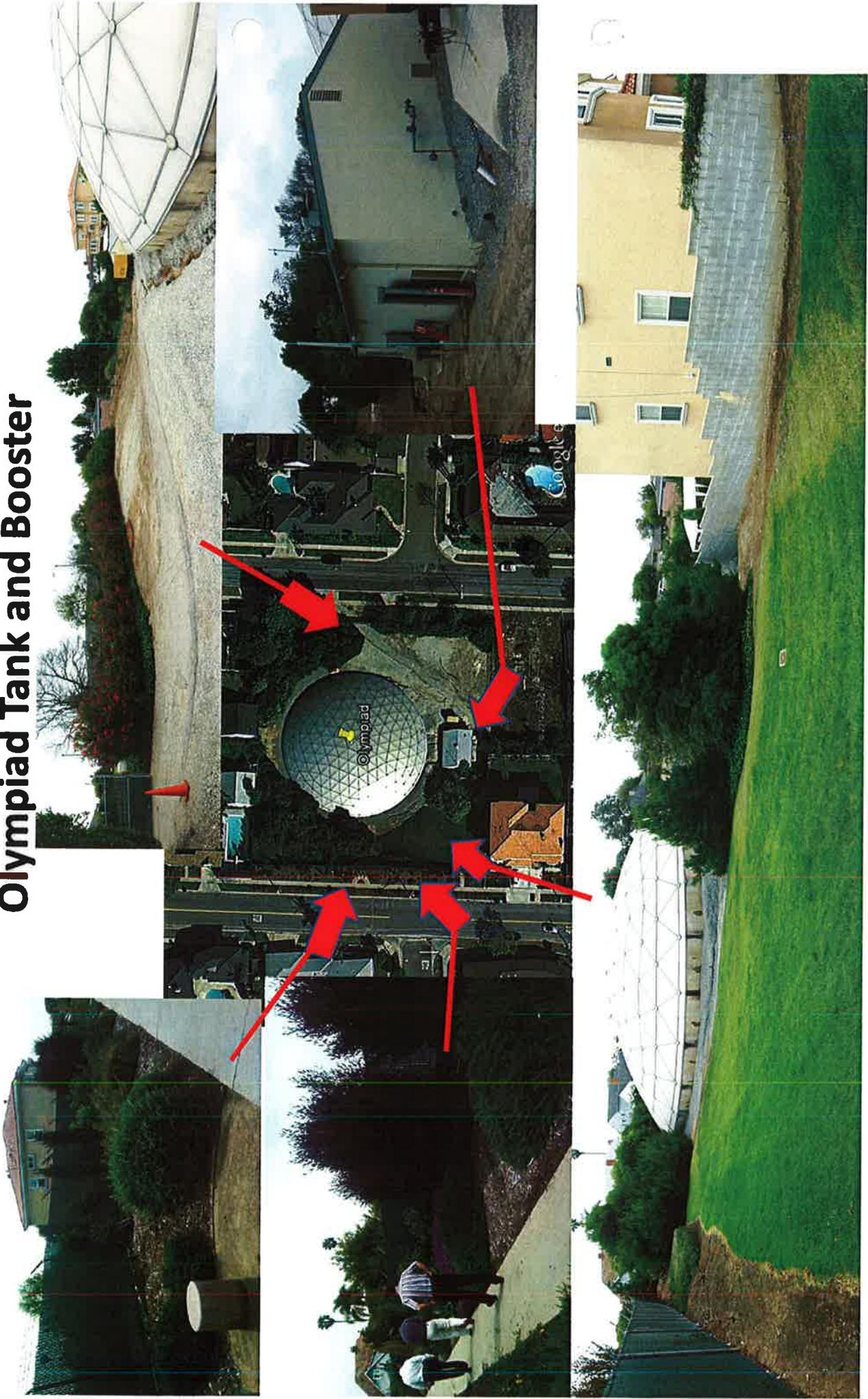
DIRECTOR - RATES & REVENUES

TITLE

RESOLUTION NO. \_\_\_\_\_

## **EXHIBIT 4**

# Olympiad Tank and Booster



## **EXHIBIT 5**

**STATE OF CALIFORNIA**

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

**ORDER NO. 01-182  
NPDES PERMIT NO. CAS004001  
WASTE DISCHARGE REQUIREMENTS  
FOR**

**MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES WITHIN THE  
COUNTY OF LOS ANGELES, AND THE INCORPORATED CITIES THEREIN,  
EXCEPT THE CITY OF LONG BEACH**

**December 13, 2001  
(Amended on September 14, 2006 by Order R4-2006-0074)**

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**STATE OF CALIFORNIA**  
**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**  
**LOS ANGELES REGION**  
  
**ORDER NO. 01-182**  
**NPDES PERMIT NO. CAS004001**  
**WASTE DISCHARGE REQUIREMENTS**  
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**EXCEPT THE CITY OF LONG BEACH**

The California Regional Water Quality Control Board, Los Angeles Region (hereinafter referred to as the Regional Board) finds:

**A. Existing Permit**

The Los Angeles County Flood Control District, the County of Los Angeles, and 84 incorporated cities within the Los Angeles County Flood Control District (see Attachment A, List of Permittees), hereinafter referred to separately as Permittees and jointly as the Discharger, discharge or contribute to discharges of storm water and urban runoff from municipal separate storm sewer systems (MS4s), also called storm drain systems. The discharges flow to water courses within the Los Angeles County Flood Control District and into receiving waters of the Los Angeles Region. These discharges are covered under countywide waste discharge requirements contained in Order No. 96-054 adopted by this Regional Board on July 15, 1996, which replaced Order No. 90-079 adopted by this Regional Board on June 18, 1990. Order No. 96-054 also serves as a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of municipal storm water.

**B. Nature of Discharges and Sources of Pollutant**

1. Storm water discharges consist of surface runoff generated from various land uses in all the hydrologic drainage basins that discharge into water bodies of the State. The quality of these discharges varies considerably and is affected by the hydrology, geology, land use, season, and sequence and duration of hydrologic events. The primary constituents of concern currently identified by the Los Angeles County Flood Control District Integrated Receiving Water Impacts Report (1994-2000) are cyanide, indicator bacteria, total dissolved solids, turbidity, total suspended solids, nutrients, total aluminum, dissolved cadmium, copper, lead, total mercury, nickel, zinc, bis(2-ethylhexyl)phthalate, polycyclic aromatic hydrocarbons (PAHs), diazinon, and chlorpyrifos.
2. Certain pollutants present in storm water and/or urban runoff may be derived from extraneous sources that Permittees have no or limited jurisdiction over. Examples of such pollutants and their respective sources are: PAHs which are products of internal combustion engine

- operation, nitrates, bis (2-ethylhexyl) phthalate and mercury from atmospheric deposition, lead from fuels, copper from brake pad wear, zinc from tire wear, dioxins as products of combustion, and natural-occurring minerals from local geology. However, the implementation of the measures set forth in this Order is intended to reduce the entry of these pollutants into storm water and their discharge to receiving waters.
3. Water quality assessments conducted by the Regional Board identified impairment, or threatened impairment, of beneficial uses of water bodies in the Los Angeles Region. The causes of impairments include pollutants of concern identified in municipal storm water discharges by the County of Los Angeles in the Integrated Receiving Water Impacts Report (1994-2000). Pollutants in storm water can have damaging effects on both human health and aquatic ecosystems.
  4. The Los Angeles County Grand Jury, September 2000, completed an investigation into the health risks of swimming near beaches in Los Angeles County and made several recommendations to reduce public health risks (Final Report, Grand Jury, Los Angeles County, 1999-2000). The Grand Jury recommended that the Regional Board consider among other actions, (i) a focus on setting contaminant limits rather than programmatic evaluations, (ii) audit of MS4 Permittee programs; and (iii) clarifying enforcement responsibilities between the State and local governments.
  5. Studies and research conducted by other Regional agencies, academic institutions, and universities have also identified storm water and urban runoff as significant sources of pollutants to surface waters in Southern California. See, e.g., [*Surface Runoff to the Southern California Bight*, Southern California Coastal Water Research Project, (1992); *Impacts of Urban Runoff on Santa Monica Bay and Surrounding Ocean Waters* (Gersberg, R.M., 1995); *State of the Bay 1998*, Santa Monica Bay Restoration Project; *Storm Water Impact*, In, Southern California Environmental Report Card 1999, Institute of the Environment, University of California, Los Angeles (Stenstrom, M.S., 1999); *Distribution of Anthropogenic and Natural Debris on the Mainland Shelf of Southern California Bight*, Shelly L. Moore and M. James Allen (1999); *The Health Effects of Swimming in Ocean Water Contaminated by Storm Drain Runoff*, Haile, R.W. et al. (1999); *Huntington Beach Closure Investigation: Technical Review* (University of Southern California, 2000); *A Regional Survey of the Microbiological Water Quality Along the Shoreline of the Southern California Bight*, Rachel T. Noble et al. (2001); *Integrated Receiving Water Impacts Report (1994-2000)*, County of Los Angeles (2001)].
  6. Development and urbanization increase pollutant load, volume, and discharge velocity. First, natural vegetated pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops and parking lots. Natural vegetated soil can both absorb rainwater and remove pollutants providing an effective natural purification process. In contrast, pavement and concrete can neither absorb water nor remove pollutants, and thus the natural purification characteristics are

lost. Second, urban development creates new pollution sources as the increased density of human population brings proportionately higher levels of vehicle emissions, vehicle maintenance wastes, municipal sewage waste, pesticides, household hazardous wastes, pet wastes, trash, and other anthropogenic pollutants. Development and urbanization especially threaten environmentally sensitive areas. Such areas have a much lower capacity to withstand pollutant shocks than might be acceptable in the general circumstance. In essence, development that is ordinarily insignificant in its impact on the environment may in a particular sensitive environment become significant. These environmentally sensitive areas designated by the State and/or the County of Los Angeles include Areas of Special Biological Significance (ASBS), water bodies designated as supporting a RARE beneficial use, Significant Natural Areas (SNAs), and Significant Ecological Areas (SEAs).

7. The increased volume, increased velocity, and discharge duration of storm water runoff from developed areas has the potential to greatly accelerate downstream erosion and impair stream habitat in natural drainages. Studies have demonstrated a direct correlation between the degree of imperviousness of an area and the degradation of its receiving waters. Significant declines in the biological integrity and physical habitat of streams and other receiving waters have been found to occur with as little as 10 percent conversion from natural to impervious surfaces. Percentage impervious cover is a reliable indicator and predictor of potential water quality degradation expected from new development. (*Impervious Cover as An Urban Stream Indicator and a Watershed Management Tool*, Schueler, T. and R. Claytor, In, *Effects of Water Development and Management on Aquatic Ecosystems* (1995), ASCE, New York; Leopold, L. B., (1973), *River Channel Change with Time: An Example*, Geological Society of America Bulletin, v. 84, p. 1845-1860; Hammer, T. R., (1972), *Stream Channel Enlargement Due to Urbanization: Water Resources Research*, v. 8, p. 1530-1540; Booth, D. B., (1991), *Urbanization and the Natural Drainage System--Impacts, Solutions and Prognoses: The Northwest Environmental Journal*, v. 7, p. 93-118; Klein, R. D., (1979), *Urbanization and Stream Quality Impairment: Water Resources Bulletin*, v. 15, p. 948-963; May, C. W., Horner, R. R., Karr, J. R., Mar, B. W., and Welch, E. B., (1997), *Effects of Urbanization on Small Streams in the Puget Sound Lowland Ecoregion: Watershed Protection Techniques*, v. 2, p. 483-494; Morisawa, M. and LaFlure, E. *Hydraulic Geometry, Stream Equilibrium and Urbanization* In Rhodes, D. P. and Williams, G. P. *Adjustments to the Fluvial System* p.333-350. (1979); Dubuque, Iowa, Kendall/Hunt. Tenth Annual Geomorphology Symposia Series; and *The Importance of Imperviousness: Watershed Protection Techniques*, 1(3), Schueler, T. (1994).)
8. The County of Los Angeles has identified as the seven highest priority industrial and commercial critical source types, (i) wholesale trade (scrap recycling, auto dismantling); (ii) automotive repair/parking; (iii) fabricated metal products; (iv) motor freight; (v) chemical and allied products; (vi) automotive dealers/gas stations; (vii) primary metal products (*Critical*

*Source Selection and Monitoring Report*, Los Angeles County Department of Public Works -Sept 1996). Monitoring conducted by Los Angeles County and the Regional Board demonstrates that the priority industrial sectors and auto repair facilities (one of the commercial sectors) on the list, contribute significant concentrations of heavy metals to storm water (*Los Angeles County 1999-2000 Storm Water Monitoring Report*, Los Angeles County Department of Public Works -July 2000; *Compliance Assessment of the Auto Dismantling Industry; Evaluation of the California General Industrial Storm Water Permit*, H. Chang, (2001), 70 pp., California Regional Water Quality Control Board, Los Angeles Region).

9. The discharge of washwaters and contaminated storm water from industries and businesses specified in this Order for inspection by Permittees is an environmental threat and can also adversely impact public health and safety. For example, a review of industrial waste/pretreatment records performed in 1995 in the County of Los Angeles on illicit discharges indicates that automotive service facilities and food service facilities sometimes discharge polluted washwaters to the MS4. The pollutants of concern in such washwaters include food waste, oil and grease, and toxic chemicals. Other storm water/industrial waste programs in California have reported similar observations. Illicit discharges from automotive service facilities and food service facilities have been identified elsewhere as a major cause of widespread contamination and water quality problems (Washtenaw County Statutory Drainage Board - 1987 Huron River Pollution Abatement Program).
10. Studies indicate that facilities with paved surfaces subject to frequent motor vehicular traffic (such as parking lots and fast food restaurants), or facilities that perform vehicle repair, maintenance, or fueling (automotive service facilities) are potential sources of pollutants of concern in storm water. [References: Pitt et al., *Urban Storm Water Toxic Pollutants: Assessment, Sources, and Treatability*, Water Environment Res., 67, 260 (1995); *Results of Retail Gas Outlet and Commercial Parking Lot Storm Water Runoff Study*, Western States Petroleum Association and American Petroleum Institute, (1994); *Action Plan Demonstration Project, Demonstration of Gasoline Fueling Station Best Management Practices*, Final Report, County of Sacramento (1993); *Source Characterization*, R. Pitt, In *Innovative Urban Wet-Weather Flow Management Systems* (2000) Technomic Press, Field, R et al. editors; *Characteristics of Parking Lot Runoff Produced by Simulated Rainfall*, L.L. Tiefenthaler et al. Technical Report 343, Southern California Coastal Water Research Project (2001).]
11. Retail Gasoline Outlets (RGOs) are points of convergence for vehicular traffic and are similar to parking lots and urban roads. Studies indicate that storm water discharges from RGOs have high concentrations of hydrocarbons and heavy metals. [*The Quality of Trapped Sediments and Poor Water within Oil Grit Separators in Suburban MD*, Schueler T. and Shepp D. (1992), and *Concentrations of Selected Constituents in Runoff from Impervious Surfaces in Four Urban Catchments of Different*

*Landuse, Ranabal, F.I., and T.J. Gizzard (1995), In Proceedings of the Fourth Biennial Stormwater Research Conference, Florida, pp-42-52]. Pilot studies indicate that treatment control best management practices installed at retail gasoline stations are effective in removing pollutants, reasonable in capital cost, easy to operate, and do not present safety risks [Rouge River National Wet Weather Demonstration Project, Task Product Memorandum – Evaluation of On-line Media Filters RPO-NPS-TPM59.00, Wayne County, MI, March 1999]. The Regional Board and the San Diego Regional Board have jointly prepared a Technical Report on the applicability of new development BMP design criteria for retail gasoline outlets, (Retail Gasoline Outlets: New Development Design Standards for Mitigation of Storm Water Impacts, (June 2001)). Retail Gasoline Outlets in Western U.S. States (such as Washington and Oregon) are already subject to numerical BMP design criteria, as well in other U.S. States.*

### **C. Permit Background**

1. The essential components of the Storm Water Management Program, as established by federal regulations [40 CFR 122.26(d)] are: (i) Adequate Legal Authority, (ii) Fiscal Resources, (iii) Storm Water Quality Management Program (SQMP) - (Public Information and Participation Program, Industrial/Commercial Facilities Program, Development Planning Program, Development Construction Program, Public Agency Activities Program, Illicit Connection and Illicit Discharges Elimination Program), and (iv) Monitoring and Reporting Program.
2. The Permittees have filed a Report of Waste Discharge (ROWD), dated February 1, 2001, and applied for renewal of their waste discharge requirements that serves as an NPDES permit to discharge wastes to surface waters. The ROWD includes a proposed SQMP and a Monitoring Program. The proposed SQMP contains programs previously approved under Board Order No. 96-054 in the following areas:
  - Public Information and Participation
  - Development Planning
  - Development Construction
  - Public Agency Activities
  - Illicit Connection/Illicit Discharge Elimination ProgramThese programs are revised pursuant to the provisions of this Order after adoption.
3. The County of Los Angeles has previously conducted source identification and pollutant characterization consistent with 40 CFR 122.26(d)(1)(ii) and (iii) under its storm water Monitoring Program. The Monitoring Program submitted with the ROWD proposes to advance the assessment of receiving water impacts, identification of sources of pollution, evaluation of Best Management Practices (BMPs), and measurement of long term trends in mass emissions.

4. The Regional Board has reviewed the ROWD and has determined it to be complete under the reapplication policy of MS4s issued by the U.S. Environmental Protection Agency (USEPA) (61 *Fed. Reg.* 41697). The Regional Board finds that the Permittees' proposed SQMP, incorporating the additional and/or revised provisions contained in this Order would meet the minimum requirements of federal regulations.
5. The City of Los Angeles has conducted shoreline and nearshore water quality monitoring off the Santa Monica Bay since the 1950s under the monitoring program for the Hyperion Waste Water Treatment Plant (NPDES No. CA0109991). The monitoring results indicate that effluent from Hyperion's 5-Mile Outfall does not impinge the shoreline, and that elevated bacterial counts are associated with runoff from storm drains and discharges from piers. In 1994, the Regional Board approved the relocation of Hyperion's shoreline stations to implement a bay-wide, regional shoreline-monitoring program associated with storm drain outfalls in the Santa Monica Bay. The City of Los Angeles requested that the shoreline-monitoring requirement be incorporated in this Order. The shoreline pathogen monitoring requirements are outlined in the Monitoring Program for this Order.

**D. Permit Coverage**

1. The requirements in this Order cover all areas within the boundaries of the Permittee municipalities (see Attachment A) over which they have regulatory jurisdiction as well as unincorporated areas in Los Angeles County within the jurisdiction of the Regional Board. The Permittees serve a population of about 9.5 million [Reference: *2000 Census of Population and Housing*, Bureau of the Census, U.S. Department of Commerce (2001)] in an area of approximately 3,100 square miles.
2. Federal, state, regional or local entities within the Permittees' boundaries or in jurisdictions outside the Los Angeles County Flood Control District, and not currently named in this Order, may operate storm drain facilities and/or discharge storm water to storm drains and watercourses covered by this Order. The Permittees may lack legal jurisdiction over these entities under state and federal constitutions. The Regional Board will coordinate with these entities to implement programs that are consistent with the requirements of this Order. The Regional Board will consider such facilities for coverage in 2003 under its NPDES permitting scheme pursuant to USEPA Phase II storm water regulations.
3. Sources of discharges into receiving waters in the County of Los Angeles but in jurisdictions outside its boundary include the following:

About 34 square miles of unincorporated area in Ventura County, which drain into Malibu Creek and then to Santa Monica Bay,

About 9 square miles of the City of Thousand Oaks, which also drain into Malibu Creek and then to Santa Monica Bay, and

About 86 square miles of area in Orange County, which drain into Coyote Creek and then into the San Gabriel River.

The Regional Board will ensure that storm water management programs for the areas in Ventura County and the City of Thousand Oaks that drain into Santa Monica Bay are consistent with the requirements of this Order. The Regional Board will coordinate with the Santa Ana Regional Board so that storm water management programs for the areas in Orange County that drain into Coyote Creek are consistent with the requirements of this Order.

4. This permit is intended to develop, achieve, and implement a timely, comprehensive, cost-effective storm water pollution control program to reduce the discharge of pollutants in storm water to the Maximum Extent Practicable (MEP) from the permitted areas in the County of Los Angeles to the waters of the U.S. subject to the Permittees' jurisdiction.
5. Permittees have expressed their intention to work cooperatively to control the contribution of pollutants from one portion of the MS4 to another portion of the system. Permittees may control the contribution of pollutants to the MS4 from non-permittee dischargers such as Caltrans, the U.S. Department of Defense, and other state and federal facilities, through interagency agreements.

#### **E. Federal, State, and Regional Regulations**

1. The Water Quality Act of 1987 added Section 402(p) to the federal Clean Water Act (CWA) (33 U.S.C. § 1251-1387). This section requires the USEPA to establish regulations setting forth NPDES requirements for storm water discharges in two phases.
  - The USEPA Phase I storm water regulations were directed at MS4s serving a population of 100,000 or more, including interconnected systems and storm water discharges associated with industrial activities, including construction activities. The Phase I Final Rule was published on November 16, 1990 (55 *Fed. Reg.* 47990).
  - The USEPA Phase II storm water regulations are directed at storm water discharges not covered in Phase I, including small MS4s (serving a population of less than 100,000), small construction projects (one to five acres), municipal facilities with delayed coverage under the Intermodal Surface Transportation Efficiency Act of 1991, and other discharges for which the USEPA Administrator or the State determines that the storm water discharge contributes to a violation of a water quality standard, or is a significant contributor of pollutants to waters of the United States. The Phase II Final Rule was published on December 8, 1999 (64 *Fed. Reg.* 68722).
2. The USEPA published an 'Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits' on August 26, 1996 (61 *Fed. Reg.* 43761). This policy discusses the appropriate kinds of

- water quality-based effluent limitations to be included in NPDES storm water permits to provide for the attainment of water quality standards.
3. The USEPA published an 'Interpretative Policy Memorandum on Reapplication Requirements' for MS4 permits on August 9, 1996 (61 *Fed. Reg.* 41697). This policy requires that MS4 reapplication for reissuance for a subsequent five-year permit term contain certain basic information and information for proposed changes and improvements to the storm water management program and monitoring program.
  4. The USEPA has entered into a Memorandum of Agreement (MOA) with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for enhancing coordination regarding the protection of endangered and threatened species under Section 7 of the Endangered Species Act and the CWA's Water Quality Standards and NPDES programs. Among other actions, the MOA establishes a framework for coordination of actions by the USEPA, the Services, and CWA delegated States on CWA permit issuance under Section 402 of the CWA [66 *Fed. Reg.* 11202 – 11217].
  5. USEPA regulations at 40 CFR 122.26(d)(2)(iv)(A) and 40 CFR 122.26(d)(2)(iv)(C) require that MS4 permittees implement a program to monitor and control pollutants in discharges to the municipal system from industrial and commercial facilities that contribute a substantial pollutant load to the MS4. The regulations require that permittees establish priorities and procedures for inspection of industrial facilities and priority commercial establishments. This permit, consistent with the USEPA policy, incorporates a cooperative partnership, including the specifications of minimum expectations, between the Regional Board and the Permittees for the inspection of industrial facilities and priority commercial establishments to control pollutants in storm water discharges (58 *Fed. Reg.* 61157).
  6. Section 402 (p) of the CWA (33 U.S.C. § 1342(p) provides that MS4 permits must "require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design engineering method and such other provisions as the [EPA] Administrator or the State determines appropriate for the control of such pollutants." The State Water Resources Control Board's (State Board) Office of Chief Counsel (OCC) has issued a memorandum interpreting the meaning of MEP to include technical feasibility, cost, and benefit derived with the burden being on the municipality to demonstrate compliance with MEP by showing that a BMP is not technically feasible in the locality or that BMPs costs would exceed any benefit to be derived (dated February 11, 1993).
  7. The CWA authorizes the USEPA to permit a state to serve as the NPDES permitting authority in lieu of the USEPA. The State of California has in-lieu authority for an NPDES program. The Porter-Cologne Water Quality Control Act authorizes the State Board, through the Regional Boards, to regulate and control the discharge of pollutants into waters of the State. The State Board entered into a MOA with the USEPA, on

September 22, 1989, to administer the NPDES Program governing discharges to waters of the U.S.

8. Section 303(d) of the CWA requires that the State identify a list of impaired water-bodies and develop and implement Total Maximum Daily Loads (TMDLs) for these waterbodies (33 U.S.C. §1313(d)(1)). A TMDL specifies the maximum amount of a pollutant that a water-body can receive, still meet applicable water quality standards and protect beneficial uses. The USEPA entered into a consent decree with the Natural Resources Defense Council (NRDC), Heal the Bay, and the Santa Monica BayKeeper on March 22, 1999, under which the Regional Board must adopt all TMDLs for the Los Angeles Region within 13 years from that date. This permit incorporates a provision to implement and enforce approved load allocations for municipal storm water discharges and requires amending the SQMP after pollutants loads have been allocated and approved.
9. Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) requires coastal states with approved coastal zone management programs to address non-point pollution impacting or threatening coastal water quality. CZARA (16 U.S.C. § 1451-1465) amends the Coastal Zone Management Act of 1972, to address five sources of non-point pollution: agriculture, silviculture, urban, marinas, and hydromodification. This NPDES permit addresses the management measures required for the urban category, with the exception of septic systems. The Regional Board addresses septic systems through the administration of other programs.
10. On May 18, 2000, the USEPA established numeric criteria for priority toxic pollutants for the State of California (California Toxics Rule (CTR)) 65 *Fed. Reg.* 31682 (40 CFR 131.38), for the protection of human health and aquatic life. These apply as ambient water quality criteria for inland surface waters, enclosed bays, and estuaries. The State Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP) – 2000*, on March 2, 2000, for implementation of the CTR (State Board Resolution No. 2000-15 as amended by Board Resolution No. 2000-030). This policy requires that discharges comply with TMDL-derived load allocations as soon as possible but no later than 20 years from the effective date of the policy.
11. The State Board adopted a revised Water Quality Control Plan for Ocean Waters of California (Ocean Plan) on July 23, 1997. The Ocean Plan contains water quality objectives which apply to all discharges to the coastal waters of California.
12. The State Board in *In Re: California Department of Transportation* (State Board Order WQ 2001-08), determined that the discharge of storm water to ASBS is subject to the prohibition in the Ocean Plan against the discharge of wastes to an ASBS.

13. The Regional Board adopted an updated Water Quality Control Plan (Basin Plan) for the Los Angeles Region on June 13, 1994, '*Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, (1994)*.' The Basin Plan designates beneficial uses of receiving waters and specifies both narrative and numerical water quality objectives for the receiving waters in Los Angeles County.
14. The Regional Board on September 19, 2001, adopted amendments to the Basin Plan, to incorporate TMDLs for trash in the Los Angeles River (Resolution No. 01-013) and Ballona Creek (Resolution No. 01-014). After approval by the State Board, the Office of Administrative Law, and the USEPA, the TMDLs for trash will be effective and enforceable.
15. The Regional Board on April 13, 1998, approved BMPs for sidewalk rinsing to minimize the discharge of wash waters to the storm drain system (Resolution No. 98-08). By the same resolution, the Regional Board prohibited the discharge of municipal street wash waters to the storm drain system.
16. The Regional Board on April 13, 1998, approved recommended BMPs for industrial/commercial facilities (Resolution No. 98-08).
17. The Regional Board on April 22, 1999, approved a list of BMPs for use in development planning and development construction (Resolution No. 99-03)
18. The Regional Board adopted and approved requirements for new development and significant redevelopment projects in Los Angeles County to control the discharge of storm water pollutants in post-construction storm water, on January 26, 2000, in Board Resolution No. R-00-02. The Regional Board Executive Officer issued the approved Standard Urban Storm Water Mitigation Plans (SUSMPs) on March 8, 2000. The State Board in large part affirmed the Regional Board action and SUSMPs in State Board Order No. WQ 2000-11 issued on October 5, 2000.
  - The State Board's Chief Counsel has issued a statewide policy memorandum (dated December 26, 2000), which interprets the Order to provide broad discretion to Regional Boards and identifies potential future areas for inclusion in SUSMPs and the types of evidence and findings necessary. Such areas include ministerial projects, projects in environmentally sensitive areas, and water quality design criteria for RGOs.
  - The State Board's Chief Counsel interprets the Order to encourage regional solutions and endorses a mitigation fund or "bank" that may be funded by developers who obtain waivers from the numerical design standards for new development and significant redevelopment.
19. 40 CFR 131.10(a) prohibits states from designating waste transport or waste assimilation as a use for any water of the U.S. Authorizing the

construction of a storm water/ urban runoff treatment facility in a jurisdictional water body would be tantamount to accepting waste assimilation as an appropriate use for that water body. Furthermore, the construction and operation of a pollution control facility in a water body can impact the physical, chemical, and biological integrity as well as the beneficial uses of the water body. Therefore, storm water treatment and/or mitigation in accordance with SUSMPs and any other requirements of this Order must occur prior to the discharge of storm water into a water of the U.S.

20. The Regional Board supports a Watershed Management Approach to address water quality protection in the region. The objective of the Watershed Management Approach should be to provide a comprehensive and integrated strategy towards water resource protection, enhancement, and restoration while balancing economic and environmental impacts within a hydrologically defined drainage basin or watershed. It emphasizes cooperative relationships between regulatory agencies, the regulated community, environmental groups, and other stakeholders in the watershed to achieve the greatest environmental improvements with available resources.
21. To promote a watershed management approach, the County of Los Angeles is divided into six Watershed Management Areas (WMAs) as follows:

Malibu Creek and Rural Santa Monica Bay WMA  
Ballona Creek and Urban Santa Monica Bay WMA  
Los Angeles River WMA  
San Gabriel River WMA  
Dominguez Channel/Los Angeles Harbor WMA, and  
Santa Clara River WMA

Attachment A shows the list of Permittees under each WMA and some Permittees have expressed an intent to form sub-watershed groups within the WMA to promote regional solutions for the mitigation of storm water discharge pollution.

22. To facilitate compliance with federal regulations, the State Board has issued two statewide general NPDES permits for storm water discharges: one for storm water from industrial sites [NPDES No. CAS000001, General Industrial Activity Storm Water Permit (GIASP)] and the other for storm water from construction sites [NPDES No. CAS000002, General Construction Activity Storm Water Permit (GCASP)]. The GCASP was reissued on August 19, 1999. The GIASP was reissued on April 17, 1997. Facilities discharging storm water associated with industrial activities and construction projects with a disturbed area of five acres or more are required to obtain individual NPDES permits for storm water discharges, or to be covered by a statewide general permit by completing and filing a Notice of Intent (NOI) with the State Board. The USEPA guidance anticipates coordination of the state-administered programs for

industrial and construction activities with the local agency program to reduce pollutants in storm water discharges to the MS4.

The Regional Board is the enforcement authority in the Los Angeles Region for the two statewide general permits regulating discharges from industrial facilities and construction sites, and all NPDES storm water and non-storm water permits issued by the Regional Board. These industrial and construction sites and discharges are also regulated under local laws and regulations.

23. The State Board, on October 28, 1968, adopted Resolution No. 68-16, which established an anti-degradation policy for the State and Regional Boards. This policy restricts the degradation of surface waters and protects waterbodies where existing water quality is higher than is necessary for the protection of beneficial uses.
24. The State Board, on June 17, 1999, adopted Order No. WQ 99-05, which, in a precedential decision, identifies acceptable receiving water limitations language to be included in municipal storm water permits issued by the State and Regional Boards. The receiving water limitations included herein are consistent with the State Board Order, USEPA Policy, and the U.S. Appellate court decision in, *Defenders of Wildlife v. Browner* (9<sup>th</sup> Cir, 1999). The State Board OCC has determined that the federal court decision did not conflict with State Board Order No. WQ 99-05 (memorandum dated October 14, 1999)
25. California Water Code (CWC) § 13263(a) requires that waste discharge requirements issued by the Regional Board shall implement any relevant water quality control plans that have been adopted; shall take into consideration the beneficial uses to be protected and the water quality objectives reasonably required for that purpose; other waste discharges; the need to prevent nuisance; and provisions of CWC § 13241. The Regional Board has considered the requirements of § 13263 and § 13241, and applicable plans, policies, rules, and regulations in developing these waste discharge requirements.
26. CWC § 13370 *et seq.* requires that waste discharge requirements issued by the Regional Boards be consistent with provisions of the federal CWA and its amendments.
27. On March 12, 2001, the U.S. Court of Appeals ruled that it is necessary to obtain a NPDES permit for application of aquatic pesticides to waterways. (*Headwaters, Inc. vs. Talent Irrigation District*, 243 F.3d. 526 (9<sup>th</sup> Cir., 2001)) This decision is controlling in California for nonagricultural applications of pesticides to waterways. The State Board adopted a general NPDES permit (Order No. 2001-12-DWQ) on July 19, 2001, for public entities that discharge pollutants to waters of the U.S. associated with the application of aquatic pesticides for resource or pest management. Public entities that conduct such activities must seek coverage under the general permit.

**Findings Related To the Incorporation Of The Santa Monica Bay Beaches Dry Weather Bacteria TMDL**

28. The Regional Board adopted the Santa Monica Bay Beaches Dry Weather TMDL for Bacteria (hereinafter "Dry Weather Bacteria TMDL") on January 24, 2002. The TMDL was subsequently approved by the State Board, the Office of Administrative Law (OAL), and the USEPA and became effective on July 15, 2003.
29. The Waste Load Allocations (WLAs) in the Dry Weather Bacteria TMDL are expressed as the number of allowable days that the Santa Monica Bay beaches may exceed the Basin Plan water quality objectives for protection of Water Contact Recreation (REC-1) in marine waters, specifically the water quality objectives for bacteria. Appropriate modifications to this order are therefore included in Parts 1 (Discharge Prohibitions) and 2 (Receiving Water Limitations), pursuant to 40 CFR 122.41(f) and 122.62, and Part 6.I.1 of this Order. Additionally, 40 CFR 122.44(d)(1)(vii)(B) requires that NPDES permits be consistent with the assumptions and requirements of any available waste load allocation. Tables 7-4.1, 7-4.2a, and 7-4.3 of the Basin Plan set forth the pertinent provisions of the Dry Weather Bacteria TMDL. They require that during Summer Dry Weather there shall be no exceedances in the Wave Wash of the single sample or the geometric mean bacteria objectives set to protect the Water Contact Recreation (REC-1) beneficial use in marine waters. Accordingly, a prohibition is included in this Order barring discharges from a MS4 to Santa Monica Bay that result in exceedance of these objectives. Since the TMDL and the WLAs contained therein are expressed as receiving water conditions, Receiving Water Limitations have been included in this Order that are consistent with and implement the zero exceedance day WLAs.
30. Pursuant to federal regulations at 40 CFR 124.8, and 125.56, a Fact Sheet was prepared to provide the basis for incorporating the Dry Weather Bacteria TMDL into this Order. The Fact Sheet is hereby incorporated by reference into these findings.
31. The iterative approach to regulating municipal storm water is not an appropriate means of implementing the Santa Monica Bay beaches Summer Dry Weather WLAs for any and all of the following reasons: (a) The WLAs do not regulate the discharge of storm water; (b) The harm to the public from violating the WLAs is dramatic both in terms of health impacts to exposed beachgoers, and the economic cost to the region associated with related illnesses; (c) Despite the fact that more than a decade and a half has passed since MS4 permittees were required to eliminate illicit connections/discharges (IC/ID) into their MS4s, their programs have not eliminated standards violations at the beaches; and (d) Few permittees have ever documented revisions to their SQMP to address chronic exceedances of water quality standards.

32. The Receiving Water Limitations have been revised to implement the Summer Dry Weather WLAs set forth in Basin Plan Table 7-4.1 (attached as Appendix A to this order). These Receiving Water Limitations apply at the compliance monitoring sites identified in the *Santa Monica Bay Beaches Bacterial TMDLs Coordinated Shoreline Monitoring Plan* dated April 7, 2004.<sup>1</sup> Compliance with the Receiving Water Limitations shall be determined using shoreline monitoring data obtained in conformance with the *Santa Monica Bay Beaches Bacterial TMDLs Coordinated Shoreline Monitoring Plan* dated April 7, 2004.
33. If the Receiving Water Limitations are exceeded at a compliance monitoring site, the Regional Board will generally issue an appropriate investigative order pursuant to Cal. Water Code § 13267 or § 13225 to the Permittees and other responsible agencies or jurisdictions within the relevant subwatershed to determine the source of the exceedance. Following these actions, Regional Board staff will generally evaluate the need for further enforcement as follows:
- a) If the Regional Board determines that the exceedance did not result from discharges from the MS4, then the MS4 Permittees would not be responsible for violations of these provisions.
  - b) If the Regional Board determines that Permittees in the relevant subwatershed have demonstrated that their MS4 does not discharge dry weather flow into Santa Monica Bay, those Permittees would not be responsible for violations of these provisions even if the Receiving Water Limitations are exceeded at an associated compliance monitoring site.
  - c) If the Regional Board determines that Permittees in the relevant subwatershed have demonstrated that their MS4 summer dry weather discharge into Santa Monica Bay is treated to a level that does not exceed either the single sample or the geometric mean bacteria objectives, those Permittees shall not be responsible for violations of these provisions even if the Receiving Water Limitations are exceeded at an associated compliance monitoring site.
  - d) If the Regional Board determines that one or more Permittees have caused or contributed to violations of these Receiving Water Limitations, the Regional Board will consider appropriate enforcement action, including a cease and desist order with or without a time schedule for compliance, or other appropriate enforcement action depending upon the circumstances and the extent to which the Permittee(s) has endeavored to comply with these provisions.

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1. If the Regional Board determines that publicly owned storm drains that flow during dry weather are situated at additional shoreline locations, the *Santa Monica Bay Beaches Bacterial TMDLs Coordinated Shoreline Monitoring Plan* may be revised by the Regional Board Executive Officer approval, after providing the opportunity for public comment, to include these locations as compliance monitoring sites.

34. A Permittee would not be responsible for violations of these provisions if the Regional Board Executive Officer determines that the Permittee has adequately documented through a source investigation of the subwatershed, pursuant to protocols established under Cal. Water Code 13178, that bacterial sources originating within the jurisdiction of the Permittee have not caused or contributed to the exceedance of the Receiving Water Limitations.
35. Water Code section 13389 exempts the Regional Board from compliance with Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code prior to the adoption of waste discharge requirements. Therefore the Regional Board is not required to prepare environmental documents to evaluate this permit modification. Nevertheless, the Regional Board has considered the policies and requirements set forth in Chapters 1 through 2.6 of CEQA, and further, has considered the final substitute environmental documents for the Santa Monica Bay Beaches Bacteria TMDL.

#### **F. Implementation**

1. The California Environmental Quality Act (CEQA) (Cal. Pub. Resources Code § 21000 *et seq.*) requires that public agencies consider the environmental impacts of the projects they approve for development. CEQA applies to projects that are considered discretionary and does not apply to ministerial projects, which involve the use of established standards or objective measurements. A ministerial project may be made discretionary by adopting local ordinance provisions or imposing conditions to create decision-making discretion in approving the project. In the alternative, Permittees may establish standards and objective criteria administratively for storm water mitigation for ministerial projects. For water quality purposes, the Regional Board considers that all new development and significant redevelopment activity in specified categories, that receive approval or permits from a municipality, are subject to storm water mitigation requirements.
2. The objective of this Order is to protect the beneficial uses of receiving waters in Los Angeles County. To meet this objective, this Order requires that the SQMP specify BMPs that will be implemented to reduce the discharge of pollutants in storm water to the maximum extent practicable. Further, Permittees are to assure that storm water discharges from the MS4 shall neither cause nor contribute to the exceedance of water quality standards and objectives nor create conditions of nuisance in the receiving waters, and that the discharge of non-storm water to the MS4 has been effectively prohibited.
3. The SQMP required in this Order builds upon the programs established in Order Nos. 90-079, and 96-054, consists of the components recommended in the USEPA guidance manual, and was developed with the cooperation of representatives from the regulated community and environmental groups. The SQMP includes provisions that promote

customized initiatives, both on a countywide and watershed basis, in developing and implementing cost-effective measures to minimize discharge of pollutants to the receiving water. The various components of the SQMP, taken as a whole rather than individually, are expected to reduce pollutants in storm water and urban runoff to the maximum extent practicable. Provisions of the SQMP are fully enforceable under provisions of this Order.

4. The emphasis of the SQMP is pollution prevention through education, public outreach, planning, and implementation as source control BMPs first and then Structural and Treatment Control BMPs next. Successful implementation of the provisions of the SQMP will require cooperation and coordination of all public agencies in each Permittee's organization, among Permittees, and with the regulated community.
5. The implementation of a Public Information and Participation Program is a critical component of a storm water management program. An informed and knowledgeable community is critical to the success of a storm water management program since it helps insure the following: (i) greater support for the program as the public gains a greater understanding of the reasons why it is necessary and important, and (ii) greater compliance with the program as the public becomes aware of the personal responsibilities expected of them and others in the community, including the individual actions they can take to protect or improve the quality of area waters.
6. This Order includes a Monitoring Program that incorporates Minimum Levels (MLs) established under the SIP. The SIP's MLs represent the lowest quantifiable concentration for priority toxic pollutants that is measurable with the use of proper method-based analytical procedures and factoring out matrix interference. The SIP's MLs therefore represent the best available science for determining MLs and are appropriate for a storm water monitoring program. The use of MLs allows the detection of toxic priority pollutants at concentrations of concern using recent advances in chemical analytical methods.
7. This Order provides flexibility for Permittees to petition the Regional Board Executive Officer to substitute a BMP under the SQMP with an alternative BMP, if they can provide information and documentation on the effectiveness of the alternative, equal to or greater than the prescribed BMP in meeting the objectives of this Order.
8. This Order contemplates that the Permittees are responsible for considering potential storm water impacts when making planning decisions in order to fulfill the Permittees' CWA requirement to reduce the discharge of pollutants in municipal storm water to the MEP from new development and redevelopment activities. However, the Permittees retain authority to make the final land-use decisions and retain full statutory authority for deciding what land uses are appropriate at specific locations within each Permittee's jurisdiction. This Order and its requirements are not intended to restrict or control local land use decision-making authority.

9. This Order is not intended to prohibit the inspection for or abatement of vectors by the State Department of Health Services or local vector agencies in accordance with Cal. Health and Safety Code § 2270 *et seq.* and §116110 *et seq.* Certain Treatment Control BMPs if not properly designed, operated or maintained may create habitats for vectors (e.g. mosquito and rodents). This Order contemplates that the Permittees will closely cooperate and collaborate with local vector control agencies and the State Department of Health Services for the implementation, operation, and maintenance of Treatment Control BMPs in order to minimize the risk to public health from vector borne diseases.

**G. Public Process**

1. The Regional Board has notified the Permittees and interested agencies and persons of its intent to issue waste discharge requirements for this discharge, and has provided them with an opportunity to submit their written view and recommendations.
2. The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.
3. The Regional Board has conducted public workshops to discuss drafts of the permit. On April 24, 2001, Regional Board staff conducted a workshop outlining the reasoning behind the changes proposed for the new permit and received input from the Permittees and the public regarding those proposed changes. On July 26, 2001, a second public workshop was held at a special Regional Board meeting. The Permittees and the public had another opportunity to express their opinions regarding the proposed changes to the permit in front of the Regional Board members. A significant number of working meetings with the Permittees and other interested parties have occurred throughout the period from the submittal of the ROWD and completion of the tentative draft, in an attempt to incorporate and address all the comments presented.
4. The Los Angeles County Flood Control District, the County of Los Angeles and the other municipalities are co-permittees as defined in 40 CFR 122.26 (b)(1). Los Angeles County Flood Control District will coordinate with the other municipalities and facilitate program implementation. Each Permittee is responsible only for a discharge for which it is the operator.
5. This Order shall serve as a NPDES Permit, pursuant to CWA § 402, or amendments thereto, and shall take effect 50 days from Order adoption provided the Regional Administrator of the USEPA has no objections.
6. The action to adopt an NPDES permit is exempt from the provisions of Chapter 3 of CEQA (Cal. Pub. Resources Code § 21100 *et seq.*), in accordance with CWC § 13389.
7. Pursuant to CWC §13320, any aggrieved party may seek review of this Order by filing a petition with the State Board. A petition must be sent to:

State Water Resources Control Board, P.O. Box 100, Sacramento, California, 95812, within 30 days of adoption of the Order by the Regional Board.

8. This Order may be modified or alternatively revoked or reissued prior to its expiration date, in accordance with the procedural requirements of the NPDES program, and the CWC for the issuance of waste discharge requirements.

**IT IS HEREBY ORDERED** that the Los Angeles County Flood Control District, Los Angeles County, and the Cities of Agoura Hills, Alhambra, Arcadia, Artesia, Azusa, Baldwin Park, Bell, Bellflower, Bell Gardens, Beverly Hills, Bradbury, Burbank, Calabasas, Carson, Cerritos, Claremont, Commerce, Compton, Covina, Cudahy, Culver City, Diamond Bar, Downey, Duarte, El Monte, El Segundo, Gardena, Glendale, Glendora, Hawaiian Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Industry, Inglewood, Irwindale, La Cañada Flintridge, La Habra Heights, Lakewood, La Mirada, La Puente, La Verne, Lawndale, Lomita, Los Angeles, Lynwood, Malibu, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Norwalk, Palos Verdes Estates, Paramount, Pasadena, Pico Rivera, Pomona, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Rosemead, San Dimas, San Fernando, San Gabriel, San Marino, Santa Clarita, Santa Fe Springs, Santa Monica, Sierra Madre, Signal Hill, South El Monte, South Gate, South Pasadena, Temple City, Torrance, Vernon, Walnut, West Covina, West Hollywood, Westlake Village, and Whittier, in order to meet the provisions contained in Division 7 of the CWC and regulations adopted thereunder, and the provisions of the CWA, as amended, and regulations and guidelines adopted thereunder, shall comply with the following:

### **Part 1. DISCHARGE PROHIBITIONS**

- Part 1. A. The Permittees shall effectively prohibit non-storm water discharges into the MS4 and watercourses, except where such discharges:
1. Are covered by a separate individual or general NPDES permit for non-storm water discharges; or
  2. Fall within one of the categories below, and meet all conditions when specified by the Regional Board Executive Officer:
    - a) Category A - Natural flow:
      - (1) Natural springs and rising ground water;
      - (2) Flows from riparian habitats or wetlands;
      - (3) Stream diversions, permitted by the State Board; and
      - (4) Uncontaminated ground water infiltration [as defined by 40 CFR 35.2005(20)].
    - b) Category B - Flows from emergency fire fighting activity.
    - c) Category C - Flows incidental to urban activities:

- (1) Reclaimed and potable landscape irrigation runoff;
- (2) Potable drinking water supply and distribution system releases (consistent with American Water Works Association guidelines for dechlorination and suspended solids reduction practices);
- (3) Drains for foundations, footings, and crawl spaces;
- (4) Air conditioning condensate;
- (5) Dechlorinated/debrominated swimming pool discharges;
- (6) Dewatering of lakes and decorative fountains;
- (7) Non-commercial car washing by residents or by non-profit organizations; and
- (8) Sidewalk rinsing.

The Regional Board Executive Officer may add or remove categories of non-storm water discharges above. Furthermore, in the event that any of the above categories of non-storm water discharges are determined to be a source of pollutants by the Regional Board Executive Officer, the discharge will no longer be exempt from this prohibition unless the Permittee implements conditions approved by the Regional Board Executive Officer to ensure that the discharge is not a source of pollutants. Notwithstanding the above, the Regional Board Executive Officer may impose additional prohibitions of non-storm water discharges in consideration of antidegradation policies and TMDLs.

Part 1. B. Discharges of Summer Dry Weather<sup>2</sup> flows from MS4s into Santa Monica Bay<sup>3</sup> that cause or contribute to exceedances of the bacteria Receiving Water Limitations in Part 2.5 below are prohibited.<sup>4</sup>

## Part 2. RECEIVING WATER LIMITATIONS

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<sup>2</sup> Dry Weather shall be determined as set forth in the *Santa Monica Bay Beaches Bacterial TMDLs Coordinated Shoreline Monitoring Plan* dated April 7, 2004, or any amendments thereto.

<sup>3</sup> Santa Monica Bay encompasses the coastal waters from Point Dume to Point Fermin and seaward to the 500-meter depth contour. It includes all beaches from the Los Angeles/Ventura County line south to the Outer Cabrillo Beach located just south of the Palos Verdes Peninsula.

<sup>4</sup> Responsibility for such prohibited discharges is determined as indicated in Footnote 3 part (3) of Table 7-4.1 of the Basin Plan. All Permittees within a subwatershed of the Santa Monica Bay Watershed Management Area are jointly responsible for compliance with the limitations imposed in Table 7-4.1.

1. Except as provided in Part 2.5 below, discharges from the MS4 that cause or contribute to the violation of Water Quality Standards or water quality objectives are prohibited.
2. Discharges from the MS4 of storm water, or non-storm water, for which a Permittee is responsible for, shall not cause or contribute to a condition of nuisance.
3. The Permittees shall comply with Part 2.1. and 2.2. through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the SQMP and its components and other requirements of this Order including any modifications. The SQMP and its components shall be designed to achieve compliance with receiving water limitations. If exceedances of Water Quality Objectives or Water Quality Standards (collectively, Water Quality Standards) persist, notwithstanding implementation of the SQMP and its components and other requirements of this permit, the Permittee shall assure compliance with discharge prohibitions and receiving water limitations by complying with the following procedure:
  - a) Upon a determination by either the Permittee or the Regional Board that discharges are causing or contributing to an exceedance of an applicable Water Quality Standard, the Permittee shall promptly notify and thereafter submit a Receiving Water Limitations (RWL) Compliance Report (as described in the Program Reporting Requirements, Section I of the Monitoring and Reporting Program) to the Regional Board that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedances of Water Quality Standards. This RWL Compliance Report may be incorporated in the annual Storm Water Report and Assessment unless the Regional Board directs an earlier submittal. The RWL Compliance Report shall include an implementation schedule. The Regional Board may require modifications to the RWL Compliance Report.
  - b) Submit any modifications to the RWL Compliance Report required by the Regional Board within 30 days of notification.
  - c) Within 30 days following the approval of the RWL Compliance Report, the Permittee shall revise the SQMP and its components and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, an implementation schedule, and any additional monitoring required.
  - d) Implement the revised SQMP and its components and monitoring program according to the approved schedule.
4. So long as the Permittee has complied with the procedures set forth above and is implementing the revised SQMP and its components, the Permittee does not have to repeat the same procedure for continuing or recurring exceedances of

the same receiving water limitations unless directed by the Regional Board to develop additional BMPs.

5. During Summer Dry Weather there shall be no discharges of bacteria from MS4s into the Santa Monica Bay that cause or contribute to exceedances in the Wave Wash, of the applicable bacteria objectives. The applicable bacteria objectives include both the single sample and geometric mean bacteria objectives set to protect the Water Contact Recreation (REC-1) beneficial use, as set forth in the Basin Plan.<sup>5</sup>

### **Part 3. STORM WATER QUALITY MANAGEMENT PROGRAM (SQMP) IMPLEMENTATION**

#### **A. General Requirements**

1. Each Permittee shall, at a minimum, implement the SQMP. The SQMP is an enforceable element of this Order. The SQMP shall be implemented no later than February 1, 2002, unless a later date has been specified for a particular provision in this Order.
2. The SQMP shall, at a minimum, comply with the applicable storm water program requirements of 40 CFR 122.26(d)(2). The SQMP and its components shall be implemented so as to reduce the discharges of pollutants in storm water to the MEP.
3. Each Permittee shall implement additional controls, where necessary, to reduce the discharges of pollutants in storm water to the MEP.
4. Permittees that modify the countywide SQMP (i.e., implement additional controls, implement different controls than described in the countywide SQMP, or determine that certain BMPs in the countywide SQMP are not applicable in the area under its jurisdiction), shall develop a local SQMP, no later than August 1, 2002. The local SQMP shall be customized to reflect the conditions in the area under the Permittee's jurisdiction and shall specify activities being implemented under the appropriate elements described in the countywide SQMP.

#### **B. Best Management Practice Implementation**

The Permittees shall implement or require the implementation of the most effective combination of BMPs for storm water/urban runoff pollution control. When implemented, BMPs are intended to result in the reduction of pollutants in storm water to the MEP.

#### **C. Revision of the Storm Water Quality Management Program**

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<sup>5</sup> Samples collected for determining compliance with the receiving water limitations of Part 2.5 shall be processed in accordance with the sampling procedures and analytical methodology set forth in the *Santa Monica Bay Beaches Bacterial TMDLs Coordinated Shoreline Monitoring Plan* dated April 7, 2004.

The Permittees shall revise the SQMP, at the direction of the Regional Board Executive Officer, to incorporate program implementation amendments so as to comply with regional, watershed specific requirements, and/or waste load allocations developed and approved pursuant to the process for the designation and implementation of Total Maximum Daily Loads (TMDLs) for impaired water bodies.

**D. Designation and Responsibilities of the Principal Permittee**

The Los Angeles County Flood Control District is hereby designated as the Principal Permittee. As such, the Principal Permittee shall:

1. Coordinate and facilitate activities necessary to comply with the requirements of this Order, but is not responsible for ensuring compliance of any individual Permittee;
2. Coordinate permit activities among Permittees and act as liaison between Permittees and the Regional Board on permitting issues;
3. Provide personnel and fiscal resources for the necessary updates of the SQMP and its components;
4. Provide technical and administrative support for committees that will be organized to implement the SQMP and its components;
5. Convene the Watershed Management Committees (WMCs) constituted pursuant to Part F, below, upon designation of representatives;
6. Implement the Countywide Monitoring Program required under this Order and evaluate, assess and synthesize the results of the monitoring program;
7. Provide personnel and fiscal resources for the collection, processing and submittal to the Regional Board of annual reports and summaries of other reports required under the SQMP; and
8. Comply with the "Responsibilities of the Permittees" in Part 3.E., below.

**E. Responsibilities of the Permittees**

Each Permittee is required to comply with the requirements of this Order applicable to discharges within its boundaries (see Findings D.1, D.2. and D.3.) and not for the implementation of the provisions applicable to the Principal Permittee or other Permittees. Each Permittee shall, within its geographic jurisdiction:

1. Comply with the requirements of the SQMP and any modifications thereto;
2. Coordinate among its internal departments and agencies, as appropriate, to facilitate the implementation of the requirements of the SQMP applicable to such Permittee in an efficient and cost-effective manner;

3. Designate a technically knowledgeable representative to the appropriate WMC;
4. Participate in intra-agency coordination (e.g. Fire Department, Building and Safety, Code Enforcement, Public Health, etc.) necessary to successfully implement the provisions of this Order and the SQMP.
5. Prepare an annual Budget Summary of expenditures applied to the storm water management program. This summary shall identify the storm water budget for the following year, using estimated percentages and written explanations where necessary, for the specific categories noted below:
  - a) Program management
    - Administrative costs
  - b) Program Implementation

Where information is available, provide an estimated percent breakdown of expenditures for the categories below:

    - Illicit connection/illicit discharge
    - Development planning
    - Development construction
    - Construction inspection activities
    - Industrial/Commercial inspection activities
    - Public Agency Activities
      - Maintenance of Structural BMPs and Treatment Control BMPs
      - Municipal Street Sweeping
      - Catch basin clean-up
      - Trash collection
      - Capital costs
  - c) Public Information and Participation
  - d) Monitoring Program
  - e) Miscellaneous Expenditures
6. Each Permittee, in addition to the Budget Summary, shall report any supplemental dedicated budgets for the same categories.

**F. Watershed Management Committees (WMCs)**

1. Each WMC shall be comprised of a voting representative from each Permittee in the WMA.
2. The WMC's chair and secretary shall be chosen by the WMC upon Order adoption and on an annual basis, thereafter. In the absence of volunteer Permittee(s) for the positions, the Principal Permittee shall assume those roles until the WMC chooses members of the committee for the positions.
3. Each WMC shall:

- a) Facilitate cooperation and exchange of information among Permittees;
- b) Establish additional goals and objectives and associated deadlines for the WMA, as the program implementation progresses;
- c) Prioritize pollution control efforts based on beneficial use impairment(s), watershed characteristics and analysis of results from studies and the monitoring program;
- d) Develop and/or update and monitor the adequate implementation, on an annual basis, of the tasks identified for the WMA;
- e) Assess the effectiveness of, prepare revisions for, and recommend appropriate changes to the SQMP and its components;
- f) Continue to prioritize the Industrial/Commercial critical sources for investigation, outreach and follow-up; and
- g) Meet four times per year and, as necessary.

**G. Legal Authority**

1. Permittees shall possess the necessary legal authority to prohibit non-storm water discharges to the storm drain system, including, but not limited to:
  - a) Illicit discharges and illicit connections and require removal of illicit connections;
  - b) The discharge of wash waters to the MS4 from the cleaning of gas stations, auto repair garages, or other types of automotive service facilities;
  - c) The discharge of runoff to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;
  - d) The discharge of runoff to the MS4 from areas where repair of machinery and equipment which are visibly leaking oil, fluid or antifreeze, is undertaken;
  - e) The discharge of runoff to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous materials;
  - f) The discharge of chlorinated/ brominated swimming pool water and filter backwash to the MS4;
  - g) The discharge of runoff from the washing of toxic materials from paved or unpaved areas to the MS4;

- h) Washing impervious surfaces in industrial/commercial areas that results in a discharge of runoff to the MS4;
  - i) The discharge of concrete or cement laden wash water from concrete trucks, pumps, tools, and equipment to the MS4; and
  - j) Dumping or disposal of materials into the MS4 other than storm water, such as:
    - (1) Litter, landscape debris and construction debris;
    - (2) Any state or federally banned or unregistered pesticides;
    - (3) Food and food processing wastes; and
    - (4) Fuel and chemical wastes, animal wastes, garbage, batteries, and other materials that have potential adverse impacts on water quality.
2. The Permittees shall possess adequate legal authority to:
- a) Require persons within their jurisdiction to comply with conditions in Permittees' ordinances, permits, contracts, model programs, or orders (i.e. hold dischargers to its MS4 accountable for their contributions of pollutants and flows);
  - b) Utilize enforcement mechanisms to require compliance with Permittees ordinances, permits, contracts, or orders;
  - c) Control pollutants, including potential contribution, in discharges of storm water runoff associated with industrial activities (including construction activities) to its MS4 and control the quality of storm water runoff from industrial sites (including construction sites). This requirement applies to Source Control, and Treatment Control BMPs;
  - d) Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and non-compliance with permit conditions, including the prohibition of illicit discharges to the MS4. Permittees must possess authority to enter, sample, inspect, review and copy records, and require regular reports from industrial facilities (including construction sites) discharging polluted or with the potential to discharge polluted storm water runoff into its MS4;
  - e) Require the use of BMPs to prevent or reduce the discharge of pollutants to MS4s to MEP; and
  - f) Require that Treatment Control BMPs be properly operated and maintained to prevent the breeding of vectors.

3. Each Permittee shall, no later than November 1, 2002, amend and adopt (if necessary), a Permittee-specific storm water and urban runoff ordinance to enforce all requirements of this permit.
4. Each Permittee shall submit no later than December 2, 2002, a new or updated statement by its legal counsel that the Permittee has obtained all necessary legal authority to comply with this Order through adoption of ordinances and/or municipal code modifications.

## **Part 4. SPECIAL PROVISIONS**

### **Maximum Extent Practicable Standard**

This permit, and the provisions herein, are intended to develop, achieve, and implement a timely, comprehensive, cost-effective storm water pollution control program to reduce the discharge of pollutants in storm water to the MEP from the permitted areas in the County of Los Angeles to the waters of the State.

#### **A. General Requirements**

##### **1. Best Management Practice Substitution**

The Regional Board Executive Officer may approve any site-specific BMP substitution upon petition by a Permittee(s), if the Permittee can document that:

- a) The proposed alternative BMP or program will meet or exceed the objective of the original BMP or program in the reduction of storm water pollutants; or
- b) The fiscal burden of the original BMP or program is substantially greater than the proposed alternative and does not achieve a substantially greater improvement in storm water quality; and,
- c) The proposed alternative BMP or program will be implemented within a similar period of time.

#### **B. Public Information and Participation Program (PIPP)**

The Principal Permittee shall implement a Public Information and Participation Program (PIPP) that includes, but is not limited to, the requirements listed in this section. The Principal Permittee shall be responsible for developing and implementing the Public Education Program, as described in the SQMP, and shall coordinate with Permittees to implement specific requirements.

The objectives of the PIPP are as follows:

- To measurably increase the knowledge of the target audiences regarding the MS4, the impacts of storm water pollution on receiving waters, and potential solutions to mitigate the problems caused;

- To measurably change the waste disposal and runoff pollution generation behavior of target audiences by encouraging implementation of appropriate solutions; and
- To involve and engage socio-economic groups and ethnic communities in Los Angeles County to participate in mitigating the impacts of storm water pollution.

The Principal Permittee shall convene an advisory committee to provide input and assistance in meeting the goals and objectives of the public education campaign. The advisory committee shall be consulted during the process of developing the PIPP campaign, and shall provide comments and advice during the process of preparing a Request For Proposals for a storm water public education contractor. The committee may participate as a part of a working group that evaluates contractor proposals and other tasks as appropriate. The committee shall be comprised of representatives of the environmental community, Permittee cities, Regional Board staff, and experts in the fields of public education and marketing. The Principal Permittee shall ensure that the committee meets at least once a year.

1. Residential Program

a) "No Dumping" Message

Each Permittee shall mark all storm drain inlets that they own with a legible "no dumping" message. In addition, signs with prohibitive language discouraging illegal dumping must be posted at designated public access points to creeks, other relevant water bodies, and channels no later than February 2, 2004. Signage and storm drain messages shall be legible and maintained as necessary during the term of the permit.

b) Countywide Hotline

The 888-CLEAN-LA hotline will serve as the general public reporting contact for reporting clogged catch basin inlets and illicit discharges/dumping, faded or lack of catch basin stencils, and general storm water management information. Each Permittee may establish its own hotline if preferred. Permittees shall include this information, updated when necessary, in public information, and the government pages of the telephone book, as they are developed or published. The Principal Permittee shall compile a list of the general public reporting contacts from all Permittees and make this information available on the web site (888CleanLA.com) and upon request. Permittees shall provide the Principal Permittee with their reporting contacts no later than March 1, 2002. Permittees are responsible for providing current, updated information to the Principal Permittee.

c) Outreach and Education

- (1) The Principal Permittee shall continue to implement the following activities that were components of the first five-year PIPP:

- (i) Advertising;
  - (ii) Media relations;
  - (iii) Public service announcements;
  - (iv) "How To" instructional material distributed in a targeted and activity-related manner;
  - (v) Corporate, community association, environmental organization and entertainment industry tie-ins; and
  - (vi) Events targeted to specific activities and population subgroups.
- (2) The Principal Permittee shall develop a strategy to educate ethnic communities and businesses through culturally effective methods. Details of this strategy should be incorporated into the Public Education Program, and implemented, no later than February 3, 2003.
  - (3) The Principal Permittee shall enhance the existing outreach efforts to residents and businesses related to the proper disposal of cigarette butts.
  - (4) Each Permittee shall conduct educational activities within its jurisdiction and participate in countywide events.
  - (5) The Principal Permittee shall organize Public Outreach Strategy meetings for Permittees on a quarterly basis, beginning no later than May 1, 2002. The Principal Permittee shall provide guidance for Permittees to augment the countywide outreach and education program. Permittees shall coordinate regional and local outreach and education to reduce duplication of efforts. Permittees are encouraged to include other interested parties in the outreach strategy to strengthen and coordinate educational efforts.
  - (6) The Principal Permittee shall ensure that a minimum of 35 million impressions per year are made on the general public about storm water quality via print, local TV access, local radio, or other appropriate media.
  - (7) The Principal Permittee, in cooperation with the Permittees, shall provide schools within each School District in the County with materials, including, but not limited to, videos, live presentations, and other information necessary to educate a minimum of 50 percent of all school children (K-12) every 2 years on storm water pollution.
  - (8) Permittees shall provide the contact information for their appropriate staff responsible for storm water public

education activities to the Principal Permittee no later than April 1, 2002, and changes to contact information no later than 30 days after a change occurs.

- (9) The Principal Permittee shall develop a strategy to measure the effectiveness of in-school educational programs. The protocol shall include assessment of students' knowledge of storm water pollution problems and solutions before and after educational efforts are conducted. The protocol shall be developed and submitted to the Regional Board Executive Officer for approval no later than May 1, 2002. It shall be implemented upon approval.
- (10) In order to ensure that the PIPP is demonstrably effective in changing the behavior of the public, the Principal Permittee shall develop a behavioral change assessment strategy no later than May 1, 2002. The strategy shall be developed based on sociological data and studies (such as the County Segmentation Study). The Principal Permittee shall submit the assessment strategy to the Regional Board Executive Office for approval. It shall be implemented on approval.

d) Pollutant-Specific Outreach

The Principal Permittee, in cooperation with Permittees, shall coordinate to develop outreach programs that focus on the watershed-specific pollutants listed in Table 1 no later than February 3, 2003. Metals may be appropriately addressed through the Industrial/Commercial Facilities Program (e.g. distribute education materials on appropriate BMPs for metal waste management to facilities that have been identified as a potential source, such as metal fabricating facilities). Region-wide pollutants may be included in the Principal Permittee's mass media outreach efforts.

<b>Watershed</b>	<b>Target Pollutants for Outreach</b>
Ballona Creek	Trash, Indicator Bacteria, Metals, PAHs
Malibu Creek	Trash, Nutrients (Nitrogen), Indicator Bacteria, Sediments
Los Angeles River	Trash, Nutrients (Nitrogen), Indicator Bacteria, Metals, Pesticides, PAHs
San Gabriel River	Trash, Nutrients (Nitrogen), Indicator Bacteria, Metals
Santa Clara River	Nutrients (Nitrogen), Coliform
Dominguez Channel	Trash, Indicator Bacteria, PAHs

Each Permittee shall make outreach materials available to the general public and target audiences, such as schools, community groups, contractors and developers, and at appropriate public counters and events. Outreach material shall include information on pollutants, sources of concern, and source abatement measures.

2. **Businesses Program**

a) **Corporate Outreach**

The Principal Permittee shall develop and implement a Corporate Outreach program to educate and inform corporate managers about storm water regulations. The program shall target RGOs and restaurant chains. At a minimum, this program shall include:

- (1) Conferring with corporate management to explain storm water regulations;
- (2) Distribution and discussion of educational material regarding storm water pollution and BMPs, and provide managers with suggestions to facilitate employee compliance with storm water regulations.

Corporate Outreach for all RGOs and restaurant chain corporations shall be conducted not less than twice during the permit term, with the first outreach contact to begin no later than February 3, 2003.

b) **Business Assistance Program**

The Principal Permittee and Permittees may implement a Business Assistance Program to provide technical resource assistance to small businesses to advise them on BMPs implementation to reduce the discharge of pollutants in storm water runoff. Programs may include:

- (1) On-site technical assistance or consultation via telephone to identify and implement storm water pollution prevention methods and best management practices; and
- (2) Making available, distributing, and discussing of applicable BMP and educational materials.

**C. Industrial/Commercial Facilities Control Program**

Each Permittee shall require implementation of pollutant reduction and control measures at industrial and commercial facilities, with the objective of reducing pollutants in storm water runoff. Except as specified in other sections of this Order, pollutant reduction and control measures can be used alone or in combination, and can include Structural and Source Control BMPs, and operation and maintenance procedures, which can be applied before, during, and/or after pollution generating activities. At a minimum, the Industrial/Commercial Facilities Control Program shall include requirements to:

(1) track, (2) inspect, and (3) ensure compliance at industrial and commercial facilities that are critical sources of pollutants in storm water.

**1. Track Critical Sources**

- a) Each Permittee shall maintain a watershed-based inventory or database of all facilities within its jurisdiction that are critical sources of storm water pollution. Critical sources to be tracked are summarized below, and also specified in Attachment B:
- (1) Commercial Facilities
    - restaurants;
    - automotive service facilities; and
    - RGOs and automotive dealerships.
  - (2) USEPA Phase I Facilities (Tier 1 and 2)
  - (3) Other Federally-mandated Facilities [as specified in 40 CFR 122.26(d)(2)(iv)(C)]
    - municipal landfills;
    - hazardous waste treatment, disposal, and recovery facilities; and
    - facilities subject to SARA Title III (also known as EPCRA).
- b) Each Permittee shall include the following minimum fields of information for each industrial and commercial facility:
- name of facility and name of owner/operator;
  - address;
  - coverage under the GIASP or other individual or general NPDES permits; and
  - a narrative description including SIC codes that best reflects the industrial activities at and principal products of each facility.

The Regional Board encourages Permittees to add other fields of information, such as material usage and/or industrial output, and discrepancies between SIC Code designations (as reported by facility operators) and the actual type of industrial activity has the potential to pollute storm water. In addition, the Regional Board recommends use of an automated database system, such as a Geographical Information System (GIS) or Internet-based system; however, this is not required.

- c) Each Permittee shall update its inventory of critical sources at least annually. The update may be accomplished through collection of new information obtained through field activities or through other readily available intra-agency informational databases (e.g. business licenses, pretreatment permits, sanitary sewer hook-up permits).

## **2. Inspect Critical Sources**

Each Permittee shall inspect all facilities in the categories and at a level and frequency as specified in the following subsections.

### **a) Commercial Facilities**

#### **(1) Restaurants**

Frequency of Inspections: Twice during the 5-year term of the Order, provided that the first inspection occurs no later than August 1, 2004, and that there is a minimum interval of one year in between the first compliance inspection and the second compliance inspection.

Level of inspections: Each Permittee, in cooperation with its appropriate department (such as health or public works), shall inspect all restaurants within its jurisdiction to confirm that storm water BMPs are being effectively implemented in compliance with State law, County and municipal ordinances, Regional Board Resolution 98-08, and the SQMP. At each restaurant, inspectors shall verify that the restaurant operator:

- has received educational materials on storm water pollution prevention practices;
- does not pour oil and grease or oil and grease residue onto a parking lot, street or adjacent catch basin;
- keeps the trash bin area clean and trash bin lids closed, and does not fill trash bins with washout water or any other liquid;
- does not allow illicit discharges, such as discharge of washwater from floor mats, floors, porches, parking lots, alleys, sidewalks and street areas (in the immediate vicinity of the establishment), filters or garbage/trash containers;
- removes food waste, rubbish or other materials from parking lot areas in a sanitary manner that does not create a nuisance or discharge to the storm drain.

#### **(2) Automotive Service Facilities**

Frequency of Inspections: Twice during the 5-year term of the Order, provided that the first inspection occurs no later than August 1, 2004, and that there is a minimum interval of one year in between the first compliance inspection and the second compliance inspection.

Level of inspections: Each Permittee shall inspect all automotive service facilities within its jurisdiction to confirm that storm water BMPs are effectively implemented in compliance with County and municipal ordinances, Regional Board Resolution 98-08, and the SQMP. At each automotive service facility, inspectors shall verify that each operator:

- maintains the facility area so that it is clean and dry and without evidence of excessive staining;
- implements housekeeping BMPs to prevent spills and leaks;
- properly discharges wastewaters to a sanitary sewer and/or contains wastewaters for transfer to a legal point of disposal;
- is aware of the prohibition on discharge of non-storm water to the storm drain;
- properly manages raw and waste materials including proper disposal of hazardous waste;
- protects outdoor work and storage areas to prevent contact of pollutants with rainfall and runoff;
- labels, inspects, and routinely cleans storm drain inlets that are located on the facility's property; and
- trains employees to implement storm water pollution prevention practices.

(3) Retail Gasoline Outlets and Automotive Dealerships

Frequency of Inspection: Twice during the 5-year term of the Order, provided that the first inspection occurs no later than August 1, 2004, and that there is a minimum interval of one year in between the first compliance inspection and the second compliance inspection.

Level of Inspection: Each Permittee shall confirm that BMPs are being effectively implemented at each RGO and automotive dealership within its jurisdiction, in compliance with the SQMP, Regional Board Resolution 98-08, and the Stormwater Quality Task Force Best Management Practice Guide for RGOs. At each RGO and automotive dealership, inspectors shall verify that each operator:

- routinely sweeps fuel-dispensing areas for removal of litter and debris, and keeps rags and absorbents ready for use in case of leaks and spills;
- is aware that washdown of facility area to the storm drain is prohibited;
- is aware of design flaws (such as grading that doesn't prevent run-on, or inadequate roof covers and berms), and that equivalent BMPs are implemented;
- inspects and cleans storm drain inlets and catch basins within each facility's boundaries no later than October 1<sup>st</sup> of each year;
- posts signs close to fuel dispensers, which warn vehicle owners/operators against "topping off" of vehicle fuel tanks and installation of automatic shutoff fuel dispensing nozzles;
- routinely checks outdoor waste receptacle and air/water supply areas, cleans leaks and drips, and ensures that only watertight waste receptacles are used and that lids are closed; and
- trains employees to properly manage hazardous materials and wastes as well as to implement other storm water pollution prevention practices.

b) Phase I Facilities

Permittees need not inspect facilities that have been inspected by the Regional Board within the past 24 months. For the remaining Phase I facilities that the Regional Board has not inspected, each Permittee shall conduct compliance inspections as specified below.

**Frequency of Inspection**

**Facilities in Tier 1 Categories:** Twice during the 5-year term of the Order, provided that the first inspection occurs no later than August 1, 2004, and that there is a minimum interval of one year in between the first compliance inspection and the second compliance inspection.

**Facilities in Tier 2 Categories:** Twice during the 5-year term of the permit, provided that the first inspection occurs no later than August 1, 2004. Permittees need not perform additional inspections at those facilities determined to have no risk of exposure of industrial activity to storm water. For those facilities that do have exposure of industrial activities to storm water, a Permittee may reduce the frequency of additional compliance inspections to once every 5 years, provided that the Permittee inspects at least 20% of the facilities in Tier 2 each year.

**Level of Inspection:** Each Permittee shall confirm that each operator:

- has a current Waste Discharge Identification (WDID) number for facilities discharging storm water associated with industrial activity, and that a Storm Water Pollution Prevention Plan is available on-site, and
- is effectively implementing BMPs in compliance with County and municipal ordinances, Regional Board Resolution 98-08, and the SQMP.

c) Other Federally-mandated Facilities

**Frequency of Inspection:** Twice during the 5-year term of the Order, provided that the first inspection occurs no later than August 1, 2004, and that there is a minimum interval of one year in between the first compliance inspection and the second compliance inspection.

**Level of Inspection:** Each Permittee shall confirm that each operator:

- has a current Waste Discharge Identification (WDID) number for facilities discharging storm water associated with industrial activity, and that a Storm Water Pollution Prevention Plan is available on-site, and
- is effectively implementing BMPs in compliance with County and municipal ordinances, Regional Board Resolution 98-08, and the SQMP.

3. Ensure Compliance of Critical Sources

- a) **BMP Implementation:** In the event that a Permittee determines that a BMP specified by the SQMP or Regional Board Resolution 98-08 is infeasible at any site, that Permittee shall require implementation of other BMPs that will achieve the equivalent reduction of pollutants in the storm water discharges. Likewise, for those BMPs that are not adequate to achieve water quality objectives, Permittees may require additional site-specific controls, such as Treatment Control BMPs.

- b) **Environmentally Sensitive Areas and Impaired Waters:** For critical sources that are in ESAs or that are tributary to CWA § 303(d) impaired water bodies, Permittees shall consider requiring operators to implement additional controls to reduce pollutants in storm water runoff that are causing or contributing to the exceedences of Water Quality Objectives.
- c) **Progressive Enforcement:** Each Permittee shall implement a progressive enforcement policy to ensure that facilities are brought into compliance with all storm water requirements within a reasonable time period as specified below.
- (1) In the event that a Permittee determines, based on an inspection conducted above, that an operator has failed to adequately implement all necessary BMPs, that Permittee shall take progressive enforcement action which, at a minimum, shall include a follow-up inspection within 4 weeks from the date of the initial inspection.
  - (2) In the event that a Permittee determines that an operator has failed to adequately implement BMPs after a follow-up inspection, that Permittee shall take further enforcement action as established through authority in its municipal code and ordinances or through the judicial system.
  - (3) Each Permittee shall maintain records, including inspection reports, warning letters, notices of violations, and other enforcement records, demonstrating a good faith effort to bring facilities into compliance.
- d) **Interagency Coordination**
- (1) **Referral of Violations of the SQMP, Regional Board Resolution 98-08, and Municipal Storm Water Ordinances:** A Permittee may refer a violation(s) to the Regional Board provided that that Permittee has made a good faith effort of progressive enforcement. At a minimum, a Permittee's good faith effort must include documentation of:
    - Two follow-up inspections, and
    - Two warning letters or notices of violation.
  - (2) **Referral of Violations of the GIASP, including Requirements to File a Notice of Intent:** For those facilities in violation of the GIASP, Permittees may escalate referral of such violations to the Regional Board after one inspection and one written notice to the operator regarding the violation. In making such referrals, Permittees shall include, at a minimum, the following documentation:

- Name of the facility;
- Operator of the facility;
- Owner of the facility;
- Industrial activity being conducted at the facility that is subject to the GIASP; and
- Records of communication with the facility operator regarding the violation, which shall include at least an inspection report and one written notice of the violation.

Permittees shall, at a minimum, make such referrals on a quarterly basis.

- (3) **Investigation of Complaints Regarding Facilities – Transmitted by the Regional Board Staff:** Each Permittee shall initiate, within one business day, investigation of complaints (other than non-storm water discharges) regarding facilities within its jurisdiction. The initial investigation shall include, at a minimum, a limited inspection of the facility to confirm the complaint to determine if the facility is effectively complying with the SQMP and municipal storm water/urban runoff ordinances, and to oversee corrective action.
- (4) **Support of Regional Board Enforcement Actions:** As directed by the Regional Board Executive Officer, Permittees shall support Regional Board enforcement actions by: assisting in identification of current owners, operators, and lessees of facilities; providing staff, when available, for joint inspections with Regional Board inspectors; appearing as witnesses in Regional Board enforcement hearings; and providing copies of inspection reports and other progressive enforcement documentation.
- (5) **Participation in a Task Force:** The Permittees, Regional Board, and other stakeholders may form a Storm Water Task Force, the purpose of which is to communicate concerns regarding special cases of storm water violations by industrial and commercial facilities and to develop a coordinated approach to enforcement action.

#### **D. Development Planning Program**

The Permittees shall implement a development-planning program that will require all Planning Priority development and Redevelopment projects to:

- Minimize impacts from storm water and urban runoff on the biological integrity of Natural Drainage Systems and water bodies in accordance with requirements under CEQA (Cal. Pub. Resources Code § 21100), CWC §

13369, CWA § 319, CWA § 402(p), CWA § 404, CZARA § 6217(g), ESA § 7, and local government ordinances ;

- Maximize the percentage of pervious surfaces to allow percolation of storm water into the ground;
- Minimize the quantity of storm water directed to impervious surfaces and the MS4;
- Minimize pollution emanating from parking lots through the use of appropriate Treatment Control BMPs and good housekeeping practices;
- Properly design and maintain Treatment Control BMPs in a manner that does not promote the breeding of vectors; and
- Provide for appropriate permanent measures to reduce storm water pollutant loads in storm water from the development site.

1. Peak Flow Control

The Permittees shall control post-development peak storm water runoff discharge rates, velocities, and duration (peak flow control) in Natural Drainage Systems (i.e., mimic pre-development hydrology) to prevent accelerated stream erosion and to protect stream habitat. Natural Drainage Systems are located in the following areas:

- a) Malibu Creek;
- b) Topanga Canyon Creek;
- c) Upper Los Angeles River;
- d) Upper San Gabriel River;
- e) Santa Clara River; and
- f) Los Angeles County Coastal streams (see Basin Plan Table 2-1).

The Principal Permittee in consultation with Permittees shall develop numerical criteria for peak flow control, based on the results of the Peak Discharge Impact Study (see Monitoring Program Section II.I).

Each Permittee shall, no later than February 1, 2005, implement numerical criteria for peak flow control.

A Permittee or group of Permittees may substitute for the countywide peak flow control criteria with a Hydromodification Control Plan (HCP), on approval by the Regional Board, in the following circumstances:

- (1) Stream or watershed-specific conditions indicate the need for a different peak flow control criteria, and the alternative numerical criteria is developed through the application of hydrologic modeling and supporting field observations; or

- (2) A watershed-wide plan has been developed for implementation of control measures to reduce erosion and stabilize drainage systems on a watershed basis.
2. Standard Urban Storm Water Mitigation Plans (SUSMPs)
  - a) Each Permittee shall amend codes and ordinances not later than August 1, 2002 to give legal effect to SUSMP changes contained in this Order. Changes to SUSMP requirements shall take effect not later than September 2, 2002.
  - b) Each Permittee shall require that a single-family hillside home:
    - (1) Conserve natural areas;
    - (2) Protect slopes and channels;
    - (3) Provide storm drain system stenciling and signage;
    - (4) Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
    - (5) Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.
  - c) Each Permittee shall require that a SUSMP as approved by the Regional Board in Board Resolution No. R 00-02 be implemented for the following categories of developments:
    - (1) Ten or more unit homes (includes single family homes, multifamily homes, condominiums, and apartments);
    - (2) A 100,000 or more square feet of impervious surface area industrial/ commercial development;
    - (3) Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534, and 7536-7539);
    - (4) Retail gasoline outlets;
    - (5) Restaurants (SIC 5812);
    - (6) Parking lots 5,000 square feet or more of surface area or with 25 or more parking spaces; and
    - (7) Redevelopment projects in subject categories that meet Redevelopment thresholds.

- d) Each Permittee shall submit an ESA Delineation Map for its jurisdictional boundary, based on the Regional Board's ESA Definition, no later than June 3, 2002, for approval by the Regional Board Executive Officer in consultation with the California Department of Fish and Game, and the California Coastal Commission.
- e) Each Permittee shall require the implementation of SUSMP provisions no later than September 2, 2002, for all projects located in or directly adjacent to or discharging directly to an ESA, where the development will:
  - (1) Discharge storm water and urban runoff that is likely to impact a sensitive biological species or habitat; and
  - (2) Create 2,500 square feet or more of impervious surface area.

### 3. Numerical Design Criteria

The Permittees shall require that post-construction Treatment Control BMPs incorporate, at a minimum, either a volumetric or flow based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) storm water runoff:

#### a) Volumetric Treatment Control BMP

- (1) The 85<sup>th</sup> percentile 24-hour runoff event determined as the maximized capture storm water volume for the area, from the formula recommended in *Urban Runoff Quality Management, WEF Manual of Practice No. 23/ ASCE Manual of Practice No. 87, (1998)*; or
- (2) The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in *California Stormwater Best Management Practices Handbook – Industrial/ Commercial, (1993)*; or
- (3) The volume of runoff produced from a 0.75 inch storm event, prior to its discharge to a storm water conveyance system; or
- (4) The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for "treatment" (0.75 inch average for the Los Angeles County area) that achieves approximately the same reduction in pollutant loads achieved by the 85<sup>th</sup> percentile 24-hour runoff event.

#### b) Flow Based Treatment Control BMP

- (1) The flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity; or

- (2) The flow of runoff produced from a rain event equal to at least two times the 85<sup>th</sup> percentile hourly rainfall intensity for Los Angeles County; or
- (3) The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.

4. Applicability of Numerical Design Criteria

The Permittees shall require the following categories of Planning Priority Projects to design and implement post-construction treatment controls to mitigate storm water pollution:

- a) Single-family hillside residential developments of one acre or more of surface area;
  - b) Housing developments (includes single family homes, multifamily homes, condominiums, and apartments) of ten units or more;
  - c) A 100,000 square feet or more impervious surface area industrial/commercial development;
  - d) Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534 and 7536-7539) [5,000 square feet or more of surface area];
  - e) Retail gasoline outlets [5,000 square feet or more of impervious surface area and with projected Average Daily Traffic (ADT) of 100 or more vehicles]. Subsurface Treatment Control BMPs which may endanger public safety (i.e., create an explosive environment) are considered not appropriate;
  - f) Restaurants (SIC 5812) [5,000 square feet or more of surface area];
  - g) Parking lots 5,000 square feet or more of surface area or with 25 or more parking spaces;
  - h) Projects located in, adjacent to or discharging directly to an ESA that meet threshold conditions identified above in 2.e; and
  - i) Redevelopment projects in subject categories that meet Redevelopment thresholds.
5. Not later than March 10, 2003, each Permittee shall require the implementation of SUSMP and post-construction control requirements for the industrial/commercial development category to projects that disturb one acre or more of surface area.
6. Site Specific Mitigation

Each Permittee shall, no later than September 2, 2002, require the implementation of a site-specific plan to mitigate post-development storm water for new development and redevelopment not requiring a SUSMP

but which may potentially have adverse impacts on post-development storm water quality, where one or more of the following project characteristics exist:

- a) Vehicle or equipment fueling areas;
- b) Vehicle or equipment maintenance areas, including washing and repair;
- c) Commercial or industrial waste handling or storage;
- d) Outdoor handling or storage of hazardous materials;
- e) Outdoor manufacturing areas;
- f) Outdoor food handling or processing;
- g) Outdoor animal care, confinement, or slaughter; or
- h) Outdoor horticulture activities.

7. Redevelopment Projects

The Permittees shall apply the SUSMP, or site specific requirements including post-construction storm water mitigation to all Planning Priority Projects that undergo significant Redevelopment in their respective categories.

- a) Significant Redevelopment means land-disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site.

Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development storm water quality control requirements, the entire project must be mitigated. Where Redevelopment results in an alteration to less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development storm water quality control requirements, only the alteration must be mitigated, and not the entire development.

- b) Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety.
- c) Existing single family structures are exempt from the Redevelopment requirements.

8. Maintenance Agreement and Transfer

Each Permittee shall require that all developments subject to SUSMP and site specific plan requirements provide verification of maintenance provisions for Structural and Treatment Control BMPs, including but not limited to legal agreements, covenants, CEQA mitigation requirements, and or conditional use permits. Verification at a minimum shall include:

- a) The developer's signed statement accepting responsibility for maintenance until the responsibility is legally transferred; and either
- b) A signed statement from the public entity assuming responsibility for Structural or Treatment Control BMP maintenance and that it meets all local agency design standards; or
- c) Written conditions in the sales or lease agreement, which requires the recipient to assume responsibility for maintenance and conduct a maintenance inspection at least once a year; or
- d) Written text in project conditions, covenants and restrictions (CCRs) for residential properties assigning maintenance responsibilities to the Home Owners Association for maintenance of the Structural and Treatment Control BMPs; or
- e) Any other legally enforceable agreement that assigns responsibility for the maintenance of post-construction Structural or Treatment Control BMPs.

9. Regional Storm Water Mitigation Program

A Permittee or Permittee group may apply to the Regional Board for approval of a regional or sub-regional storm water mitigation program to substitute in part or wholly SUSMP requirements. Upon review and a determination by the Regional Board Executive Officer that the proposal is technically valid and appropriate, the Regional Board may consider for approval such a program if its implementation will:

- a) Result in equivalent or improved storm water quality;
- b) Protect stream habitat;
- c) Promote cooperative problem solving by diverse interests;
- d) Be fiscally sustainable and has secure funding; and
- e) Be completed in five years including the construction and start-up of treatment facilities.

Nothing in this provision shall be construed as to delay the implementation of SUSMP requirements, as approved in this Order.

10. Mitigation Funding

The Permittees may propose a management framework, for endorsement by the Regional Board Executive Officer, to support regional or sub-

regional solutions to storm water pollution, where any of the following situations occur:

- a) A waiver for impracticability is granted;
- b) Legislative funds become available;
- c) Off-site mitigation is required because of loss of environmental habitat; or
- d) An approved watershed management plan or a regional storm water mitigation plan exists that incorporates an equivalent or improved strategy for storm water mitigation.

11. California Environmental Quality Act (CEQA) Document Update

Each Permittee shall incorporate into its CEQA process, with immediate effect, procedures for considering potential storm water quality impacts and providing for appropriate mitigation when preparing and reviewing CEQA documents. The procedures shall require consideration of the following:

- a) Potential impact of project construction on storm water runoff;
- b) Potential impact of project post-construction activity on storm water runoff;
- c) Potential for discharge of storm water from areas from material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas;
- d) Potential for discharge of storm water to impair the beneficial uses of the receiving waters or areas that provide water quality benefit;
- e) Potential for the discharge of storm water to cause significant harm on the biological integrity of the waterways and water bodies;
- f) Potential for significant changes in the flow velocity or volume of storm water runoff that can cause environmental harm; and
- g) Potential for significant increases in erosion of the project site or surrounding areas.

12. General Plan Update

- a) Each Permittee shall amend, revise or update its General Plan to include watershed and storm water quality and quantity management considerations and policies when any of the following General Plan elements are updated or amended: (i) Land Use, (ii) Housing, (iii) Conservation, and (iv) Open Space.
- b) Each Permittee shall provide the Regional Board with the draft amendment or revision when a listed General Plan element or the

General Plan is noticed for comment in accordance with Cal. Govt. Code § 65350 *et seq.*

13. Targeted Employee Training

Each Permittee shall train its employees in targeted positions (whose jobs or activities are engaged in development planning) regarding the development planning requirements on an annual basis beginning no later than August 1, 2002, and more frequently if necessary. For Permittees with a population of 250,000 or more (2000 U.S. Census), training shall be completed no later than February 3, 2003.

14. Developer Technical Guidance and Information

- a) Each Permittee shall develop and make available to the developer community SUSMP (development planning) guidelines immediately.
- b) The Principal Permittee in partnership with Permittees shall issue no later than February 2, 2004, a technical manual for the siting and design of BMPs for the development community in Los Angeles County. The technical manual may be adapted from the revised California Storm Water Quality Task Force Best Management Practices Handbooks scheduled for publication in September 2002. The technical manual shall at a minimum include:
  - (1) Treatment Control BMPs based on flow-based and volumetric water quality design criteria for the purposes of countywide consistency;
  - (2) Peak Flow Control criteria to control peak discharge rates, velocities and duration;
  - (3) Expected pollutant removal performance ranges obtained from national databases, technical reports and the scientific literature;
  - (4) Maintenance considerations; and
  - (5) Cost considerations.

**E. Development Construction Program**

- 1. Each Permittee shall implement a program to control runoff from construction activity at all construction sites within its jurisdiction. The program shall ensure the following minimum requirements are effectively implemented at all construction sites:
  - a) Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
  - b) Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to streets, drainage

facilities, receiving waters, or adjacent properties by wind or runoff;

- c) Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site; and
- d) Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs (as approved in Regional Board Resolution No. 99-03), such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

2. For construction sites one acre and greater, each Permittee shall comply with all conditions in section E.1. above and shall:

- a) Require the preparation and submittal of a Local Storm Water Pollution Prevention Plan (Local SWPPP), for approval prior to issuance of a grading permit for construction projects.  
The Local SWPPP shall include appropriate construction site BMPs and maintenance schedules. (A Local SWPPP may substitute for the State SWPPP if the Local SWPPP is at least as inclusive in controls and BMPs as the State SWPPP). The Local SWPPP must include the rationale used for selecting or rejecting BMPs. The project architect, or engineer of record, or authorized qualified designee, must sign a statement on the Local SWPPP to the effect:

*"As the architect/engineer of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs must be installed, monitored, and maintained to ensure their effectiveness. The BMPs not selected for implementation are redundant or deemed not applicable to the proposed construction activity."*

The landowner or the landowner's agent shall sign a statement to the effect:

*"I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that submitting false and/or inaccurate information, failing to update the Local SWPPP to reflect current conditions, or failing to properly and/or adequately implement the Local SWPPP may result in revocation of grading and/or other permits or other sanctions provided by law."*

The Local SWPPP certification shall be signed by the landowner as follows, for a corporation: by a responsible corporate officer which means (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (b) the manager of the construction activity if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; for a partnership or sole proprietorship: by a general partner or the proprietor; or for a municipality or other public agency: by an elected official, a ranking management official (e.g., County Administrative Officer, City Manager, Director of Public Works, City Engineer, District Manager), or the manager of the construction activity if authority to sign Local SWPPPs has been assigned or delegated to the manager in accordance with established agency policy.

- b) Inspect all construction sites for storm water quality requirements during routine inspections a minimum of once during the wet season. The Local SWPPP shall be reviewed for compliance with local codes, ordinances, and permits. For inspected sites that have not adequately implemented their Local SWPPP, a follow-up inspection to ensure compliance will take place within 2 weeks. If compliance has not been attained, the Permittee will take additional actions to achieve compliance (as specified in municipal codes). If compliance has not been achieved, and the site is also covered under a statewide general construction storm water permit, each Permittee shall enforce their local ordinance requirements, and if non-compliance continues the Regional Board shall be notified for further joint enforcement actions.
  - c) Require, no later than March 10, 2003, prior to issuing a grading permit for all projects less than five acres requiring coverage under a statewide general construction storm water permit, proof of a Waste Discharger Identification (WDID) Number for filing a Notice of Intent (NOI) for permit coverage and a certification that a SWPPP has been prepared by the project developer. A Local SWPPP may substitute for the State SWPPP if the Local SWPPP is at least as inclusive in controls and BMPs as the State SWPPP.
3. For sites five acres and greater, each Permittee shall comply with all conditions in Sections E.1. and E.2. and shall:
- a) Require, prior to issuing a grading permit for all projects requiring coverage under the state general permit, proof of a Waste Discharger Identification (WDID) Number for filing a Notice of Intent (NOI) for coverage under the GCASP and a certification that a SWPPP has been prepared by the project developer. A Local SWPPP may substitute for the State SWPPP if the Local SWPPP is at least as inclusive in controls and BMPs as the State SWPPP.

- b) Require proof of an NOI and a copy of the SWPPP at any time a transfer of ownership takes place for the entire development or portions of the common plan of development where construction activities are still on-going.
  - c) Use an effective system to track grading permits issued by each Permittee. To satisfy this requirement, the use of a database or GIS system is encouraged, but not required.
4. GCASP Violation Referrals
- a) Referral of Violations of the SQMP, Regional Board Resolution 98-08, and municipal storm water ordinances:  
A Permittee may refer a violation(s) to the Regional Board provided that the Permittee has made a good faith effort of progressive enforcement. At a minimum, a Permittee's good faith effort must include documentation of:
    - Two follow-up inspections within 3 months, and
    - Two warning letters or notices of violation.
  - b) Referral of Violations of GCASP Filing Requirements:  
For those projects subject to the GCASP, Permittees shall refer non-filers (i.e., those projects which cannot demonstrate that they have a WDID number) to the Regional Board, within 15 days of making a determination. In making such referrals, Permittees shall include, at a minimum, the following documentation:
    - Project location;
    - Developer;
    - Estimated project size; and
    - Records of communication with the developer regarding filing requirements.
5. Each Permittee shall train employees in targeted positions (whose jobs or activities are engaged in construction activities including construction inspection staff) regarding the requirements of the storm water management program no later than August 1, 2002, and annually thereafter. For Permittees with a population of 250,000 or more (2000 U.S. Census), initial training shall be completed no later than February 3, 2003. Each Permittee shall maintain a list of trained employees.

#### **F. Public Agency Activities Program**

Each Permittee shall implement a Public Agency program to minimize storm water pollution impacts from public agency activities. Public Agency requirements consist of:

- Sewage Systems Maintenance, Overflow, and Spill Prevention
- Public Construction Activities Management
- Vehicle Maintenance/Material Storage Facilities/Corporation Yards Management
- Landscape and Recreational Facilities Management

- Storm Drain Operation and Management
  - Streets and Roads Maintenance
  - Parking Facilities Management
  - Public Industrial Activities Management
  - Emergency Procedures
  - Treatment Feasibility Study
1. Sewage System Maintenance, Overflow, and Spill Prevention
    - a) Each Permittee shall implement a response plan for overflows of the sanitary sewer system within their respective jurisdiction, which shall consist at a minimum of the following:
      - (1) Investigation of any complaints received;
      - (2) Upon notification, immediate response to overflows for containment; and
      - (3) Notification to appropriate sewer and public health agencies when a sewer overflows to the MS4.
    - b) In addition to 1.a.1, 1.a.2, and 1.a.3 above, for those Permittees, which own and/or operate a sanitary sewer system, the Permittee shall also implement the following requirements:
      - (1) Procedures to prevent sewage spills or leaks from sewage facilities from entering the MS4; and
      - (2) Identify, repair, and remediate sanitary sewer blockages, exfiltration, overflow, and wet weather overflows from sanitary sewers to the MS4.
  2. Public Construction Activities Management
    - a) Each Permittee shall implement the Development Planning Program requirements (Permit Part 4.D) at public construction projects.
    - b) Each Permittee shall implement the Development Construction Program requirements (Permit Part 4.E) at Permittee owned construction sites.
    - c) Each Permittee shall obtain coverage under the GCASP for public construction sites 5 acres or greater (or part of a larger area of development) except that a municipality under 100,000 in population (1990 U.S. Census) need not obtain coverage under a separate permit until March 10, 2003.
    - d) Each Permittee, no later than March 10, 2003, shall obtain coverage under a statewide general construction storm water permit for public construction sites for projects between one and five acres.

3. Vehicle Maintenance/Material Storage Facilities/Corporation Yards Management
- a) Each Permittee, consistent with the SQMP, shall implement SWPPPs for public vehicle maintenance facilities, material storage facilities, and corporation yards which have the potential to discharge pollutants into storm water.
  - b) Each Permittee shall implement BMPs to minimize pollutant discharges in storm water including but not be limited to:
    - (1) Good housekeeping practices;
    - (2) Material storage control;
    - (3) Vehicle leaks and spill control; and
    - (4) Illicit discharge control.
  - c) Each Permittee shall implement the following measures to prevent the discharge of pollutants to the MS4:
    - (1) For existing facilities, that are not already plumbed to the sanitary sewer, all vehicle and equipment wash areas (except for fire stations) shall either be:
      - (i) Self-contained;
      - (ii) Equipped with a clarifier;
      - (iii) Equipped with an alternative pre-treatment device; or
      - (iv) Plumbed to the sanitary sewer.
    - (2) For new facilities, or during redevelopment of existing facilities (including fire stations), all vehicle and equipment wash areas shall be plumbed to the sanitary sewer and be equipped with a pre-treatment device in accordance with requirements of the sewer agency.
4. Landscape and Recreational Facilities Management
- Each Permittee shall implement the following requirements:
- a) A standardized protocol for the routine and non-routine application of pesticides, herbicides (including pre-emergents), and fertilizers;
  - b) Consistency with State Board's guidelines and monitoring requirements for application of aquatic pesticides to surface waters (WQ Order No. 2001-12 DWQ);
  - c) Ensure no application of pesticides or fertilizers immediately before, during, or immediately after a rain event or when water is flowing off the area to be applied;

- d) Ensure that no banned or unregistered pesticides are stored or applied;
  - e) Ensure that staff applying pesticides are certified by the California Department of Food and Agriculture, or are under the direct supervision of a certified pesticide applicator;
  - f) Implement procedures to encourage retention and planting of native vegetation and to reduce water, fertilizer, and pesticide needs;
  - g) Store fertilizers and pesticides indoors or under cover on paved surfaces or use secondary containment;
  - h) Reduce the use, storage, and handling of hazardous materials to reduce the potential for spills; and
  - i) Regularly inspect storage areas.
5. Storm Drain Operation and Management
- a) Each Permittee shall designate catch basin inlets within its jurisdiction as one of the following:
    - Priority A: Catch basins that are designated as consistently generating the highest volumes of trash and/or debris.
    - Priority B: Catch basins that are designated as consistently generating moderate volumes of trash and/or debris.
    - Priority C: Catch basins that are designated as generating low volumes of trash and/or debris.
  - b) Permittees subject to a trash TMDL (Los Angeles River and Ballona Creek WMAs) shall continue to implement the requirements listed below until trash TMDL implementation measures are adopted. Thereafter, the subject Permittees shall implement programs in conformance with the TMDL implementation schedule, which shall include an effective combination of measures such as street sweeping, catch basin cleaning, installation of treatment devices and trash receptacles, or other BMPs. Default requirements include:
    - (1) Inspection and cleaning of catch basins between May 1 and September 30 of each year;
    - (2) Additional cleaning of any catch basin that is at least 40% full of trash and/or debris;
    - (3) Record keeping of catch basins cleaned; and

- (4) Recording of the overall quantity of catch basin waste collected.

If the implementation phase for the Los Angeles River and Ballona Creek Trash TMDLs has not begun by October 2003, subject Permittees shall implement the requirements described below in subsection 5(c), until such time programs in conformance with the subject Trash TMDLs are being implemented.

- c) Permittees not subject to a trash TMDL shall:

- (1) Clean catch basins according to the following schedule:

Priority A: A minimum of three times during the wet season and once during the dry season every year.

Priority B: A minimum of once during the wet season and once during the dry season every year.

Priority C: A minimum of once per year.

In addition to the schedule above, between February 1, 2002 and July 1, 2003, Permittees shall ensure that any catch basin that is at least 40% full of trash and/or debris shall be cleaned out. After July 1, 2003, Permittees shall ensure that any catch basin that is at least 25% full of trash and debris shall be cleaned out.

- (2) For any special event that can be reasonably expected to generate substantial quantities of trash and litter, include provisions that require for the proper management of trash and litter generated, as a condition of the special use permit issued for that event. At a minimum, the municipality who issues the permit for the special event shall arrange for either temporary screens to be placed on catch basins or for catch basins in that area to be cleaned out subsequent to the event and prior to any rain event.
- (3) Place trash receptacles at all transit stops within its jurisdiction that have shelters no later than August 1, 2002, and at all other transit stops within its jurisdiction no later than February 3, 2003. All trash receptacles shall be maintained as necessary.
- d) Each Permittee shall inspect the legibility of the catch basin stencil or label nearest the inlet. Catch basins with illegible stencils shall be recorded and re-stenciled or re-labeled within 180 days of inspection.
- e) Each Permittee shall implement BMPs for Storm Drain Maintenance that include:

- (1) A program to visually monitor Permittee-owned open channels and other drainage structures for debris at least annually and identify and prioritize problem areas of illicit discharge for regular inspection;
  - (2) A review of current maintenance activities to assure that appropriate storm water BMPs are being utilized to protect water quality;
  - (3) Removal of trash and debris from open channel storm drains shall occur a minimum of once per year before the storm season;
  - (4) Minimize the discharge of contaminants during MS4 maintenance and clean outs; and
  - (5) Proper disposal of material removed.
6. Streets and Roads Maintenance
- a) Each Permittee shall designate streets and/or street segments within its jurisdiction as one of the following:
    - Priority A: Streets and/or street segments that are designated as consistently generating the highest volumes of trash and/or debris.
    - Priority B: Streets and/or street segments that are designated as consistently generating moderate volumes of trash and/or debris.
    - Priority C: Streets and/or street segments that are designated as generating low volumes of trash and/or debris.
  - b) Each Permittee shall perform street sweeping of curbed streets according to the following schedule:
    - Priority A: These streets and/or street segments shall be swept at least two times per month.
    - Priority B: Each Permittee shall ensure that each street and/or street segments is swept at least once per month.
    - Priority C: These streets and/or street segments shall be swept as necessary but in no case less than once per year.
  - c) Each Permittee shall require that:
    - (1) Sawcutting wastes be recovered and disposed of properly and that in no case shall waste be left on a roadway or allowed to enter the storm drain;

- (2) Concrete and other street and road maintenance materials and wastes shall be managed to prevent discharge to the MS4; and
  - (3) The washout of concrete trucks and chutes shall only occur in designated areas and never discharged to storm drains, open ditches, streets, or catch basins.
- d) Each Permittee shall, no later than August 1, 2002, train their employees in targeted positions (whose interactions, jobs, and activities affect storm water quality) regarding the requirements of the storm water management program to:
- (1) Promote a clear understanding of the potential for maintenance activities to pollute storm water; and
  - (2) Identify and select appropriate BMPs.

For Permittees with a population of 250,000 or more (2000 U.S. Census) training shall be completed no later than February 1, 2003.

#### 7. Parking Facilities Management

Permittee-owned parking lots exposed to storm water shall be kept clear of debris and excessive oil buildup and cleaned no less than 2 times per month and/or inspected no less than 2 times per month to determine if cleaning is necessary. In no case shall a Permittee-owned parking lot be cleaned less than once a month.

#### 8. Public Industrial Activities Management

Each Permittee shall, for any municipal activity considered a discharge of storm water associated with industrial activity, obtain separate coverage under the GIASP except that a municipality under 100,000 in population (1990 U.S. Census) need not file the Notice Of Intent to be covered by said permit until March 10, 2003 (with the exception of power plants, airports, and uncontrolled sanitary landfills).

#### 9. Emergency Procedures

Each Permittee shall repair essential public services and infrastructure in a manner to minimize environmental damage in emergency situations such as: earthquakes; fires; floods; landslides; or windstorms. BMPs shall be implemented to the extent that measures do not compromise public health and safety. After initial emergency response or emergency repair activities have been completed, each Permittee shall implement BMPs and programs as required under this Order.

10. Treatment Feasibility Study

The Permittees in cooperation with the County Sanitation Districts of Los Angeles County shall conduct a study to investigate the possible diversion of dry weather discharges or the use of alternative Treatment Control BMPs to treat flows from their jurisdiction which may impact public health and safety and/or the environment. The Permittees shall collectively review their individual prioritized lists and create a watershed based priority list of drains for potential diversion or treatment and submit the priority listing to the Regional Board Executive Officer, no later than July 1, 2003.

**G. Illicit Connections and Illicit Discharges Elimination Program**

Permittees shall eliminate all illicit connections and illicit discharges to the storm drain system, and shall document, track, and report all such cases in accordance with the elements and performance measures specified in the following subsections.

1. General

- a) Implementation: Each Permittee must develop an Implementation Program which specifies how each Permittee is implementing revisions to the IC/ID Program of the SQMP. This Implementation Program must be documented, and available for review and approval by the Regional Board Executive Officer, upon request.
- b) Tracking: All Permittees shall, no later than February 3, 2003, develop and maintain a listing of all permitted connections to their storm drain system. All Permittees shall map at a scale and in a format specified by the Principal Permittee all illicit connections and discharges on their baseline maps, and shall transmit this information to the Principal Permittee. No later than February 3, 2003, the Principal Permittee shall use this information as well as results of baseline and priority screening for illicit connections (as set forth in subsection 2 below) to start an annual evaluation of patterns and trends of illicit connections and illicit discharges, with the objectives of identifying priority areas for elimination of illicit connections and illicit discharges.
- c) Training: All Permittees shall train all targeted employees who are responsible for identification, investigation, termination, cleanup, and reporting of illicit connections and discharges. For Permittees with a population of less than 250,000 (2000 U.S. Census), training shall be completed no later than August 1, 2002. For Permittees with a population of 250,000 or more (2000 U.S. Census), training shall be completed no later than February 3, 2003. Furthermore, all Permittees shall conduct refresher training on an annual basis thereafter.

**2. Illicit Connections****a) Screening for Illicit Connections**

- (1) **Field Screening:** All Permittees shall field Screen the storm drain system for illicit connections in accordance with the following schedule:
  - (i) Open channels: No later than February 3, 2003;
  - (ii) Underground pipes in priority areas: No later than February 1, 2005; and
  - (iii) Underground pipes with a diameter of 36 inches or greater: No later than December 12, 2006.

Permittees shall report, to the Principal Permittee, on the location and length of open channels or underground pipes that have been Screened *vis a vis* the entire storm drain network, and on the status of suspected, confirmed, and terminated illicit connections. Permittees shall maintain a list containing all permitted connections and the status of connections under investigation for possible illicit connection.

- (2) **Permit Screening:** No later than December 12, 2006, Permittees shall complete a review of all permitted connections to the storm drain system, to confirm compliance with Part 1 (Discharge Prohibition).

**b) Response to Illicit Connections**

- (1) **Investigation:** Upon discovery or upon receiving a report of a suspected illicit connection, Permittees shall initiate an investigation within 21 days, to determine the source of the connection, the nature and volume of discharge through the connection, and the responsible party for the connection.
- (2) **Termination:** Upon confirmation of the illicit nature of a storm drain connection, Permittees shall ensure termination of the connection within 180 days, using enforcement authority as needed.

**3. Illicit Discharges**

- a) **Abatement and Cleanup:** Permittees shall respond, within one business day of discovery or a report of a suspected illicit discharge, with activities to abate, contain, and clean up all illicit discharges, including hazardous substances.
- b) **Investigation:** Permittees shall investigate illicit discharges as soon as practicable (during or immediately following containment and cleanup activities), and shall take enforcement action as appropriate.

## Part 5. DEFINITIONS

The following are definitions for terms applicable to this Order:

**"Adverse Impact"** means a detrimental effect upon water quality or beneficial uses caused by a discharge or loading of a pollutant or pollutants.

**"Anti-degradation policies"** means the *Statement of Policy with Respect to Maintaining High Quality Water in California* (State Board Resolution No. 68-16) which protects surface and ground waters from degradation. In particular, this policy protects waterbodies where existing quality is higher than that necessary for the protection of beneficial uses including the protection of fish and wildlife propagation and recreation on and in the water.

**"Applicable Standards and Limitations"** means all State, interstate, and federal standards and limitations to which a "discharge" or a related activity is subject under the CWA, including "effluent limitations, "water quality standards, standards of performance, toxic effluent standards or prohibitions, "best management practices," and pretreatment standards under sections 301, 302, 303, 304, 306, 307, 308, 403 and 404 of CWA.

**"Areas of Special Biological Significance (ASBS)"** means all those areas of this state as ASBS, listed specifically within the California Ocean Plan or so designated by the State Board which, among other areas, includes the area from Mugu Lagoon to Latigo Point: Oceanwater within a line originating from Laguna Point at 34° 5' 40" north, 119° 6'30" west, thence southeasterly following the mean high tideline to a point at Latigo Point defined by the intersection of the meanhigh tide line and a line extending due south of Benchmark 24; thence due south to a distance of 1000 feet offshore or to the 100 foot isobath, whichever distance is greater; thence northwesterly following the 100 foot isobath or maintaining a 1,000-foot distance from shore, whichever maintains the greater distance from shore, to a point lying due south of Laguna Point, thence due north to Laguna Point.

**"Authorized Discharge"** means any discharge that is authorized pursuant to an NPDES permit or meets the conditions set forth in this Order.

**"Automotive Service Facilities"** means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 5511, 7532-7534, or 7536-7539. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to storm water.

**"Basin Plan"** means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Board on June 13, 1994 and subsequent amendments.

**"Beneficial Uses"** means the existing or potential uses of receiving waters in the permit area as designated by the Regional Board in the Basin Plan.

**"Best Management Practices (BMPs)"** means methods, measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and nonpoint source discharges including storm water. BMPs include structural and nonstructural controls, and operation and maintenance procedures, which can be applied before, during, and/or after pollution producing activities.

**"Commercial Development"** means any development on private land that is not heavy industrial or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.

**"Construction"** means constructing, clearing, grading, or excavation that results in soil disturbance. Construction includes structure teardown. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility; emergency construction activities required to immediately protect public health and safety; interior remodeling with no outside exposure of construction material or construction waste to storm water; mechanical permit work; or sign permit work.

**"Control"** means to minimize, reduce, eliminate, or prohibit by technological, legal, contractual or other means, the discharge of pollutants from an activity or activities.

**"Dechlorinated/Debrominated Swimming Pool Discharge"** means swimming pool discharges which have no measurable chlorine or bromine and do not contain any detergents, wastes, or additional chemicals not typically found in swimming pool water. The term does not include swimming pool filter backwash.

**"Development"** means any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

**"Directly Adjacent"** means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area.

**"Director"** means the Director of a municipality and Person(s) designated by and under the Director's instruction and supervision.

**"Discharge"** means when used without qualification the "discharge of a pollutant."

**“Discharging Directly”** means outflow from a drainage conveyance system that is composed entirely or predominantly of flows from the subject, property, development, subdivision, or industrial facility, and not commingled with the flows from adjacent lands.

**“Discharge of a Pollutant”** means: any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source” or, any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. The term discharge includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

**“Disturbed Area”** means an area that is altered as a result of clearing, grading, and/or excavation.

**“Dry Weather”** means those days with less than 0.1 inch of rainfall, and occurring more than three days after a Rain Day.

**“Environmentally Sensitive Areas (ESAs)”** means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments (California Public Resources Code § 30107.5). Areas subject to storm water mitigation requirements are: areas designated as Significant Ecological Areas by the County of Los Angeles (*Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning (1976)* and amendments); an area designated as a Significant Natural Area by the California Department of Fish and Game’s Significant Natural Areas Program, provided that area has been field verified by the Department of Fish and Game; an area listed in the Basin Plan as supporting the “Rare, Threatened, or Endangered Species (RARE)” beneficial use; and an area identified by a Permittee as environmentally sensitive.

**“General Construction Activities Storm Water Permit (GCASP)”** means the general NPDES permit adopted by the State Board which authorizes the discharge of storm water from construction activities under certain conditions.

**“General Industrial Activities Storm Water Permit (GIASP)”** means the general NPDES permit adopted by the State Board which authorizes the discharge of storm water from certain industrial activities under certain conditions.

**“Hillside”** means property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes.

**“Illicit Connection”** means any man-made conveyance that is connected to the storm drain system without a permit, excluding roof drains and other similar type connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.

**"Illicit Discharge"** means any discharge to the storm drain system that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes all non storm-water discharges except discharges pursuant to an NPDES permit, discharges that are identified in Part 1, "Discharge Prohibitions" of this order, and discharges authorized by the Regional Board Executive Officer.

**"Illicit Disposal"** means any disposal, either intentionally or unintentionally, of material(s) or waste(s) that can pollute storm water.

**"Industrial/Commercial Facility"** means any facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing professional and non-professional services. This category of facilities includes, but is not limited to, any facility defined by the Standard Industrial Classifications (SIC). Facility ownership (federal, state, municipal, private) and profit motive of the facility are not factors in this definition.

**"Infiltration"** means the downward entry of water into the surface of the soil.

**"Inspection"** means entry and the conduct of an on-site review of a facility and its operations, at reasonable times, to determine compliance with specific municipal or other legal requirements. The steps involved in performing an inspection, include, but are not limited to:

1. Pre-inspection documentation research.;
2. Request for entry;
3. Interview of facility personnel;
4. Facility walk-through.
5. Visual observation of the condition of facility premises;
6. Examination and copying of records as required;
7. Sample collection (if necessary or required);
8. Exit conference (to discuss preliminary evaluation); and,
9. Report preparation, and if appropriate, recommendations for coming into compliance.

In the case of restaurants, a Permittee may conduct an inspection from the curbside, provided that such "curbside" inspection provides the Permittee with adequate information to determine an operator's compliance with BMPs that must be implemented per requirements of this Order, Regional Board Resolution 98-08, County and municipal ordinances, and the SQMP.

**"Large Municipal Separate Storm Sewer System (MS4)"** means all MS4s that serve a population greater than 250,000 (1990 Census) as defined in 40 CFR 122.26 (b)(4). The Regional Board designated Los Angeles County as a large MS4 in 1990, based on: (i) the U.S. Census Bureau 1990 population count of 8.9 million, and (ii) the interconnectivity of the MS4s in the incorporated and unincorporated areas within the County.

**"Local SWPPP"** means the Storm Water Pollution Prevention Plan required by the local agency for a project that disturbs one or more acres of land.

**"Maximum Extent Practicable (MEP)"** means the standard for implementation of storm water management programs to reduce pollutants in storm water. CWA § 402(p)(3)(B)(iii) requires

that municipal permits "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. See also State Board Order WQ 2000-11 at page 20.

**"Method Detection Limit (MDL)"** means the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in 40 CFR 136, Appendix B.

**"Minimum Level (ML)"** means the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

**"Municipal Separate Storm Sewer System (MS4)"** means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, alleys, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned by a State, city, county, town or other public body, that is designed or used for collecting or conveying storm water, which is not a combined sewer, and which is not part of a publicly owned treatment works, and which discharges to Waters of the United States.

**"National Pollutant Discharge Elimination System (NPDES)"** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §307, 402, 318, and 405. The term includes an "approved program."

**"Natural Drainage Systems"** means unlined or unimproved (not engineered) creeks, streams, rivers or similar waterways.

**"New Development"** means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.

**"Non-Storm Water Discharge"** means any discharge to a storm drain that is not composed entirely of storm water.

**"Nuisance"** means anything that meets all of the following requirements: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.; (3) occurs during, or as a result of, the treatment or disposal of wastes.

**"Parking Lot"** means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces.

**"Permittee(s)"** means Co-Permittees and any agency named in this Order as being responsible for permit conditions within its jurisdiction. Permittees to this Order include the Los Angeles County Flood Control District, Los Angeles County, and the cities of Agoura Hills, Alhambra, Arcadia, Artesia, Azusa, Baldwin Park, Bellflower, Bell Gardens, Beverly Hills, Bradbury, Burbank, Calabasas, Carson, Cerritos, Claremont, Commerce, Compton, Covina, Cudahy, Culver City, Diamond Bar, Downey, Duarte, El Monte, El Segundo, Gardena, Glendale, Glendora, Hawaiian Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Industry, Inglewood, Irwindale, La Canada Flintridge, La Habra Heights, Lakewood, La Mirada, La Puente, La Verne, Lawndale, Lomita, Los Angeles, Lynwood, Malibu, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Norwalk, Palos Verdes Estates, Paramount, Pasadena, Pico Rivera, Pomona, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Rosemead, San Dimas, San Fernando, San Gabriel, San Marino, Santa Clarita, Santa Fe Springs, Santa Monica, Sierra Madre, Signal Hill, South El Monte, South Gate, South Pasadena, Temple City, Torrance, Vernon, Walnut, West Covina, West Hollywood, Westlake Village, and Whittier.

**"Planning Priority Projects"** means those projects that are required to incorporate appropriate storm water mitigation measures into the design plan for their respective project. These types of projects include:

1. Ten or more unit homes (includes single family homes, multifamily homes, condominiums, and apartments)
2. A 100,000 or more square feet of impervious surface area industrial/commercial development (1 ac starting March 2003)
3. Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534, and 7536-7539)
4. Retail gasoline outlets
5. Restaurants (SIC 5812)
6. Parking lots 5,000 square feet or more of surface area or with 25 or more parking spaces
7. Redevelopment projects in subject categories that meet Redevelopment thresholds
8. Projects located in or directly adjacent to or discharging directly to an ESA, which meet thresholds; and
9. Those projects that require the implementation of a site-specific plan to mitigate post-development storm water for new development not requiring a SUSMP but which may potentially have adverse impacts on post-development storm water quality, where the following project characteristics exist:

- a) Vehicle or equipment fueling areas;
- b) Vehicle or equipment maintenance areas, including washing and repair;
- c) Commercial or industrial waste handling or storage;
- d) Outdoor handling or storage of hazardous materials;
- e) Outdoor manufacturing areas;
- f) Outdoor food handling or processing;
- g) Outdoor animal care, confinement, or slaughter; or
- h) Outdoor horticulture activities.

**"Pollutants"** means those "pollutants" defined in CWA §502(6) (33.U.S.C. §1362(6)), and incorporated by reference into California Water Code §13373.

**"Potable Water Distribution Systems Releases"** means sources of flows from drinking water storage, supply and distribution systems including flows from system failures, pressure releases, system maintenance, distribution line testing, fire hydrant flow testing; and flushing and dewatering of pipes, reservoirs, vaults, and minor non-invasive well maintenance activities not involving chemical addition(s). It does not include wastewater discharges from activities that occur at wellheads, such as well construction, well development (i.e., aquifer pumping tests, well purging, etc.), or major well maintenance.

**"Project"** means all development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code §21065).

**"Rain Days"** are those days with greater than or equal to 0.1 inch of rainfall.

**"Rain Event"** means any rain event greater than 0.1 inch in 24 hours except where specifically stated otherwise.

**"Rare, Threatened, or Endangered Species (RARE)"** means a beneficial use for waterbodies in the Los Angeles Region, as designated in the Basin Plan (Table 2-1), that supports habitats necessary, at least in part, for the survival and successful maintenance of plant or animal species established under state or federal law as rare, threatened, or endangered.

**"Receiving Waters"** means all surface water bodies in the Los Angeles Region that are identified in the Basin Plan.

**"Redevelopment"** means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

**"Regional Administrator"** means the Regional Administrator of the Regional Office of the USEPA or the authorized representative of the Regional Administrator.

**"Restaurant"** means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812).

**"Retail Gasoline Outlet"** means any facility engaged in selling gasoline and lubricating oils.

**"Runoff"** means any runoff including storm water and dry weather flows from a drainage area that reaches a receiving water body or subsurface. During dry weather it is typically comprised of base flow either contaminated with pollutants or uncontaminated, and nuisance flows.

**"Screening"** means using proactive methods to identify illicit connections through a continuously narrowing process. The methods may include: performing baseline monitoring of open channels, conducting special investigations using a prioritization approach, analyzing maintenance records for catch basin and storm drain cleaning and operation, and verifying all permitted connections into the storm drains. Special investigation techniques may include: dye testing, visual inspection, smoke testing, flow monitoring, infrared, aerial and thermal photography, and remote control camera operation.

**"Sidewalk Rinsing"** means pressure washing of paved pedestrian walkways with average water usage of 0.006 gallons per square foot, with no cleaning agents, and properly disposing of all debris collected, as authorized under Regional Board Resolution No. 98-08.

**"Significant Ecological Area (SEA)"** means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan.<sup>6</sup>

Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species.
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.
3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.
6. Areas important as game species habitat or as fisheries.
7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.

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<sup>6</sup> The 61 existing SEAs represent the findings of a study that was completed in 1976 by England and Nelson, Environmental Consultants, as amended through the adoption of a revised Los Angeles County General Plan in 1980. The results of an update study to evaluate existing SEAs within unincorporated Los Angeles County is currently being proposed to the Los Angeles County Planning Commission (*Los Angeles County Significant Ecological Area Update Study 2000, Background Report*, PCR Services Corporation). The *Update Study 2000*, which contains existing and proposed SEA boundaries, can be downloaded from the Los Angeles County Department of Planning website at [http://planning.co.la.ca.us/drp\\_rev.html#SEA](http://planning.co.la.ca.us/drp_rev.html#SEA)

8. Special areas.<sup>7</sup>

**"Significant Natural Area (SNA)"** means an area defined by the California Department of Fish and Game (DFG), Significant Natural Areas Program, as an area that contains an important example of California's biological diversity. The most current SNA maps, reports, and descriptions can be downloaded from the DFG website at <ftp://maphost.dfg.ca.gov/outgoing/whdab/sna/>. These areas are identified using the following biological criteria only, irrespective of any administrative or jurisdictional considerations:

1. Areas supporting extremely rare species or habitats.
2. Areas supporting associations or concentrations of rare species or habitats.
3. Areas exhibiting the best examples of rare species and habitats in the state.

**"Site"** means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

**"Source Control BMP"** means any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices or operational practices that aim to prevent storm water pollution by reducing the potential for contamination at the source of pollution.

**"SQMP"** means the Los Angeles Countywide Stormwater Quality Management Program.

**"State Storm Water Pollution Prevention Plan (State SWPPP)"** means a plan, as required by a State General Permit, identifying potential pollutant sources and describing the design, placement and implementation of BMPs, to effectively prevent non-stormwater Discharges and reduce Pollutants in Stormwater Discharges during activities covered by the General Permit.

**"Storm Water"** means storm water runoff, snow melt runoff, and surface runoff and drainage.

**"Storm Water Discharge Associated with Industrial Activity"** means industrial discharge as defined in 40 CFR 122.26(b)(14)

**"Stormwater Quality Management Program"** means the Los Angeles Countywide Stormwater Quality Management Program, which includes descriptions of programs, collectively developed by the Permittees in accordance with provisions of the NPDES Permit, to comply with applicable federal and state law, as the same is amended from time to time.

**"Structural BMP"** means any structural facility designed and constructed to mitigate the adverse impacts of storm water and urban runoff pollution (e.g. canopy, structural enclosure). The category may include both Treatment Control BMPs and Source Control BMPs.

**"Summer Dry Weather"** means Dry Weather days occurring from April 1 through October 31 of each year.

**"SUSMP"** means the Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP shall address conditions and requirements of new development.

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<sup>7</sup> These criteria from the 1976 study have been modified in the *Update Study 2000*.

**"Total Maximum Daily Load (TMDL)"** means the sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background.

**"Toxicity Identification Evaluation (TIE)"** means a set of procedures to identify the specific chemical(s) responsible for toxicity. These procedures are performed in three phases (characterization, identification, and confirmation) using aquatic organism toxicity tests.

**"Toxicity Reduction Evaluation (TRE)"** means a study conducted in a step-wise process to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity.

**"Treatment"** means the application of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media absorption, biodegradation, biological uptake, chemical oxidation and UV radiation.

**"Treatment Control BMP"** means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media absorption or any other physical, biological, or chemical process.

**"USEPA Phase I Facilities"** means facilities in specified industrial categories that are required to obtain an NPDES permit for storm water discharges, as required by 40 CFR 122.26(c). These categories include:

- i. facilities subject to storm water effluent limitation guidelines, new source performance standards, or toxic pollutant effluent standards (40 CFR N)
- ii. manufacturing facilities
- iii. oil and gas/mining facilities
- iv. hazardous waste treatment, storage, or disposal facilities
- v. landfills, land application sites, and open dumps
- vi. recycling facilities
- vii. steam electric power generating facilities
- viii. transportation facilities
- ix. sewage or wastewater treatment works
- x. light manufacturing facilities

**"Vehicle Maintenance/Material Storage Facilities/Corporation Yards"** means any Permittee owned or operated facility or portion thereof that:

- i. Conducts industrial activity, operates equipment, handles materials, and provides services similar to Federal Phase I facilities;
- ii. Performs fleet vehicle service/maintenance on ten or more vehicles per day including repair, maintenance, washing, and fueling;
- iii. Performs maintenance and/or repair of heavy industrial machinery/equipment ; and
- iv. Stores chemicals, raw materials, or waste materials in quantities that require a hazardous materials business plan or a Spill Prevention, Control , and Counter-measures (SPCC) plan.

**"Water Quality Standards and Water Quality Objectives"** means water quality criteria contained in the Basin Plan, the California Ocean Plan, the National Toxics Rule, the California

Toxics Rule, and other state or federally approved surface water quality plans. Such plans are used by the Regional Board to regulate all discharges, including storm water discharges.

**“Waters of the State”** means any surface water or groundwater, including saline waters, within boundaries of the state.

**“Waters of the United States” or “Waters of the U.S.”** means:

- a. All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- b. All interstate waters, including interstate “wetlands”;
- c. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, “wetlands,” sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  1. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
  2. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  3. Which are used or could be used for industrial purposes by industries in interstate commerce;
- d. All impoundments of waters otherwise defined as waters of the United States under this definition;
- e. Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- f. The territorial sea; and
- g. “Wetlands” adjacent to waters (other than waters that are themselves wetlands) identified in paragraph (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.22(m), which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to man-made bodies of water, which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area’s status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with USEPA.

**“Wave Wash”** means the point at which a storm drain or creek empties and the effluent from the storm drain initially mixes with the receiving ocean water.

**“Wet Season”** means the calendar period beginning October 1 through April 15.

## Part 6. STANDARD PROVISIONS

### A. Standard Requirements

1. Each Permittee shall comply with all provisions and requirements of this permit.
2. Should a Permittee discover a failure to submit any relevant facts or that it submitted incorrect information in a report, it shall promptly submit the missing or correct information.
3. Each Permittee shall report all instances of non-compliance not otherwise reported at the time monitoring reports are submitted.
4. This Order includes the attached Monitoring and Reporting Program, and SUSMP(Regional Board Resolution No. R00-02), which are a part of the permit and must be complied with in the same manner as with the rest of the requirements in the permit.

### B. Regional Board Review

Any formal determination or approval made by the Regional Board Executive Officer pursuant to the provisions of this Order may be reviewed by the Regional Board. A Permittee(s) or a member of the public may request such review upon petition within 30 days of the effective date of the notification of such decision to the Permittee(s) and interested parties on file at the Regional Board.

### C. Public Review

1. All documents submitted to the Regional Board in compliance with the terms and conditions of this Order shall be made available to members of the public pursuant to the Freedom of Information Act (5 U.S.C. § 552 (as amended) and the Public Records Act (Cal. Government Code § 6250 *et seq.*).
2. All documents submitted to the Regional Board Executive Officer for approval shall be made available to the public for a 30-day period to allow for public comment.

### D. Duty to Comply

1. Each Permittee must comply with all of the terms, requirements, and conditions of this Order. Any violation of this order constitutes a violation of the Clean Water Act, its regulations and the California Water Code, and is grounds for enforcement action, Order termination, Order revocation and reissuance, denial of an application for reissuance; or a combination thereof [40 CFR 122.41(a), CWC § 13261, 13263, 13265, 13268, 13300, 13301, 13304, 13340, 13350].
2. A copy of these waste discharge specifications shall be maintained by each Permittee so as to be available during normal business hours to Permittee employees and members of the public.

3. Any discharge of wastes at any point(s) other than specifically described in this Order is prohibited, and constitutes a violation of the Order.

**E. Duty to Mitigate [40 CFR 122.41 (d)]**

Each Permittee shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.

**F. Inspection and Entry [40 CFR 122.41(i), CWC § 13267]**

The Regional Board, USEPA, and other authorized representatives shall be allowed:

1. Entry upon premises where a regulated facility is located or conducted, or where records are kept under conditions of this Order;
2. Access to copy any records, at reasonable times, that are kept under the conditions of this Order;
3. To inspect at reasonable times any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and,
4. To photograph, sample, and monitor at reasonable times for the purpose of assuring compliance with this Order, or as otherwise authorized by the CWA and the CWC.

**G. Proper Operation and Maintenance [40 CFR 122.41 (e), CWC § 13263(f)]**

The Permittees shall at all times properly operate and maintain all facilities and systems of treatment (and related appurtenances) that are installed or used by the Permittees to achieve compliance with this Order. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar system that are installed by a Permittee only when necessary to achieve compliance with the conditions of this Order.

**H. Signatory Requirements [40 CFR 122.41(k) & 122.22]**

Except as otherwise provided in this Order, all applications, reports, or information submitted to the Regional Board shall be signed by the Director of Public Works, City Engineer, or authorized designee and certified as set forth in 40 CFR 122.22.

**I. Reopener and Modification [40 CFR 122.41(f) & 122.62]**

1. This Order may only be modified, revoked, or reissued, prior to the expiration date, by the Regional Board, in accordance with the procedural requirements of the CWC and CCR Title 23 for the issuance of waste

discharge requirements, 40 CFR 122.62, and upon prior notice and hearing, to:

- a) Address changed conditions identified in the required reports or other sources deemed significant by the Regional Board;
  - b) Incorporate applicable requirements or statewide water quality control plans adopted by the State Board or amendments to the Basin Plan;
  - c) Comply with any applicable requirements, guidelines, and/or regulations issued or approved pursuant to CWA Section 402(p); and/or,
  - d) Consider any other federal, or state laws or regulations that became effective after adoption of this Order.
2. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:
- a) Violation of any term or condition contained in this Order;
  - b) Obtaining this Order by misrepresentation, or failure to disclose all relevant facts; or,
  - c) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
3. The filing of a request by the Principal Permittee or Permittees for a modification, revocation and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
4. This Order may be modified to make corrections or allowances for changes in the permitted activity listed in this section, following the procedures at 40 CFR 122.63, if processed as a minor modification. Minor modifications may only:
- a) Correct typographical errors, or
  - b) Require more frequent monitoring or reporting by the Permittee.

**J. Severability**

The provisions of this permit are severable; and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected.

**K. Duty to Provide Information [40 CFR 122.41(h)]**

The Permittees shall furnish, within a reasonable time, any information the Regional Board or USEPA may request to determine whether cause exists for

modifying, revoking and reissuing, or terminating this Order. The Permittees shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.

**L. Twenty-four Hour Reporting [40 CFR 122.41(I)(6)]<sup>8</sup>**

1. The Permittees shall report to the Regional Board any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time any Permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
2. The Regional Board may waive the required written report on a case-by-case basis.

**M. Bypass [40 CFR 122.41(m)]<sup>9</sup>**

Bypass (the intentional diversion of waste streams from any portion of a treatment facility) is prohibited. The Regional Board may take enforcement action against Permittees for bypass unless:

1. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage. (Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.);
2. There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that could occur during normal periods of equipment downtime or preventive maintenance;
3. The Permittee submitted a notice at least ten days in advance of the need for a bypass to the Regional Board; or,
4. Permittees may allow a bypass to occur that does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to

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<sup>8</sup> This provision applies to incidents where effluent limitations (numerical or narrative) as provided in this Order or in the Los Angeles County SQMP are exceeded, and which endanger public health or the environment.

<sup>9</sup> This provision applies to the operation and maintenance of storm water controls and BMPs as provided in this Order or in the SQMP.

assure efficient operation. In such a case, the above bypass conditions are not applicable. The Permittee shall submit notice of an unanticipated bypass as required.

**N. Upset [40 CFR 122.41(n)]<sup>10</sup>**

*Upset* means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

1. A Permittee that wishes to establish the affirmative defense of an upset in an action brought for non compliance shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a) An upset occurred and that the Permittee can identify the cause(s) of the upset;
  - b) The permitted facility was being properly operated by the time of the upset;
  - c) The Permittee submitted notice of the upset as required; and,
  - d) The Permittee complied with any remedial measures required.
2. No determination made before an action for noncompliance, such as during administrative review of claims that non-compliance was caused by an upset, is final administrative action subject to judicial review.
3. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

**O. Property Rights [40 CFR 122.41(g)]**

This Order does not convey any property rights of any sort, or any exclusive privilege.

**P. Enforcement**

1. Violation of any of the provisions of the NPDES permit or any of the provisions of this Order may subject the violator to any of the penalties described herein, or any combination thereof, at the discretion of the prosecuting authority; except that only one kind of penalties may be applied for each kind of violation. The CWA provides the following:
  - a) Criminal Penalties for:

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<sup>10</sup> *Supra.* See footnote number 3.

## (1) Negligent Violations:

The CWA provides that any person who negligently violates permit conditions implementing § 301, 302, 306, 307, 308, 318, or 405 is subject to a fine of not less than \$2,500 nor more than \$25,000 per day for each violation, or by imprisonment for not more than 1 year, or both.

## (2) Knowing Violations:

The CWA provides that any person who knowingly violates permit conditions implementing § 301, 302, 306, 307, 308, 318, or 405 is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

## (3) Knowing Endangerment:

The CWA provides that any person who knowingly violates permit conditions implementing § 301, 302, 307, 308, 318, or 405 and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both.

## (4) False Statement:

The CWA provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both. (See CWA § 309(c)(4))

## b) Civil Penalties

The CWA provides that any person who violates a permit condition implementing § 301, 302, 306, 307, 308, 318, or 405 is subject to a civil penalty not to exceed \$27,500 per day for each violation.

2. The CWC provides that any person who violates a waste discharge requirement provision of the CWC is subject to civil penalties of up to \$5,000 per day, \$10,000 per day, or \$25,000 per day of violation; or when the violation involves the discharge of pollutants, is subject to civil penalties of up to \$10 per gallon per day or \$25 per gallon per day of violation; or some combination thereof, depending on the violation or combination of violations.

**Q. Need to Halt or Reduce Activity not a Defense [40 CFR 122.41(c)]**

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order.

**R. Rescission**

Regional Board Order No. 96-054 is hereby rescinded.

**S. Expiration**

This Order expires on December 12, 2006. The Permittees must submit a Report of Waste Discharges and a proposed Storm Water Quality Management Program in accordance with CCR Title 23 as application for reissuance of waste discharge requirements no later than June 12, 2006.

I, Dennis A. Dickerson, Regional Board Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on December 13, 2001.

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Dennis A. Dickerson  
Executive Officer

**EXHIBIT 6**



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

# Air Resources Board

**Mary D. Nichols, Chairman**  
1001 I Street • P.O. Box 2038  
Sacramento, California 95812 • [www.arb.ca.gov](http://www.arb.ca.gov)



**Edmund G. Brown Jr.**  
Governor

## Statewide Portable Equipment Registration

**Registration No: 115059**

**Legal Owner or Operator:** California-American Water Co.

**Mailing Address:** 8657 Grand Ave.  
Rosemead, CA 91770

**Engine Description:**

**Certified portable internal combustion engine, compression ignition, Perkins, model 1006-6T, Serial No: YB50604\*U767278H, rated at 166 bhp and diesel fueled.**

**U.S. EPA Engine Family Name:** 1PKXL05.9YH1

**Conditions:** see attached - (for emergency-use only)

**Home District:** South Coast Air Quality Management District

**Engine Inspection Discount:** No inspection discount claimed

**Expiration Date: August 31, 2014**

**Michael J. Tollstrup**  
Chief, Project Assessment Branch  
Stationary Source Division



*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.*

**California Environmental Protection Agency**

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## Statewide Portable Equipment Registration

**The following operating conditions apply for registration #115059**

Engine Serial # : YB50604\*U767278H

### General Requirements

1. This engine shall only be operated during an “emergency” or an “emergency event” as defined in Title 17 of the California Code of Regulations Section 93116.2(a)(11) and (12), including any appropriate maintenance and testing.
2. The engine shall be properly maintained and kept in good operating condition at all times.
3. The registration identification sticker shall be affixed in a visible location on the registered portable engine at all times. The metal placard shall be securely affixed on a vertical surface of the portable engine in a location that is readily visible from a distance. A legible copy of the registration certificate and operating conditions shall be kept on site with the portable engine and shall be made accessible to the Air Resources Board or district representative upon request.
4. Engine fuel shall meet standards for California motor vehicle fuels as set forth in Chapter 5, Division 3, Title 13, of the California Code of Regulations, or shall have been verified through the In-Use Strategies to Control Emissions From Diesel Engines verification procedure per Title 13 of the California Code of Regulations commencing with section 2700.
5. The engine and any replacement engine shall not reside at the same location for more than 12 consecutive months.
6. The operation of this engine shall not cause a public nuisance.
7. The engine shall be equipped with operational and properly maintained non-resettable hour time meter.
8. For each rental engine or an engine used in a third party rental transaction, the owner shall provide each person who rents the portable engine with a copy of the registration certificate, including operating conditions, as part of the rental agreement.
9. The operator of a portable engine or equipment unit shall obtain district authorization prior to operation at any specific location where the Statewide registration is not valid.
10. This registration is not valid for operation of generators used to provide power into the grid, except during an emergency event or other unforeseen event that affects grid stability.
11. This registration is not valid for operation of generators used to provide primary or supplemental power to a building, facility, stationary source, or stationary equipment except during the following scenarios: unforeseen interruptions of power from the serving utility; maintenance and repair operations; and electrical upgrade operations that do not exceed 60 calendar days.
12. This registration is not valid for operation within the boundaries of the California Outer Continental Shelf and State Territorial Waters.
13. The portable engine shall not be operated under both statewide registration and a district permit at any specific location.

**The following operating conditions apply for registration # 115059**  
Engine Serial # : YB50604\*U767278H

14. This registration is not valid for operation of an engine that powers an equipment unit that has been determined by the Air Resources Board to qualify as part of a stationary source permitted by a district.
15. Except for engines owned by a rental business, the owner/operator of this engine shall contact the local air district prior to operation at an agricultural source.
16. For each rental engine or an engine used in a third party rental transaction, a written copy of the rental agreement or a completed Form 10 must be kept onsite at all times.

**Emission Limitations**

17. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than 3 minutes in any one hour which is as dark or darker than Ringelmann 1 or equivalent to 20% opacity.

**Recordkeeping**

18. For a rental engine or an engine that is part of a third party rental transaction, the rental business shall provide a written log for recordkeeping purposes which is to be kept with the rental engine at all times. The rental business shall keep records of the registration number of the engine; date of the start and end of the rental transaction; and written (signed) acknowledgment by each renter of having received the registration certificate and operating conditions. The written log shall be maintained on an annual basis and previous annual logs shall be maintained at a central location for a minimum of five years, and made accessible to the Air Resources Board or districts upon request.
19. While the engine is out on rent, the rental customer shall record no less than once a month the specific location of the engine (i.e. street address and city; or county and UTM coordinates; or other location indicator) in the written log provided by the owner.
20. For non-rental engines, the operator shall record the registration number and specific location of the engine (i.e. street address and city; or county and UTM coordinates; or other location indicator) no less than once a month.
21. All records shall be maintained at a central place of business for a minimum of five years, and made accessible to the Air Resources Board or district representative upon request.

**The following operating conditions apply for registration # 115059**  
Engine Serial # : YB50604\*U767278H

**Reporting & Notification**

22. When this engine is sold, the new owner shall submit a change of ownership application within 30 days of the change in ownership. If an application is not received within 30 days of the ownership change, the existing registration is not valid for the new owner until the application has been filed and all applicable fees have been paid.
23. The owner of a registered portable engine shall notify the Executive Officer in writing within five days of replacing the registered portable engine with an identical replacement. The notification shall include company name, the responsible official, phone number, registration number, make, model, rated brake horsepower, and serial number of the identical replacement, description of the mechanical breakdown, and applicable fees.
24. Within 5 days of a rental transaction exceeding 9 months in duration, a rental business or the owner of a registered engine involved in a third party rental shall submit written notification of the rental transaction to the district in which the rental business is located. The notification shall include the engine registration number, the rental customer telephone number and mailing address, and estimated location of the registered engine.

**Fleet Average Requirements**

25. By January 1, 2020, this engine shall be equipped with a properly functioning level-3 verified technology as defined in Title 13 of the California Code of Regulations Section 93116.2, equipped with emission control strategies that have been verified together to achieve at least 85% reduction in diesel PM emissions, or shall be replaced with an engine that is certified to meet the Tier 4 emission standards.
26. Except for low-use engines and engines used exclusively in emergency applications, for engines less than 175 bhp, a weighted fleet average PM emission factor of 0.3 g/bhp-hr shall be met by **January 1, 2013**, 0.18 g/bhp-hr shall be met by **January 1, 2017**, and 0.04 g/bhp-hr shall be met by **January 1, 2020**. Changes in the fleet, including engine additions and deletions, shall not result in noncompliance with this standard.
27. The weighted fleet average PM emission factor shall be calculated by taking the summation of the emission factor for each engine in the fleet multiplied by the bhp rating for each engine and then dividing that summation by the summation of the bhp ratings for all the engines in the fleet.

**The following operating conditions apply for registration # 115059**  
Engine Serial # : YB50604\*U767278H

28. The weighted fleet average PM emission factor calculation shall use the test results from nonroad emission standard certification, test results from a verified emission control strategy as defined in Title 13 of the California Code of Regulations Section 93116.2, or the test results from a SCR system. All test results shall be made available to the Air Resources Board upon request.
29. Where equipment uses grid power for more than 200 hours in lieu of operating a portable diesel engine for a given project, the time period grid power is used may be used to reduce each affected engine's emission factor. The emission factor for each affected portable engine shall be reduced proportionally by the percentage of time the equipment uses grid power.
30. The weighted fleet average PM emission factor shall include all portable engines, including those permitted or registered with a local air district, that are owned and managed by an individual operational entity, such as a business, business unit within a corporation, or individual city or state department under the control of a Responsible Official. Engines that are owned by different business entities that are under the common control of only one Responsible Official shall be treated as a single fleet.
31. If certified non-diesel fueled engines are part of your fleet and have been operating 100 or more hours, they may be included toward determining compliance with the applicable fleet emission standards. A diesel PM emission rate of zero shall be used in the fleet calculations for these engines. If the engine was added to the fleet prior to January 1, 2009 , it may be counted twice in the company's fleet average determination toward compliance with the 2013 and 2017 fleet emission standards.
32. Portable diesel-fueled engines certified to Tier 4 nonroad engine standards that are added to a fleet prior to January 1, 2015, may be counted twice in the company's fleet average determination toward compliance with the 2013 and 2017 fleet emission standards.

**Fleet Recordkeeping**

33. Starting January 1, 2012, the responsible official of a fleet shall keep records of annual operating hours for non-diesel fueled portable engines used as part of a company's fleet average, engines affected by the use of electrification, low-use engines, and engines used exclusively in emergency applications.
34. All records pertaining to the fleet average shall be maintained at a central place of business for a minimum of five years, and made accessible to the Air Resources Board or district representative upon request.

**The following operating conditions apply for registration # 115059**  
Engine Serial # : YB50604\*U767278H

**Fleet Reporting and Notification**

35. The Responsible Official of a fleet shall submit to the Air Resources Board by March 1, 2013, March 1, 2017, and March 1, 2020 a signed statement of compliance that the fleet standards are being achieved. The Statement of compliance shall include for each engine in the fleet: make, model, serial number, fuel type, PM emission factor (g/bhp-hr), and district permit or State registration number. If compliance with the fleet average includes the use of electrification, the Responsible Official shall provide documentation supporting the credit claimed for electrification.
36. As part of each statement of compliance, the Responsible Official shall, if applicable, certify that all alternative-fueled engines included in the fleet average operated at least 100 hours during the previous 12 months prior to the fleet emission standard becoming effective, for all engines exclusively used in emergency applications, the engines were used only for emergency applications, for all engines using the low-use designation, the engines operated no more than 80 hours for the reporting period, and for all portable diesel-fueled engines equipped with SCR, the engine complies with applicable district or Statewide Portable Equipment Registration Program requirements.
37. The Responsible Official of a fleet electing to use electrification in determining the fleet average shall notify prior to the start of the project the Executive Officer of the dates, location of the project, and make, model, serial number, district permit or State registration number of the affected engines. In addition, the notification shall clearly identify the electrification activity, including indicating the amount of electricity used and the time period for the project.

**Inspection Requirements**

38. Within 45 days after initial issuance or renewal of a registration, the owner or operator shall contact the home district to arrange for inspection to be completed within one year of the initial registration or renewal date. If the engine is operating in a district other than the home district, the owner or operator may request the home district to arrange an inspection by that other district.
39. For the purposes of scheduling inspections of multiple engines in order to qualify for an inspection fee discount, the owner or operator shall submit, within 45 days of initial registration issuance date or by January 30 of each year for renewals, a letter of intent to the home district that shall include an engine list with registration numbers of those to be inspected.
40. The time for the arranged inspection shall be agreed upon in advance between the district and the company. To the extent that an arranged inspection does not fall within the district's normal workday, the district may charge for the off-hour time.

**The following operating conditions apply for registration # 115059**  
Engine Serial # : YB50604\*U767278H

41. If an arranged inspection does not occur due to unforeseen circumstances, the inspection shall be rescheduled for no later than 90 days from the initially scheduled inspection.
42. If the engine is out of California for one year or more following initial registration or renewal, the engine shall be excused from having the arranged inspection provided that within 45 days after the date of initial registration or renewal, the owner sends a letter to the district containing the registration number and a statement that the registered engine or equipment unit is out of California for the one-year period. Upon the return of the engine to California, the owner shall arrange to have the engine inspected within 30 days.

**EXHIBIT 7**



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

# Air Resources Board

**Mary D. Nichols, Chairman**  
1001 I Street • P.O. Box 2038  
Sacramento, California 95812 • [www.arb.ca.gov](http://www.arb.ca.gov)



**Edmund G. Brown Jr.**  
Governor

## Statewide Portable Equipment Registration

**Registration No: 115061**

**Legal Owner or Operator:** California-American Water Co.

**Mailing Address:** 8657 Grand Ave.  
Rosemead, CA 91770

**Engine Description:**

**Certified portable internal combustion engine, compression ignition, Perkins, model 1306-E87T, Serial No: 1309872, rated at 215 bhp and diesel fueled.**

**U.S. EPA Engine Family Name:** INVXL0530AND

**Conditions:** see attached - (for emergency-use only)

**Home District:** South Coast Air Quality Management District

**Engine Inspection Discount:** No inspection discount claimed



**Expiration Date: August 31, 2014**

**Michael J. Tollstrup**  
Chief, Project Assessment Branch  
Stationary Source Division

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.*

**California Environmental Protection Agency**

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## **Statewide Portable Equipment Registration**

**The following operating conditions apply for registration #115061**  
Engine Serial # : 1309872

### **General Requirements**

1. This engine shall only be operated during an "emergency" or an "emergency event" as defined in Title 17 of the California Code of Regulations Section 93116.2(a)(11) and (12), including any appropriate maintenance and testing.
2. The engine shall be properly maintained and kept in good operating condition at all times.
3. The registration identification sticker shall be affixed in a visible location on the registered portable engine at all times. The metal placard shall be securely affixed on a vertical surface of the portable engine in a location that is readily visible from a distance. A legible copy of the registration certificate and operating conditions shall be kept on site with the portable engine and shall be made accessible to the Air Resources Board or district representative upon request.
4. Engine fuel shall meet standards for California motor vehicle fuels as set forth in Chapter 5, Division 3, Title 13, of the California Code of Regulations, or shall have been verified through the In-Use Strategies to Control Emissions From Diesel Engines verification procedure per Title 13 of the California Code of Regulations commencing with section 2700.
5. The engine and any replacement engine shall not reside at the same location for more than 12 consecutive months.
6. The operation of this engine shall not cause a public nuisance.
7. The engine shall be equipped with operational and properly maintained non-resettable hour time meter.
8. For each rental engine or an engine used in a third party rental transaction, the owner shall provide each person who rents the portable engine with a copy of the registration certificate, including operating conditions, as part of the rental agreement.
9. The operator of a portable engine or equipment unit shall obtain district authorization prior to operation at any specific location where the Statewide registration is not valid.
10. This registration is not valid for operation of generators used to provide power into the grid, except during an emergency event or other unforeseen event that affects grid stability.
11. This registration is not valid for operation of generators used to provide primary or supplemental power to a building, facility, stationary source, or stationary equipment except during the following scenarios: unforeseen interruptions of power from the serving utility; maintenance and repair operations; and electrical upgrade operations that do not exceed 60 calendar days.
12. This registration is not valid for operation within the boundaries of the California Outer Continental Shelf and State Territorial Waters.
13. The portable engine shall not be operated under both statewide registration and a district permit at any specific location.

**The following operating conditions apply for registration # 115061**  
Engine Serial # : 1309872

14. This registration is not valid for operation of an engine that powers an equipment unit that has been determined by the Air Resources Board to qualify as part of a stationary source permitted by a district.
15. Except for engines owned by a rental business, the owner/operator of this engine shall contact the local air district prior to operation at an agricultural source.
16. For each rental engine or an engine used in a third party rental transaction, a written copy of the rental agreement or a completed Form 10 must be kept onsite at all times.

**Emission Limitations**

17. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than 3 minutes in any one hour which is as dark or darker than Ringelmann 1 or equivalent to 20% opacity.

**Recordkeeping**

18. For a rental engine or an engine that is part of a third party rental transaction, the rental business shall provide a written log for recordkeeping purposes which is to be kept with the rental engine at all times. The rental business shall keep records of the registration number of the engine; date of the start and end of the rental transaction; and written (signed) acknowledgment by each renter of having received the registration certificate and operating conditions. The written log shall be maintained on an annual basis and previous annual logs shall be maintained at a central location for a minimum of five years, and made accessible to the Air Resources Board or districts upon request.
19. While the engine is out on rent, the rental customer shall record no less than once a month the specific location of the engine (i.e. street address and city; or county and UTM coordinates; or other location indicator) in the written log provided by the owner.
20. For non-rental engines, the operator shall record the registration number and specific location of the engine (i.e. street address and city; or county and UTM coordinates; or other location indicator) no less than once a month.
21. All records shall be maintained at a central place of business for a minimum of five years, and made accessible to the Air Resources Board or district representative upon request.

**The following operating conditions apply for registration # 115061**  
Engine Serial # : 1309872

**Reporting & Notification**

22. When this engine is sold, the new owner shall submit a change of ownership application within 30 days of the change in ownership. If an application is not received within 30 days of the ownership change, the existing registration is not valid for the new owner until the application has been filed and all applicable fees have been paid.
23. The owner of a registered portable engine shall notify the Executive Officer in writing within five days of replacing the registered portable engine with an identical replacement. The notification shall include company name, the responsible official, phone number, registration number, make, model, rated brake horsepower, and serial number of the identical replacement, description of the mechanical breakdown, and applicable fees.
24. Within 5 days of a rental transaction exceeding 9 months in duration, a rental business or the owner of a registered engine involved in a third party rental shall submit written notification of the rental transaction to the district in which the rental business is located. The notification shall include the engine registration number, the rental customer telephone number and mailing address, and estimated location of the registered engine.

**Fleet Average Requirements**

25. By January 1, 2020, this engine shall be equipped with a properly functioning level-3 verified technology as defined in Title 13 of the California Code of Regulations Section 93116.2, equipped with emission control strategies that have been verified together to achieve at least 85% reduction in diesel PM emissions, or shall be replaced with an engine that is certified to meet the Tier 4 emission standards.
26. Except for low-use engines and engines used exclusively in emergency applications, for engines greater than or equal to 175 bhp but less than or equal to 750 bhp, a weighted fleet average PM emission factor of 0.15 g/bhp-hr shall be met by **January 1, 2013**, 0.08 g/bhp-hr shall be met by **January 1, 2017**, and 0.02 g/bhp-hr shall be met by **January 1, 2020**. Changes in the fleet, including engine additions and deletions, shall not result in noncompliance with this standard.
27. The weighted fleet average PM emission factor shall be calculated by taking the summation of the emission factor for each engine in the fleet multiplied by the bhp rating for each engine and then dividing that summation by the summation of the bhp ratings for all the engines in the fleet.

**The following operating conditions apply for registration # 115061**  
Engine Serial # : 1309872

28. The weighted fleet average PM emission factor calculation shall use the test results from nonroad emission standard certification, test results from a verified emission control strategy as defined in Title 13 of the California Code of Regulations Section 93116.2, or the test results from a SCR system. All test results shall be made available to the Air Resources Board upon request.
29. Where equipment uses grid power for more than 200 hours in lieu of operating a portable diesel engine for a given project, the time period grid power is used may be used to reduce each affected engine's emission factor. The emission factor for each affected portable engine shall be reduced proportionally by the percentage of time the equipment uses grid power.
30. The weighted fleet average PM emission factor shall include all portable engines, including those permitted or registered with a local air district, that are owned and managed by an individual operational entity, such as a business, business unit within a corporation, or individual city or state department under the control of a Responsible Official. Engines that are owned by different business entities that are under the common control of only one Responsible Official shall be treated as a single fleet.
31. If certified non-diesel fueled engines are part of your fleet and have been operating 100 or more hours, they may be included toward determining compliance with the applicable fleet emission standards. A diesel PM emission rate of zero shall be used in the fleet calculations for these engines. If the engine was added to the fleet prior to January 1, 2009 , it may be counted twice in the company's fleet average determination toward compliance with the 2013 and 2017 fleet emission standards.
32. Portable diesel-fueled engines certified to Tier 4 nonroad engine standards that are added to a fleet prior to January 1, 2015, may be counted twice in the company's fleet average determination toward compliance with the 2013 and 2017 fleet emission standards.

**Fleet Recordkeeping**

33. Starting January 1, 2012, the responsible official of a fleet shall keep records of annual operating hours for non-diesel fueled portable engines used as part of a company's fleet average, engines affected by the use of electrification, low-use engines, and engines used exclusively in emergency applications.
34. All records pertaining to the fleet average shall be maintained at a central place of business for a minimum of five years, and made accessible to the Air Resources Board or district representative upon request.

**The following operating conditions apply for registration # 115061**  
Engine Serial # : 1309872

**Fleet Reporting and Notification**

35. The Responsible Official of a fleet shall submit to the Air Resources Board by March 1, 2013, March 1, 2017, and March 1, 2020 a signed statement of compliance that the fleet standards are being achieved. The Statement of compliance shall include for each engine in the fleet: make, model, serial number, fuel type, PM emission factor (g/bhp-hr), and district permit or State registration number. If compliance with the fleet average includes the use of electrification, the Responsible Official shall provide documentation supporting the credit claimed for electrification.
36. As part of each statement of compliance, the Responsible Official shall, if applicable, certify that all alternative-fueled engines included in the fleet average operated at least 100 hours during the previous 12 months prior to the fleet emission standard becoming effective, for all engines exclusively used in emergency applications, the engines were used only for emergency applications, for all engines using the low-use designation, the engines operated no more than 80 hours for the reporting period, and for all portable diesel-fueled engines equipped with SCR, the engine complies with applicable district or Statewide Portable Equipment Registration Program requirements.
37. The Responsible Official of a fleet electing to use electrification in determining the fleet average shall notify prior to the start of the project the Executive Officer of the dates, location of the project, and make, model, serial number, district permit or State registration number of the affected engines. In addition, the notification shall clearly identify the electrification activity, including indicating the amount of electricity used and the time period for the project.

**Inspection Requirements**

38. Within 45 days after initial issuance or renewal of a registration, the owner or operator shall contact the home district to arrange for inspection to be completed within one year of the initial registration or renewal date. If the engine is operating in a district other than the home district, the owner or operator may request the home district to arrange an inspection by that other district.
39. For the purposes of scheduling inspections of multiple engines in order to qualify for an inspection fee discount, the owner or operator shall submit, within 45 days of initial registration issuance date or by January 30 of each year for renewals, a letter of intent to the home district that shall include an engine list with registration numbers of those to be inspected.
40. The time for the arranged inspection shall be agreed upon in advance between the district and the company. To the extent that an arranged inspection does not fall within the district's normal workday, the district may charge for the off-hour time.

**The following operating conditions apply for registration # 115061**  
Engine Serial # : 1309872

41. If an arranged inspection does not occur due to unforeseen circumstances, the inspection shall be rescheduled for no later than 90 days from the initially scheduled inspection.
42. If the engine is out of California for one year or more following initial registration or renewal, the engine shall be excused from having the arranged inspection provided that within 45 days after the date of initial registration or renewal, the owner sends a letter to the district containing the registration number and a statement that the registered engine or equipment unit is out of California for the one-year period. Upon the return of the engine to California, the owner shall arrange to have the engine inspected within 30 days.



**BEFORE THE COUNTY OF LOS ANGELES  
DEPARTMENT OF REGIONAL PLANNING**

In re: The Application of California  
American Water for a Conditional Use  
Permit for the Replacement of an Existing  
Water Supply Booster Station

Project No. R2011-00719(2)

**DECLARATION OF GARY PAQUETTE IN SUPPORT OF CALIFORNIA-AMERICAN  
WATER COMPANY'S RESPONSE TO THE VIEW PARK PRESERVATION  
SOCIETY'S REQUEST FOR AN ENVIRONMENTAL IMPACT REPORT**

I, Gary Paquette, declare as follows:

1. I am employed by California-American Water Company ("California American Water") as the Senior Manager of Financial Planning and Analysis. I am responsible for preparing the financial plans, reviewing the financial statements, and other matters relating to the accounting and financial statements for California American Water and Hawaii American Water. I have a Bachelor of Science in Accounting from San Diego State University and a Masters of Business Administration from the University of San Diego. I have previously been a certified internal auditor. I have been employed in various accounting and finance roles for over 35 years.



2. I have been employed by California American Water in my current role for 3 years. Prior to that, I held the position of Director of Business Performance for 3 years. Prior to that, I held the position of Senior Financial Analyst for 4 years.
  
3. I have personal knowledge regarding the accounting entries relating to California American Water's sale of various real estate parcels that occurred in 2003 and 2004 across the State of California. In particular I have reviewed the accounting entries for the sale of Lot 2 and Lot 4 on Athenian Way.
  
4. California American Water's financial accounts include at least two different accounts for recording transactions relating to property. The Non Utility Property account is where California American Water records the accounting entries relating to property that is not necessary or useful in providing water utility service. The accounting records for property that is necessary and useful for providing water utility service are maintained in the Utility Plant In Service account.
  
5. When Lots 2 and 4 were sold in 2004, Athenian Way Lot 2 and Athenian Way Lot 4 were both being held in Non Utility Plant.

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

Dated: August 30, 2012

  
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Gary Paquette

