



Los Angeles Regional Water Quality Control Board

NOTICE OF MEETING (Government Code section 11125)

Priority Setting Discussion
Thursday, January 26, 2023

**Junipero Serra Building
(Carmel Room)
320 West 4th Street
Los Angeles, CA 90013
Beginning at 9:00 a.m.**

The Los Angeles Regional Water Quality Control Board will meet on Thursday, January 26, 2023, from approximately 9:00 a.m. to 4:30 p.m. to discuss priorities for the 2023-24 fiscal year. The only voting that will take place during this meeting is on item 5.

In-person and Remote Options: *This meeting will occur with both a physical meeting location and an option to participate from a remote location. Pursuant to Government Code section 11133(b)(1), one or more Board members may participate remotely. For all Los Angeles Regional Water Quality Control Board meetings, there is no expectation of privacy regarding any communications. Meetings are recorded and names of participants are listed in the Zoom forum. Participation in a recorded meeting will be deemed consent to be recorded.*

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

For members of the public who wish to comment on an agenda item, *please click on the link to register to speak (virtually or in-person) on an agenda item: <https://forms.office.com/q/bfMULhzm8B>*

In addition to completing the form above, if you plan to comment virtually, please click the following link and complete the form to receive a link to join the Zoom meeting:
https://us02web.zoom.us/webinar/register/WN_FBTWSmHgRm-Dy7eLiKDtiq

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

NORMA CAMACHO, CHAIR | RENEE PURDY, EXECUTIVE OFFICER

AGENDA

1. Roll Call
2. Welcome and Meeting Kick-off

BOARD BUSINESS AND REPORTS

3. Executive Team Report (*Board members may ask questions of the Executive Officer Renee Purdy and Assistant Executive Officers Hugh Marley and Jenny Newman regarding the items in the report.*)
4. Priority Setting Discussion for FY 2023-24. (*Each section manager will report on FY 2022-23 accomplishments to date and proposed priorities for FY 2023-24 based on resource and budget considerations and work plan commitments. Board members will discuss and provide input and direction on the proposed priorities. Discussion item only.*)
5. Selection of Subcommittees (*The Board will review and consider modifications to Board Subcommittees.*)
6. Review and Discussion of Select Legal Authorities Applicable to Board Member Communications, Board Meetings and Agency Decision-Making

CLOSED SESSION¹

7. As authorized by Government Code section 11126, the Los Angeles Water Board will be meeting in closed session. Closed session items are not open to the public. Items the Board may discuss include the items below. [Tamarin Austin (TA) (916) 341-5161; Jennifer Fordyce (JF) (916) 324-6682; David Coupe (DC) (510) 622-2306; Sophie Froelich (SNF) (916) 319-8557; Adriana Nuñez (AN) (916) 322-3313; Amelia Carder (AC) (916) 341-5153]

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

- 8.1 *Balcom Ranch v. State Water Resources Control Board and Los Angeles Regional Water Quality Control Board*, Ventura County Superior Court, Case No. 56-2012-00419048-CU-MC-VTA [Challenging assessment of administrative civil liability in Order on Complaint No. R4-2010-0023]. (DC)
- 8.2 *City of Torrance v. California Regional Water Quality Control Board, Los Angeles Region*, Los Angeles County Superior Court, Case No. 20STCP01992 [Challenging Order No. R4-2020-0003, issued pursuant to Water Code section 13267]. (TA)
- 8.3 *REV 973 v. Los Angeles Regional Water Quality Control Board*, Los Angeles Superior

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

Court, Cas No. 20STCP02934 [Challenging Order R4-2014-0117, issued on September 19, 2014, pursuant to Water Code sections 13267 and 13304]. (SNF)

- 8.4 *City of Thousand Oaks et al. v. California Regional Water Quality Control Board – Los Angeles Region*, Ventura County Superior Court, Case No. 56-2021-00549601-CU-WM-VTA [Challenging certain provisions of three iterations of National Pollutant Discharge Elimination System (NPDES) permits for three wastewater treatment plants – City of Thousand Oaks, Camarillo Sanitary District, and City of Simi Valley. The challenged NPDES permits include: 1) Order Nos. R4- 2014-0064 (Thousand Oaks), R4-2014-0062 (Camarillo), and R4-2014-0066 (Simi Valley); 2) Order Nos. R4-2014-0064-A01 (Thousand Oaks), R4-2014-0062-A01 (Camarillo), and R4-2014-0066-A01 (Simi Valley); and 3) Orders Nos. R4-2019-0137 (Thousand Oaks), R4-2019-0136 (Camarillo), and R4-2019-0135 (Simi Valley)]. (TA/SNF)
- 8.5 *California Regional Water Quality Control Board of Los Angeles v. Balcom Ranch*, 2nd District Court of Appeal, Case No. B311434 [appeal of attorneys' fees award] (DC)
- 8.6 *California Regional Water Quality Control Board of Los Angeles v. Balcom Ranch*, 2nd District Court of Appeal, Case No. B311433 [appeal of contempt judgment] (DC)
- 8.7 *State Water Resources Control Board v. Los Angeles Waterkeeper*, 2nd District Court of Appeal, Appellate Case No. B30951 [Cross-appeal challenging ruling on demurrer by Los Angeles Superior Court in favor of the Los Angeles Regional Water Quality Control Board] (DC)
- 8.8 *Eskenazi v. Los Angeles Regional Water Quality Control Board*, Los Angeles Superior Court, Case No. 21STCV44459 [Seeking return of money paid to Regional Board as a result of lien placed on property which was subsequently sold] (JF/SF)
- 8.9 *Johnel Corp. v. California Regional Water Quality Control Board, Los Angeles Region, et al.*, Los Angeles Superior Court, Case No. 22STCP00076 [Challenging staff refusal to close a case] (TA)
- 8.10 *Benjamin Moore & Company, Inc. v. California Regional Water Quality Control Board, Los Angeles Region*, Los Angeles Superior Court, Case No. 22STCP00715 [Challenging investigative order issued pursuant to Water Code section 13267] (AC/TA)
- 8.11 *Parents Against Santa Susana Field Lab, Physicians for Social Responsibility-Los Angeles, and Public Employees for Environmental Responsibility (PEER) v. California Department of Toxic Substances Control (DTSC), Lawrence Hafetz, in his official capacity as Chief Counsel for DTSC, and the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) [and The Boeing Company (Boeing), as Real Party in Interest]* Ventura County Superior Court, Case No. 56-2022-00570675-CU-WM-VTA [Challenging DTSC's Settlement Agreement with Boeing and the Los Angeles Water Board's Memorandum of Understanding with Boeing under CEQA] [SNF]

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

8.12 *California Regional Water Quality Control Board, Los Angeles Region v. Mitchell Investors, LLC, et al.*, Los Angeles County Superior Court, Case No. 21STCV10636 [seeking injunctive relief to require compliance with Cleanup and Abatement Order No. R4-2010-0095 and civil liability for violations of Water Code section 13304]. (TA)

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

8.13 In re: Los Angeles Region Water Permit – Cities of Los Angeles County, Commission on State Mandate Test Claim No. 13-TC-01 [Regarding a test claim filed by several cities within Los Angeles County alleging that portions of Order No. R4-2012-0175 created unfunded state mandates]. (JF)

8.14 In re: Los Angeles Region Water Permit – County of Los Angeles, Commission on State Mandate Test Claim No. 13-TC-02 [Regarding a test claim by the County of Los Angeles and Los Angeles County Flood Control District alleging that portions of Order No. R4-2012-0175 created unfunded state mandates]. (JF)

Potential Litigation that may be filed by the Los Angeles Regional Water Quality Control Board against other parties (Gov. Code, § 11126, subd. (e)(2)(C)(1).)

8.15 Resolution 21-004 [referring enforcement of Cleanup and Abatement Order No. R4-2021-0038-A1, regarding the Garfield Express Site, to the Attorney General]. (TA)

Other matters

8.16 Consultation with counsel about:

- i. A matter which, based on existing facts and circumstances, presents significant exposure to litigation against the Los Angeles Water Board (Government Code section (Gov. Code, § 11126, subd. (e)(2)(B).); (TA/SF/AN) or
- ii. A matter which, based on existing facts and circumstances, the Los Angeles Water Board is deciding whether to initiate litigation (Gov. Code, § 11126, subd. (e)(2)(C).) (TA/SF/AN)
- iii. Consideration of the appointment, employment, or evaluation of performance about a public employee. (Gov Code § 11126, subd. (a).) (TA/SF/AN/JF)
- iv. To deliberate on a decision to be reached in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) or similar provisions of law. (Gov. Code § 11126, subd. (c)(3).) (TA/SF/AN)

8.17 Consideration of the appointment, employment, or evaluation of performance about a public employee. (Gov. Code, § 11126, subd. (a).) (TA/SNF/AN)