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 Superior Court of California  
 County of Los Angeles

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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 16 **FOR THE COUNTY OF LOS ANGELES**

17 LOS ANGELES WATERKEEPER,

CASE NO.: **BS 163391**

18 Petitioner,

(California Environmental Quality Act; ✓  
 Porter-Cologne Water Quality Act

19 v.

20 CALIFORNIA STATE WATER  
 21 RESOURCES CONTROL BOARD; AND  
 22 LOS ANGELES REGIONAL WATER  
 23 QUALITY CONTROL BOARD,

**VERIFIED PETITION FOR WRIT OF MANDATE**

24 Respondents.

RECEIPT #: CCH524880015  
 DATE PAID: 07/18/16 08:36 AM  
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1       **I. INTRODUCTION**

2           1.       Petitioner challenges the State Water Resource Control Board's (SWRCB)  
3 approval of Resolution 2015-0069, and the associated Los Angeles Regional Water Quality  
4 Control Board Regional Board Resolution R15-004 (collectively, the Water Boards'  
5 Resolutions), setting Site Specific Water Quality Standards for lead and copper in the Los  
6 Angeles River and its tributaries.

7           2.       The approved Site Specific Water Quality Standards (interchangeably called "Site  
8 Specific Objectives" or SSOs) would dramatically weaken existing numeric water quality  
9 standards in the approved Basin Plan. The SSOs allow up to 969% more copper than the  
10 current standards in the Los Angeles River system. Copper is highly toxic to many aquatic  
11 organisms. The SSOs also allow for dramatic increases in the amount of lead, which is known  
12 to have a number of negative impacts on aquatic life as well as humans (including reduced  
13 cognitive abilities).

14          3.       Despite the radical changes to existing standards, the SSOs were adopted on the  
15 basis of no project-specific environmental analysis at all. The Water Boards instead relied on a  
16 ten-year-old Substitute Environmental Document that did not analyze the reasonably  
17 foreseeable impacts of such dramatic changes in baseline water quality standards. During the  
18 current review, the Water Boards failed to adequately respond to comments and swept all  
19 criticisms of the weakened standards, and the flawed studies on which they are based, under the  
20 rug.

21          4.       The new standards also violate the Clean Water Act and Porter-Cologne Water  
22 Quality Act and effectively abdicate the responsibility to ensure a meaningful "pollution  
23 budget" for copper and lead in the LA River and tributaries that can protect the numerous  
24 designated beneficial uses of the river.

25          5.       Compounding the error, the Water Boards improperly deferred analysis and  
26 mitigation by approving an after-the-fact monitoring program to detect "significant" changes in  
27 the river, which the SWRCB "expects" would initiate a process to amend the standards it just  
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1 approved. The Water Boards vested responsibility for such monitoring with municipal, county,  
2 and state entities holding discharge permits to the LA River and its tributaries. The Water  
3 Boards also vested control over the determination of what constitutes a “significant” change in  
4 the river with those same dischargers. These are the same dischargers who banded together to  
5 effectuate the weakening of the baseline standards, and these entities all share strong financial  
6 interests in locking the new, permissive SSOs in place.

7         6.         The LA River system has long been neglected, literally walled off from its  
8 namesake city, treated as a mere sewerage/stormwater conveyance channel (and occasionally as  
9 a Hollywood prop). However, the river is finally being recognized as the important  
10 environmental, recreational, and cultural amenity it is. For example, the City of Los Angeles  
11 recently gave approval for its share of a \$1.4 billion dollar restoration project undertaken in  
12 partnership with the federal government for an 11-mile section of the upper river. That project  
13 will result in removal of concrete banks and concrete river bottom, de-channelization, and the  
14 partial restoration of a functioning floodplain and riparian ecosystem in the Glendale Narrows.  
15 Stormwater capture projects, linear and pocket parks, even kayaks are already becoming a  
16 common sight along the river. For the first time in nearly a century, the phrase “Los Angeles  
17 River” is taking on a non-ironic meaning.

18         7.         Against this backdrop of inchoate rebirth, the Water Boards’ approvals of the  
19 challenged resolutions demonstrate a lack of governmental stewardship of the river and its  
20 resources more characteristic of the pre-Clean Water Act era. The approvals reflect an obsolete  
21 view of the LA River and its tributaries as mere stormwater and sewage conveyance ditches.  
22 The people of Los Angeles, and our namesake river, deserve water quality standards that are  
23 fully protective of the many designated beneficial uses of the LA River system. The standards  
24 approved in Water Boards’ resolutions fail to assure such protection and were adopted after a  
25 process that failed to comply with the requirements of California law. Those resolutions  
26 therefore must be vacated.

1       **II.       JURISDICTION AND VENUE**

2           8.       This Court has jurisdiction over the writ action under section 1094.5 of the Code  
3 of Civil Procedure; Section 13330 of the Water Code; and Sections 21168 and 21168.5 of the  
4 Public Resources Code

5           9.       This Court also has jurisdiction over the writ action under Section 1085 of the  
6 Code of Civil Procedure.

7           10.      Venue in Los Angeles County is proper under Code of Civil Procedure Section  
8 393 and Code of Civil Procedure Section 401.

9           11.      This Petition for Writ of Mandate is being filed in a timely manner under Section  
10 338 of the Code of Civil Procedure and Section 21167 of the Public Resources Code.

11       **III.      THE PARTIES**

12           12.      Petitioner Los Angeles Waterkeeper is a not-for-profit organization incorporated  
13 under the laws of the State of California with more than 3,000 members who live or recreate in  
14 the Los Angeles area, including in the watershed of the Los Angeles River. Founded in 1993 as  
15 Santa Monica Baykeeper, the organization changed its name in 2012 to reflect its broader  
16 concerns with the health of all the waters of Los Angeles County. Los Angeles Waterkeeper  
17 uses litigation, advocacy, education, and community action to protect the quality of all surface  
18 and ground waters in Los Angeles County.

19           13.      Respondent California State Water Resources Control Board is a five member  
20 board, created under the California Water Code, with broad responsibilities for all aspects of  
21 water management in California, including implementation of the federal Clean Water Act, the  
22 Porter-Cologne Water Quality Act and other provisions of the California Water Code. Members  
23 are appointed by the Governor for four year terms. The Governor also appoints the Chair, who  
24 serves as Chair at the pleasure of the Governor.

25           14.      Respondent Los Angeles Regional Water Quality Control Board (Regional Board)  
26 is a seven member board created under the California Water Code, one of nine Regional Boards  
27 around the state. The Regional Board has broad responsibilities for water quality management  
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1 in the Los Angeles region. Members are appointed by the Governor for four year terms. The  
2 Los Angeles Regional Water Quality Control Board jurisdictional area is designated as Region  
3 4. Region 4 includes the non-desert areas of Los Angeles County, southern Ventura County,  
4 and small adjacent areas of Santa Barbara and Kern Counties as well.

5 15. Collectively, the SWRCB and the nine Regional Boards are often referred to as the  
6 “California Water Boards” or simply the “Water Boards.” As used in these pleadings, either  
7 term collectively denotes the SWRCB and the Los Angeles Regional Water Quality Control  
8 Board unless otherwise specified.

9 **IV. FACTUAL AND STATUTORY BACKGROUND**

10 **a. Introduction**

11 16. The California Environmental Quality Act (CEQA) requires an agency to analyze  
12 the environmental impacts of proposed projects, examine feasible alternatives, and to avoid or  
13 mitigate adverse environmental impacts whenever it is feasible to do so. Environmental  
14 documentation must make a “good faith effort at full disclosure,” including timely disclosure of  
15 relevant information, and good faith responses to public comments received. Approval of the  
16 SSOs constitutes a project under CEQA.

17 17. The Porter-Cologne Water Quality Act, part of the California Water Code,  
18 empowers the Water Boards to enforce all provisions of the federal Clean Water Act (including  
19 regulations and guidance documents) for which implementation authority has been delegated to  
20 California. (Water Code §13370(c).) The Porter-Cologne Water Quality Act also incorporates  
21 the requirements of the federal Clean Water Act, with any conflicts resolved in favor of the  
22 Clean Water Act. (Water Code §13372(a).) The Water Boards must comply with and  
23 implement all provisions of the Clean Water Act. (Water Code §13370; §13377.)

24 18. The purpose of the Water Code more generally is to ensure the greatest benefits to  
25 the people of California through the fullest possible protection of beneficial uses of water  
26 resources. (Water Code §100.)  
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1 19. The fundamental purpose of the Clean Water Act is to “restore and maintain the  
2 chemical, physical, and biological integrity of the Nation’s waters.” (33 U.S.C. §1251.)

3 **b. Water Quality Standards, Total Maximum Daily Loads, and Anti-**  
4 **Degradation and Anti-Backsliding Standards**

5 20. One of the most important requirements of the Clean Water Act (and by extension  
6 the Porter-Cologne Act) is for states to set Water Quality Standards, which establish a  
7 permissible level of pollution in a waterbody. The Water Quality Standards must be  
8 sufficiently protective of all designated beneficial uses of the waterbody at all times, and must  
9 contain an adequate margin of safety.

10 21. The Los Angeles Region Water Quality Control Plan (commonly known as the  
11 “Basin Plan”) contains both numeric limits on specific pollutants including copper and lead, as  
12 well as narrative standards. The challenged resolutions do not affect the narrative standards,  
13 which remain in force.

14 22. The numeric standards must be consistent with the narrative standards. The  
15 narrative standards broadly forbid levels of any pollutant that adversely affects any beneficial  
16 use; forbids toxic substances in levels that can bioaccumulate to harmful levels in aquatic life  
17 and humans; and forbids toxic levels of any pollutant, or levels that produce detrimental  
18 physiological responses in human, plant, animal, or aquatic life.

19 23. The LA River system supports numerous designated beneficial uses, including but  
20 not limited to: municipal and domestic water supply; groundwater recharge; navigation; water  
21 contact recreation; non-water contact recreation; commercial or sport fishing; shellfish  
22 harvesting<sup>1</sup>; warm freshwater habitat; cold freshwater habitat; estuarine habitat; marine habitat;  
23 wildlife habitat; rare species habitat; spawning/reproductive habitat; wetland habitat; and  
24 migration habitat.

25 24. Waterbodies or segments thereof that cannot meet water quality standards for a  
26 pollutant, despite application of pollution control measures required by the Acts, are designated

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<sup>1</sup> Both “commercial or sport fishing” and “shellfish harvesting” include human consumption of fish within the beneficial use.

1 as “Water Quality Limited Segments” (WQLS) and “impaired” for that pollutant and listed as  
2 such on “the 303(d) list.” (See 33 U.S.C. §1313(d).)

3 25. Reaches of the LA River and/or its tributaries are currently designated as  
4 “impaired” and listed on the 303(d) list for metals (including copper, lead, cadmium, aluminum,  
5 selenium, and zinc) and other toxic and conventional pollutants including, but not limited to:  
6 chlordane; DDT; PCB; sediment toxicity; coliform bacteria; cyanide; diazinon; trash; oil; pH;  
7 algae; nutrients; and ammonia.

8 26. The designation of a waterbody as “impaired” requires the establishment of a  
9 Total Maximum Daily Load (TMDL) for the designated pollutant. The TMDL specifies the  
10 maximum amount of the pollutant that can enter the waterbody from all sources without  
11 violating the applicable Water Quality Standards. (33 U.S.C. §1313(d)(1)(a); 40 C.F.R. §130.2.  
12 and 40 C.F.R. §130.7.) The TMDL thus also represents the maximum amount of a pollutant  
13 that remains protective of the designated beneficial uses. Each TMDL must include a margin of  
14 safety to account for the “significant uncertainty in the analysis of pollutant loads and effects on  
15 water quality.”

16 27. TMDLs establish the “pollution budget” for impaired waterways from all sources,  
17 including pollution from discharges by Municipal Separate Storm Sewer System (MS4) permit  
18 holders (which, despite the name, can include county and state agencies as well as  
19 municipalities). Among other sources, each pollution point source, including MS4 dischargers,  
20 is assigned a “waste load allocation” (WLA), which is a percentage of the TMDL. The WLA is  
21 the maximum amount of pollution allowed by each source—in other words, its maximum  
22 allowed contribution to the overall “pollution budget” for the waterway.

23 28. The statutory requirement to maintain and restore the quality of the nation’s  
24 waters has led to development of both federal and state anti-degradation policies. The federal  
25 policy, contained in Clean Water Act regulations, prohibits, among other things, further  
26 degradation of impaired waterways (i.e., waterways that have a TMDL established for the  
27 pollutant at issue). (See 40 C.F.R. §131.12(a)(1) and 40 C.F.R. §131.12(a)(2)(ii).) California  
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1 has adopted its own anti-degradation policy that adds additional requirements. (See SWRCB  
2 Resolution 68-16.) The State has also promulgated specific procedures and requirements for  
3 preparing anti-degradation analyses. (SWRCB Administrative Procedures Update 90-004,  
4 Anti-degradation Policy Implementation for NPDES Permitting (July 2, 1990).)

5 29. The conclusory anti-degradation analysis prepared in support of the Site Specific  
6 Objectives lacks substantial evidence supporting its assertions, and falls far short of meeting the  
7 legal standards for such analyses. Furthermore, approval of the Site Specific Water Quality  
8 Objectives violates federal and state anti-degradation policies.

9 30. Similarly, the Clean Water Act forbids “backsliding” upon permit renewal or  
10 amendment. The terms of a renewed permit must be at least as stringent as the previous permit  
11 with few exceptions. (33 U.S.C. §1342(o)(1).) By weakening existing numeric standards, the  
12 approved Site Specific Water Quality Objectives violate the Act’s anti-backsliding provisions,  
13 because the less stringent numeric standards based on the SSOs will be incorporated into permits  
14 that currently require compliance with the stricter baseline Water Quality Standards.

15 **c. TMDLs in California**

16 31. California faced a June 1979 deadline to identify WQLSs and establish  
17 corresponding TMDLs. (33 U.S.C. §1313(d)(2).) California missed this deadline, and  
18 apparently did not even attempt to meet it.

19 32. In 1998, after almost *20 years* of inaction by California and lack of federal  
20 enforcement in establishing the TMDLs required by state and federal law, Petitioner sued the  
21 Environmental Protection Agency (EPA) over the lack of TMDLs for impaired waterbodies.  
22 (*Heal the Bay et al. v. EPA et al, N. Dist. Cal., Case C 98-4825.*)

23 33. Petitioner was co-plaintiff in that action and a party to the 1999 Consent Decree  
24 with EPA in that case. The Consent Decree imposed a timetable for EPA promulgation of  
25 TMDLs for various water bodies if California continued its unlawful failure to act.

26 34. In 2005, the Regional Board adopted metals TMDLs for the LA River system.  
27 (Resolution R05-006.) The adoption followed preparation of Substitute Environmental  
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1 Documents (SED), the Water Boards' Certified Regulatory Program functional equivalent of  
2 CEQA documents. However, the SED did not include an alternatives analysis.

3 35. Several MS4 dischargers challenged the approval of Resolution R05-006, and the  
4 Los Angeles County Superior Court issued a Writ of Mandate requiring the preparation of an  
5 alternatives analysis and vacation of the resolution approving the metals TMDLs. (*Cities of*  
6 *Bellflower et. al. v. State Water Resources Control Board et. al.*, Case BS101732.)

7 36. In 2007, the Regional Board re-adopted the LA River metals TMDLs (Resolution  
8 R07-014), and the SWRCB approved the re-adoption in 2008 (Resolution 2008-0046). The re-  
9 adopted TMDLs became effective on October 29, 2008—almost 30 years after the legal  
10 deadline.

11 37. Almost immediately, MS4 dischargers lobbied to weaken the newly re-adopted  
12 TMDLs. In 2010, MS4 dischargers the City of Los Angeles and the City of Burbank led a  
13 successful effort to raise the TMDLs (but not the related water quality standards) for copper in  
14 the upper reaches of the LA River, and also obtained changes in the associated WLAs for  
15 copper related to municipal treatment plants.

16 38. The 2010 changes to the TMDLs were justified by using “Water Effect Ratio”  
17 (WER) studies. (See 40 C.F.R. §131.38.) These TMDL changes became effective in  
18 November 2011, and are not the subject of this Petition.

19 39. Also in 2010, the “Los Angeles River Metals TMDL Special Studies Steering  
20 Committee” (also apparently interchangeably called the “Los Angeles Metals TMDL  
21 Implementation Group”), a group comprised of 34 MS4 dischargers, submitted a Work Plan to  
22 the Regional Board, to be funded and carried out by the Committee members, for WER studies  
23 over multiple reaches of the LA River and numerous tributaries. The purpose of this second  
24 round of WER studies was much broader than the first, applying over a much bigger  
25 geographical area and applying to both the TMDLs and the Water Quality Standards contained  
26 in the Basin Plan.  
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1 40. The Regional Board approved the Work Plan and the associated formation of a  
2 purportedly independent "Technical Advisory Committee" (TAC) funded by the dischargers  
3 and consisting entirely of members with strong ties to municipal MS4 dischargers. The TAC  
4 lacked any representation by environmental or community advocates, and the process of  
5 implementing the Work Plan did not encourage public participation.

6 41. In 2014, the Steering Committee submitted results of watershed-wide WER  
7 studies for copper and recalculation studies for lead to the Regional Board, both of which  
8 proposed to replace existing Water Quality Standards with much weaker "Site Specific Water  
9 Quality Objectives." The consultant's final report is dated January 2015 and titled  
10 "Implementation of Results of the Los Angeles River Copper Water-Effects Ratio and Lead  
11 Recalculation Studies" (the "Implementation Report").

12 42. The Implementation Report from the MS4 dischargers forms the basis for the  
13 Water Boards' findings, and the SWRCB relied heavily on these studies when it approved  
14 Resolution 2015-0069 replacing baseline Water Quality Standards with much weaker Site  
15 Specific Objectives for copper and lead.

16 43. The Regional Board noticed the Implementation Report, a Staff Report, and  
17 several other documents as proposed Basin Plan Amendments on January 30, 2015, giving  
18 concerned members of the public until March 16, 2015 to submit comments. Petitioner (jointly  
19 with Heal the Bay) submitted a comment letter (discussed further in Section IV.e below) on  
20 March 16, 2015.

21 **d. Water Effect Ratios (WER)**

22 44. WERs are coefficients (i.e., multipliers) in the equations establishing both Water  
23 Quality Standards and Total Maximum Daily Loads for metals in the LA River and its  
24 tributaries.

25 45. WERs are intended to adjust for differences in the toxicity of metals in ambient as  
26 opposed to laboratory conditions. The toxicity of metals is closely related to the  
27 "bioavailability" of metals, i.e., the ability of the metal to biologically and/or chemically  
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1 interact with a living organism. Metals in a water column can exist in multiple forms, some of  
2 which are more "bioavailable" than others.

3 46. For example, ionic forms of most metals (including copper) tend to bind more  
4 strongly to the gills of fish than the non-ionic forms. Thus, the ionic forms of most metals are  
5 more bioavailable than the non-ionic forms.

6 47. Since any form of metals binding to the gills of fish typically produces negative  
7 impacts (for example, interfering with normal respiration and navigation), the ionic forms of  
8 most metals are also more toxic than the non-ionic forms.

9 48. As applied in the context of copper and the LA River system, a WER is a ratio  
10 comparing the toxicity of copper in a sample of water from the LA River or one of its  
11 tributaries to the toxicity of copper in a laboratory control sample. WERs are thus  
12 experimentally derived, unit-less numbers, and are a measure of the relative toxicities between  
13 the samples.

14 49. Factors influencing the toxicity of metals, and thus the value of WERs, include  
15 the form of the metal (i.e., whether it is in a more bioavailable ionic state or bound with another  
16 compound); presence of organic compounds in the water column; pH; turbidity; temperature;  
17 and water hardness, among other factors. The bioavailability of all forms of metals (and thus  
18 the potential toxicity) depends on constantly fluctuating environmental conditions. Thus, the  
19 value of a WER is constantly changing in response to a changing environment.

20 50. The WERs at issue here were derived by comparing the mortality of  
21 *Ceriodaphnia dubia*, a species of water flea, in response to increasing concentrations of copper  
22 in the ambient water sample compared to the mortality in the control sample. Concentrations of  
23 copper were raised in both samples until a mortality rate of 50% was observed in *C. dubia*.  
24 Dividing the concentration at which 50% mortality occurred in the ambient sample (i.e., from  
25 LA River or a tributary) by the concentration at which 50% mortality occurred in the control  
26 sample yields a WER.  
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1           51.    WERs and presumed copper toxicity vary inversely. A WER of 2.0, for example,  
2 implies that copper in the ambient water sample is half as toxic than in the laboratory control  
3 sample. A WER of 1.0 implies that the toxicity of the two samples is identical. A WER of 0.5,  
4 conversely, implies that the toxicity of the ambient water sample is twice as great as the toxicity  
5 of the laboratory control sample.

6           52.    While WERs can theoretically be less than 1.0, as a practical matter published  
7 WERs—the studies for which are usually undertaken by MS4 dischargers—are almost always  
8 greater than 1.0.

9           53.    The WER studies at issue here, as well as the lead recalculation studies, were paid  
10 for and conducted by a consortium of MS4 dischargers in the LA River watershed. The MS4  
11 dischargers have a strong financial interest in replacing the default WER of 1.0 with WERs as  
12 high as possible, since existing standards require expenditures for treatment for metals. The  
13 existing standards also expose the dischargers to potential enforcement for exceeding Clean  
14 Water Act/ Porter-Cologne Act standards related to their discharges into the river.

15           54.    The California Toxics Rule (40 C.F.R. §130.38) sets the default value of WERs at  
16 1.0. The default WER thus has no effect on either water quality standards or TMDLs, since  
17 multiplying any number by 1.0 does not change the resulting value.

18           55.    Because WERs vary with environmental conditions, to ensure that SSOs based on  
19 WERs remain protective of all designated beneficial uses at all times and also remain consistent  
20 with the narrative Water Quality Standards, a WER study must analyze the “critical condition.”  
21 The “critical condition” is the point in the hydrologic cycle when the WER is at its lowest  
22 value—reflecting the point of highest toxicity of a pollutant in a waterbody.

23           56.    If the WER study does not analyze the critical condition, the calculated WER  
24 value will not accurately reflect the relative toxicity and any SSOs and TMDLs multiplied by  
25 the WER could result in toxic levels of pollution in the waterbody or otherwise fail to provide  
26 an appropriately protective standard to support the designated beneficial uses.  
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1           57.     While the equations setting water quality standards and TMDLs can be complex,  
2 the only terms in the equations at issue in this action are the values assigned to the WERs. A  
3 typical TMDL equation (from 40 C.F.R. §131.38) can be expressed in simplified form as:  
4

$$5 \quad \text{TMDL} = \text{WER} \times [(\text{conversion factors}) \times (\text{functions of water hardness and other} \\ 6 \quad \text{environmental conditions}) \times (\text{baseline water quality standards})]$$

7  
8           58.     The terms within the brackets simplify to a whole number with units in  
9 concentration (i.e., mass/volume). For copper in the LA River, the concentration is expressed  
10 as micrograms recoverable metal per liter. The number resulting from multiplying the terms  
11 within the brackets is then itself multiplied by the dimensionless WER, keeping the units in the  
12 resulting equation the same as in the original. For example, the dry weather TMDL for copper  
13 for the Rio Hondo simplifies to:

$$14 \quad \text{TMDL} = \text{WER} \times 13 \text{ micrograms copper per liter} \quad (\text{See Implementation Study p. ES-3})$$

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16  
17           The baseline dry weather copper TMDL for Rio Hondo is thus:

$$18 \quad \text{TMDL} = 1.0 \times 13 = 13 \text{ micrograms copper per liter.}$$

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21           However, applying the WER approved by the Water Boards results in the equation:

$$22 \quad \text{TMDL} = 9.691 \times 13 = 126 \text{ micrograms copper per liter.}$$

23  
24  
25           59.     The TMDL has increased by 969 percent, or nearly an order of magnitude. Since  
26 the equations for water quality standards are in a similar form, the new SSOs based on the  
27 WERs are thus also 969 percent weaker than the baseline water quality standards. Because  
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1 WERs are multipliers and are applied to all the terms in the equations setting both SSOs and  
2 TMDLs for copper in the LA River system, when applied as other than the 1.0 default value  
3 WERs can dramatically weaken water quality standards and dramatically raise TMDL limits,  
4 allowing for much more pollution in a waterbody, as the Rio Hondo example demonstrates.

5 60. The SSOs and WERs approved by the Water Boards effectively nullify the  
6 existing TMDLs for copper in the entire LA River system. Applying the new standards to  
7 historical data would negate *every* past exceedance of the TMDLs for copper in *every* reach of  
8 the LA River and in *every* tributary.

9 61. The TMDLs multiplied by the approved WERs are so high that any future  
10 violations would also be highly unlikely.

11 62. The WERs approved by the Water Boards are also so high, and the corresponding  
12 increases in the TMDLs and Water Quality Standards so large that based on historic data,  
13 treatment for copper would no longer be necessary to meet the new standards (treatment would  
14 still continue, for the time being, since treatment is still required for other pollutants).

15 e. **Approval Despite Failure to Comply with CEQA, the Clean Water Act, or**  
16 **the Porter-Cologne Water Quality Act**

17 63. The Regional Board Resolution R15-004 approving the SSOs states that the  
18 previously prepared Substitute Environmental Documents for the establishment of the TMDLs  
19 were intended to serve as a Tier 1 environmental document under CEQA.

20 64. As disclosed in the Tier 1 SED, establishing the TMDLs required implementation  
21 of a number of environmentally beneficial projects to reduce metals loading into the LA River  
22 system. "Structural Best Management Practices" (BMPs) included measures such as  
23 installation of sand and/or organic filters, and development of infiltration projects (the latter of  
24 which would also have several other positive impacts, including enhanced groundwater  
25 recharge and stormwater capture). "Non-Structural Best Management Practices" also involved  
26 multiple benefit projects and included increased storm drain cleanings, improved street  
27 sweeping, and enhanced education and outreach.  
28

1           65.    In evaluating the SSOs, the Water Boards did not conduct any CEQA review  
2 specifically associated with the approval of either resolution now at issue, despite approving  
3 dramatic changes to baseline numeric water quality standards and effectively nullifying existing  
4 TMDLs.

5           66.    The Water Boards based this complete lack of CEQA review of the SSOs on the  
6 rationale that since the SSOs weakened existing water quality standards, fewer structural and  
7 non-structural BMPs would be required to meet the new standards. As a result, fewer  
8 temporary environmental impacts would result from the installation and maintenance of the  
9 BMPs. Hence, the Tier 1 document (now over ten years old) could suffice as the environmental  
10 documentation for the much weaker SSOs as well.

11           67.    Petitioner (among others) expressed concern with the radical nature of the  
12 changes in both baseline water quality standards and TMDLs, and the lack of analysis and  
13 information available to support such radical changes to the approved baseline levels of  
14 pollution in the LA River system. Petitioner urged the Regional Board not to adopt WER-based  
15 SSOs and TMDLs unless and until several flaws in the studies could be corrected and the  
16 proposed WERs revised as necessary.

17           68.    Petitioner explained that the study could have failed to analyze the “critical  
18 condition,” because the dry season is arbitrarily defined such that instances of sustained dry  
19 weather within the wet season—when the critical condition could very plausibly occur—were  
20 not sampled.

21           69.    Wet weather involves heavy loading of metals into the LA River through  
22 stormwater runoff. However, the initial flush of metals also typically occurs with turbidity and  
23 an influx of organic particulate matter carried with the stormwater. The turbidity and  
24 particulates help mitigate the toxicity of metals during and immediately following wet weather  
25 because metals can bind to the organic and other particulates, lowering the bioavailability of the  
26 metals.  
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1           70. To an extent, the different types of pollution help cancel each other out in the very  
2 short term. After several days of dry weather, however, the turbidity/organic matter drops  
3 significantly, providing less opportunity for metals to bind. As a result, any metals in the water  
4 become increasingly bioavailable and increasingly toxic, and the WERs drop correspondingly.

5           71. The Regional Board mistook Petitioner's comments regarding potential  
6 occurrence of the critical condition during dry periods within the wet season for a claim that  
7 wet weather conditions contained the critical condition. The Regional Board never responded  
8 adequately to Petitioner's comment questioning a basic assumption of the study that dry  
9 weather WERs are independent of wet weather events. To capture the full range of  
10 hydrological conditions, these dry periods within the wet season should have been sampled,  
11 especially considering that these dry spells are such plausible periods in which the critical  
12 condition might occur.

13           72. Petitioner also raised concerns with the small sample size. The modeled WERs  
14 showed tremendous variation at several locations in the river and in several tributaries. At Los  
15 Angeles River Reach 2, for examples, modeled WERs varied from 7.1 to 57.3. Such high  
16 variability in modeled results argued for increasing the sample size to provide a more defensible  
17 data set.

18           73. In addition, a single downstream sampling location was used for sampling in  
19 tributaries, implicitly assuming that the hydrology of the downstream point was representative  
20 of the tributary as a whole.

21           74. The letter by Petitioner also raised concerns with the short data collection period;  
22 high variability of WERs in several tributaries; reliance on aspects of EPA guidance (including  
23 the recommended number of samples) with only limited applicability to "flashy" California  
24 rivers; flaws in the anti-degradation analysis; and problems with the lead recalculation study  
25 (including the lack of consideration of an alternative of conducting a properly conducted lead  
26 WER study rather than a recalculation study). The Regional Board responded inadequately to  
27 Petitioner's comments.  
28



1           75.    Despite the numerous concerns raised by Petitioner, and the recognition by at  
2 least one Regional Board Member that the Regional Board was effectively nullifying the  
3 existing TMDLs for copper, the Regional Board approved Resolution R15-004 on April 9, 2015  
4 by a vote of 5-2.

5           76.    On September 30, 2015, Petitioner (jointly with Heal the Bay and the Natural  
6 Resources Defense Council) submitted a letter to the SWRCB, reiterating the previous concerns  
7 and including new issues that first became apparent at the hearing before the Regional Board.

8           77.    The comments to the SWRCB again stressed the significant possibility that the  
9 study missed the critical condition because of the flawed sampling protocol and arbitrary  
10 definition of dry weather.

11           78.    In addition, Petitioner raised concerns with the proposed monitoring plan, upon  
12 which the Regional Board relied heavily as a “backstop” assurance that the new WERs were  
13 adequately protective.

14           79.    The monitoring plan approved by the Water Boards allows the MS4  
15 dischargers—the same parties who have a financial interest in high WER values—to determine  
16 whether conditions in the river had “significantly” changed, and based on their definition and  
17 determination alone, the MS4 dischargers could then submit a plan to the Executive Officer of  
18 the Regional Board to initiate the process of revising the WERs.

19           80.    Petitioner raised strong objections to the monitoring plan as an improper deferral  
20 of mitigation and/or analysis, as well as an unrealistic triggering mechanism to ensure timely  
21 revisiting of the WERs if evidence suggested changed conditions in the river.

22           81.    Significant changes to the hydrology of the river (and thus the value of the WERs)  
23 beyond the range of historic conditions are reasonably foreseeable. Among other changes,  
24 major restoration plans sponsored by the City and federal government will change river  
25 hydrology by increasing the river’s interaction with its historic floodplain, slowing flows in the  
26 river and allowing suspended sediments more opportunity to settle—and less opportunity to  
27 bind to metals, suggesting the values of WERs could fall over time.  
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1           82. In addition, the latest MS4 permit<sup>2</sup> contains new requirements for greatly  
2 increased stormwater capture and infiltration. In many drainages in the watershed, dischargers  
3 must ensure capture of all runoff up to the 85<sup>th</sup> percentile storm. When implemented, these new  
4 requirements should significantly reduce stormwater flows in the river, and should generally  
5 decrease the levels of most pollutants in the waterbody, including organic particulates and other  
6 pollutants leading to turbidity.<sup>3</sup> It is thus reasonably foreseeable that the new MS4 permit  
7 requirements could also lead to a trend towards lower values for WERs in the LA River system.

8           83. Despite the reasonably foreseeable possibility of changes in river hydrology  
9 leading to significant changes in WER values (changes that would be more likely to lower  
10 WER values than to raise them), the Water Boards vested control in the MS4 dischargers over  
11 determining when the LA River system had experienced “significant” changes to its hydrology  
12 and thus control over the trigger for the process to amend the SSOs in response to changed  
13 conditions.

14           84. In its comments to the SWRCB, Petitioner also raised another potentially  
15 important methodological flaw in the study that first became apparent to Petitioner during the  
16 Regional Board hearing. The WERs were calculated comparing the isolated effects of copper  
17 on the mortality of the single species of flea<sup>4</sup> used in the study. In other words, the MS4  
18 dischargers added only copper to the respective samples—not copper *and* all the additional  
19 constituents (including lead, zinc, and other highly toxic metals and non-metals for which  
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21 <sup>2</sup> See NPDES Permit No. CAS004001, *Waste Discharge Requirements for Municipal Separate*  
22 *Storm Sewer System (MS4) Discharges Within the Coastal Watersheds of Los Angeles County,*  
23 *Except Those Discharges Originating from the City of Long Beach MS4* (June 16, 2015),  
approved in 2012 by Regional Board Order R4-2012-0175 as amended by SWRCB Order WQ  
2015-0075.

24 <sup>3</sup> While it is also reasonably foreseeable that loadings of metals (and therefore concentrations) could also  
25 decrease, this does not affect the value of the WERs. WERs are independent of ambient *concentrations*  
26 of metals, because they measure relative *toxicity* between ambient and control water samples containing  
27 metals. The toxicity of the metals is closely related to the bioavailability of the metals, which in turn is  
28 strongly influenced by the presence of organic particulate matter/turbidity in the water column. Thus,  
less turbidity and particulate matter would be reasonably foreseeably associated with lower WERs, even  
if concentrations of metals in ambient water also decreased at the same time.

29 <sup>4</sup> EPA guidance recommends against using a single flea species in WER studies.

1 impairments exist) whose variation would be closely and positively correlated with copper in  
2 the LA River samples because those many other constituents are also present in stormwater  
3 runoff.

4 85. As a result, the WER study implicitly assumes, with no justification, that the  
5 synergistic effect of multiple additional metals and other pollutants in the water column is zero.  
6 The California Department of Fish and Wildlife submitted comments to the Regional Board  
7 raising concerns with cumulative effects of multiple pollutants over time.<sup>5</sup> At the hearing itself,  
8 UCLA Environmental Scientist Dr. Felicia Federico offered testimony that “chemical criteria  
9 based on dose-response curves for single toxicants cannot account for synergistic or other  
10 actions of multiple chemicals.” The study design assumption against any synergistic effects of  
11 multiple pollutants could bias all the river samples in favor of lower copper toxicity—and hence  
12 the resulting WERs in favor of higher values. As a result, the TMDLs and SSOs based on those  
13 WERs could be insufficiently protective of beneficial uses, and may also be inconsistent with  
14 the narrative Water Quality Standards’ prohibition on levels of pollution that adversely affect  
15 beneficial uses or that represent toxic conditions.

16 86. In response to Petitioner’s letter, the SWRCB staff claimed among other  
17 perfunctory, cut-and-paste responses that it could not “divine” what Petitioner’s concerns were,  
18 and inadequately responded to Petitioner’s other comments.

19 87. The SWRCB did not answer Petitioner’s concerns, or evaluate whether the  
20 concerns warranted revisions to the WER studies, even after Petitioner had pointed out at the  
21 November 17, 2015 SWRCB hearing that the responses to comments were inadequate under  
22 CEQA.

23 88. The Chair of the SWRCB agreed that the responses to comments were  
24 inadequate; instructed staff to do better with responses to comments in the future; and stated her  
25 discomfort with approving the Resolution on the evidence in the record before the SWRCB.

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<sup>5</sup> The Regional Board responded by with the accurate but irrelevant statement that the Water Boards were not themselves physically adding pollutants to the river.

1 Nonetheless, the State Board voted to approve the SSOs through Resolution 2015-0069 by a  
2 vote of 4-1 on November 17, 2015. This challenge follows.

3  
4 **V. EXHAUSTION OF ADMINISTRATIVE REMEDIES**  
5 **AND INADEQUATE REMEDIES AT LAW**

6 89. Petitioner has exhausted its administrative remedies through its March 16, 2015  
7 comment letter and April 9, 2015 testimony before the Los Angeles Regional Water Quality  
8 Control Board; and September 30, 2015 comment letter and November 17, 2015 testimony to  
9 the State Water Resources Control Board. In these letters and through the follow-up testimony,  
10 Petitioner provided the Water Boards with a detailed explanation of its concerns and requested  
11 that the proposed SSOs not be approved. Some of the concerns raised by Petitioner were also  
12 raised by other persons and agencies submitting comments.

13 90. Petitioner's members and staff have been, are being, and, unless the relief  
14 requested is granted, will continue to be adversely affected and injured by the Water Boards'  
15 approvals of Site Specific Objectives for copper and lead.

16 91. If the Water Boards' approvals are allowed to stand, Petitioner will suffer  
17 irreparable harm, including diminishment or loss of enjoyment of designated beneficial uses of  
18 the Los Angeles River and its tributaries.

19 92. No money damages or other legal remedy could adequately compensate Petitioner  
20 for the harm the Water Boards' conduct has caused and continues to cause.

21 93. Petitioner has complied with Public Resources Code section 21167.7 by filing a  
22 copy of this petition with the Los Angeles Office of the California Attorney General. A copy of  
23 that notice is attached as Exhibit A.

24 94. Petitioner has complied with Public Resources Code section 21167.5 by  
25 providing the Water Boards with notice of intention to commence the action. A copy of that  
26 notice is attached as Exhibit B.

1 95. Petitioner elects to prepare the administrative record. A copy of that election is  
2 attached as Exhibit C.

3 96. Petitioner requests a hearing pursuant to Public Resources Code Section  
4 21167.4(a) as soon as is convenient for the court. A copy of the request is attached as Exhibit  
5 D. This request will also be noticed and served under separate cover.

6  
7 **VI. FIRST CAUSE OF ACTION**

8 **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

9 97. Petitioner alleges and incorporates by reference all of the allegations previously  
10 set forth in this Petition, as though fully set forth below.

11 98. In approving Resolutions 2015-0069 and R15-004, the Water Boards violated  
12 CEQA in that the Boards:

- 13 a. Failed to conduct any CEQA review specific to the SSOs;  
14 b. Failed to exercise independent judgment;  
15 c. Failed to respond adequately to comments;  
16 d. Improperly deferred mitigation and analysis;  
17 e. Failed to base findings on substantial evidence; and  
18 f. Failed to proceed in a manner required by law

19  
20 **VII. SECOND CAUSE OF ACTION**

21 **PORTER-COLOGNE WATER QUALITY ACT**

22 99. Petitioner alleges and incorporates by reference all of the allegations previously  
23 set forth in this Petition, as though fully set forth below.

24 100. In approving the respective Resolutions, the Water Boards violated the Porter-  
25 Cologne Act in that the Boards:

- 26 a. Failed to conduct the anti-degradation analysis required by law;  
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- b. Failed to base conclusions regarding the anti-degradation analysis on substantial evidence;
- c. Failed to conduct the anti-backsliding analysis required by law;
- d. Failed to base the anti-backsliding analysis on substantial evidence;
- e. Prejudicially abused their discretion by failing to proceed in a manner required by law; and
- f. Prejudicially abused their discretion by failing to base their findings on substantial evidence.

**VIII. PRAYER FOR RELIEF**

**WHEREFORE**, PETITIONER respectfully prays as follows:

101. On the First Cause of Action, that the Court issue a peremptory or alternative writ of mandate commanding Respondent SWRCB to vacate its approval of Resolution 2015-0069 and to conduct further proceedings consistent with the requirements of CEQA prior to adoption of any new SSOs and/or TMDLs.

102. On the First Cause of Action, that the Court issue a peremptory or alternative writ of mandate commanding Respondent Los Angeles Regional Water Quality Control Board to vacate its approval of Resolution R15-004 and to conduct further proceedings consistent with the requirements of CEQA prior to adoption of any new SSOs and/or TMDLs.

103. On the Second Cause of Action, that the Court issue a peremptory or alternative writ of mandate commanding Respondent SWRCB to vacate its approval of Resolution 2015-0069 and to conduct further proceedings consistent with the requirements of the Porter-Cologne Water Quality Act and Clean Water Act prior to adoption of any new SSOs and/or TMDLs.

104. On the Second Cause of Action, that the Court issue a peremptory or alternative writ of Mandate commanding Respondent Los Angeles Regional Water Quality Control Board to vacate its approval of Resolution R15-004 and to conduct further proceedings consistent with

1 the requirements of the Porter-Cologne Water Quality Act and Clean Water Act prior to  
2 adoption of any new SSOs and/or TMDLs.

3 105. On all Causes of Action, for costs of the suit herein, including reasonable  
4 attorney's fees pursuant to Code of Civil Procedure Section 1021.5 or any other applicable law.

5 106. For such other and further relief as the Court deems just and proper.  
6  
7

8 DATE: July 18, 2016

Respectfully Submitted,

9  
10 LOS ANGELES WATERKEEPER  
11 Arthur Pugsley  
12 Melissa Kelly

13 By: Arthur J. Pugsley  
14 Arthur Pugsley  
15 Attorneys for Petitioner  
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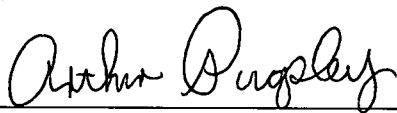
**VERIFICATION**

I, Arthur Pugsley, have read the foregoing "VERIFIED PETITION FOR WRIT OF MANDATE" and know its contents.

I am the Senior Staff Attorney for Los Angeles Waterkeeper, Petitioner in this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. The matters in this document are true of my own knowledge.

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

Executed on this 18<sup>th</sup> day of July, 2016, at Santa Monica, California.



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Arthur Pugsley



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**EXHIBIT A**

**NOTICE TO OFFICE OF THE CALIFORNIA ATTORNEY GENERAL**



**LOS ANGELES WATERKEEPER**

120 Broadway, Suite 105  
Santa Monica, CA 90401

July 18, 2016

*By U.S. Mail*

Office of the California Attorney General  
300 South Spring Street, Ste. 1700  
Los Angeles, CA 90013

Re: *Los Angeles Waterkeeper v. California State Water Resource Control Board et al.*

To Whom It May Concern:

Pursuant to Section 21167.7 of the Public Resources Code, enclosed please find a copy of the Petition for Writ of Mandate filed to challenge the State Water Resource Control Board's approval of Resolution 2015-0069, and the associated Los Angeles Regional Water Quality Control Board Regional Board Resolution R15-004 (collectively, the Water Boards' approvals), setting Site Specific Water Quality Standards (SSOs) for lead and copper in the Los Angeles River and its tributaries.

The SSOs dramatically weaken existing standards by allowing up to 969% more copper pollution in Los Angeles River tributaries, and close to 400% more copper pollution in the LA River main stem itself. The Water Boards' approval of these resolutions is a violation of the California Environmental Quality Act because, *inter alia*, the Water Boards failed to respond adequately to comments and criticisms of the project; failed to conduct project-specific environmental analysis; improperly deferred monitoring and mitigation; failed to base findings on substantial evidence; and otherwise failed to proceed in the manner required by law. The Water Boards also violated the Porter-Cologne Water Quality Act (and by extension the federal Clean Water Act) because, *inter alia*, the Water Boards failed to conduct proper anti-degradation and anti-backsliding analyses required by law; failed to base findings on substantial evidence; and otherwise failed to proceed in the manner required by law.

Please contact me if you have any questions.

Sincerely,

Arthur Pugsley

07/18/2016

Enclosure: Petition for Writ of Mandate

1 **EXHIBIT B**

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3 **NOTICE OF INTENT TO FILE CEQA ACTION**

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LOS ANGELES  
WATERKEEPER®

**LOS ANGELES WATERKEEPER**

120 Broadway, Suite 105  
Santa Monica, CA 90401

July 5, 2016

Mr. Philip G. Wyels, Esq.  
State Water Resources Control Board  
Assistant Chief Counsel, Water Quality Unit  
Office of the Chief Counsel  
1001 I Street 22<sup>nd</sup> Floor  
Sacramento, CA 95814

*Via US Mail and e-mail to Philip.Wyels@waterboards.ca.gov*

**Re: California Environmental Quality Act and Porter-Cologne Water Quality Act  
Challenge to California State Water Resource Control Board's Approval of Resolution  
2015-0069 and Los Angeles Regional Water Quality Control Board's Approval of  
Resolution R-15-004**

Dear Mr. Wyels and To Others Whom It May Concern,

Pursuant to Section 21167.5 of the Public Resources Code, please take notice that Los Angeles Waterkeeper plans to file a petition for writ of mandate challenging the State Water Resources Control Board's approval of Resolution 2015-0069 and the associated Los Angeles Regional Water Quality Control Board's approval of Resolution R15-004 setting Site Specific Water Quality Objectives for copper and lead in the Los Angeles River and its tributaries pursuant to the California Environmental Quality Act and the Porter-Cologne Water Quality Act. The pleadings will be served under separate cover.

If you have any questions, please feel free to contact me.

Sincerely,

Arthur Pugsley  
Senior Staff Attorney  
[arthur@lawaterkeeper.org](mailto:arthur@lawaterkeeper.org)  
(310) 394-6162 X 102

Cc: Mr. Sam Unger, Executive Officer, Los Angeles Regional Water Quality Control Board  
Jennifer Fordyce, Esq., Office of the Chief Counsel, State Water Resources Control Board

07/18/2016

1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over the age of 18  
3 and not a party to the within action. My business address is: 120 Broadway Suite 105, Santa  
4 Monica, CA 90401.

5 On July 8, 2016, I served the within document described as NOTICE OF IMPENDING  
6 FILING OF CEQA PETITION on the following interested parties in said action by placing a true  
7 copy thereof in the United States mail enclosed in a sealed envelope with postage prepaid,  
8 addressed as follows:

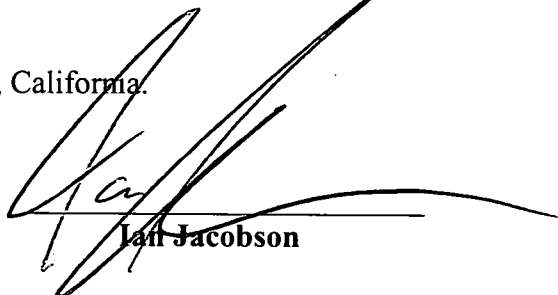
9 Mr. Sam Unger, Executive Officer  
10 California Regional Water Quality  
11 Control Board, Los Angeles Region  
12 320 West 4<sup>th</sup> Street, Suite 200  
13 Los Angeles, CA 90013

14 Mr. Philip Wyels, Assistant Chief Counsel  
15 State Water Resources Control Board  
16 Office of Chief Counsel  
17 1001 I Street, P.O. Box 100  
18 Sacramento, CA 95814

19 I am "readily familiar" with the firm's practice of collection and processing  
20 correspondence for mailing. It is deposited with U.S. postal service on that same day in the  
21 ordinary course of business. I am aware that on motion of party served, service is presumed  
22 invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for  
23 mailing in affidavit.

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

26 Executed on July 8, 2016, at Santa Monica, California.

27   
28 Ian Jacobson

07/18/2016

1 **EXHIBIT C**

2  
3 **NOTICE OF PETITIONER'S ELECTION TO PREPARE THE**  
4 **ADMINISTRATIVE RECORD**

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1 LOS ANGELES WATERKEEPER  
2 Arthur Pugsley, SBN 252200  
3 Melissa Kelly, SBN 300817  
4 120 Broadway, Suite 105  
5 Santa Monica, CA 90401  
6 (310) 394-6162 (telephone); (310) 394-6178 (facsimile)

7 CHATTEN-BROWN & CARSTENS  
8 Douglas Carstens, SBN 193439  
9 Josh Chatten-Brown, SBN 243605  
10 Michelle Black, SBN 261962  
11 2200 Pacific Coast Highway, Suite 318  
12 Hermosa Beach, CA 90254  
13 (310) 798-2400 (telephone); (310) 798-2402 (facsimile)

14 Attorneys for Petitioners

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
16 **FOR THE COUNTY OF LOS ANGELES**

17 LOS ANGELES WATERKEEPER,

18 Petitioner,

19 v.

20 CALIFORNIA STATE WATER  
21 RESOURCES CONTROL BOARD; AND  
22 LOS ANGELES REGIONAL WATER  
23 QUALITY CONTROL BOARD,

24 Respondents.

) CASE NO.:

) **NOTICE OF ELECTION TO PREPARE**  
) **THE ADMILNISTRATIVE RECORD**

) (Violation of California Environmental  
) Quality Act and Porter-Cologne Water Quality  
) Act)

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1 PLEASE TAKE NOTICE: Pursuant to Public Resources Code section 21167.6(b)(2),  
2 Petitioner Los Angeles Waterkeeper hereby elects to prepare the administrative record in the  
3 above-entitled action.  
4

5 DATE: July 18, 2016

Respectfully Submitted,

6  
7 LOS ANGELES WATERKEEPER  
8 Arthur Pugsley  
9 Melissa Kelly

10 By: Arthur J. Pugsley  
11 Arthur Pugsley  
12 Attorneys for Petitioner  
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**EXHIBIT D**

**REQUEST FOR CEQA HEARING**

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1 LOS ANGELES WATERKEEPER  
Arthur Pugsley, SBN 252200  
2 Melissa Kelly, SBN 300817  
120 Broadway, Suite 105  
3 Santa Monica, CA 90401  
4 (310) 394-6162 (telephone); (310) 394-6178 (facsimile)

5 CHATTEN-BROWN & CARSTENS LLP  
Douglas P. Carstens, SBN 193439  
6 Josh Chatten-Brown, SBN 243605  
7 Michelle Black, SBN 261962  
2200 Pacific Coast Hwy, Suite 318  
8 Hermosa Beach, CA 90254  
9 310.798.2400; Fax 310.798.2402

10  
11 Attorneys for Petitioner  
Los Angeles Waterkeeper

12  
13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **FOR THE COUNTY OF LOS ANGELES**

15 LOS ANGELES WATERKEEPER )

CASE NO.:

16 Petitioner, )

**REQUEST FOR HEARING**

17 v. )

18 STATE WATER RESOURCES CONTROL )  
19 BOARD; and LOS ANGELES REGIONAL )  
20 WATER QUALITY CONTROL BOARD, )

(Violation of California Environmental  
Quality Act and Porter-Cologne Water  
Quality Act)

21 Respondents. )

Judge: TBD

22 ) Department: TBD

23 ) Trial Setting Conference: TBD

24 ) Time: TBD  
)

1 Pursuant to Public Resources Code section 21167.4(a), Petitioner Los Angeles  
2 Waterkeeper requests a hearing on Petitioner's Petition for Writ of Mandate in this matter as  
3 soon as is convenient for the Court.

4  
5 Date: July 18, 2016

LOS ANGELES WATERKEEPER  
Arthur Pugsley  
Melissa Kelly

7  
8 By: Arthur S. Pugsley  
9 Arthur Pugsley  
10 Attorneys for Petitioner  
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
 Douglas P. Carstens, SBN 193439  
 Chatten-Brown and Carstens LLP  
 2200 Pacific Coast Highway, Ste. 318  
 Hermosa Beach, CA 90254  
 TELEPHONE NO.: 310-798-2400  
 ATTORNEY FOR (Name): Los Angeles Waterkeeper

FOR COURT USE ONLY

**FILED**  
 Superior Court of California  
 County of Los Angeles

**JUL 18 2016**

Sherril K. Carter, Executive Officer/Clerk  
 By: M. Soto, Deputy  
 Mosea Soto

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 North Hill Street  
 MAILING ADDRESS: 111 North Hill Street  
 CITY AND ZIP CODE: Los Angeles, CA 90012  
 BRANCH NAME: Central District

CASE NAME:  
 Los Angeles Waterkeeper v. Cal. State Water Res. Control Bd. et al

**CIVIL CASE COVER SHEET**

**Unlimited** (Amount demanded exceeds \$25,000)     **Limited** (Amount demanded is \$25,000 or less)

**Complex Case Designation**

**Counter**     **Joinder**

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **BS 163391**

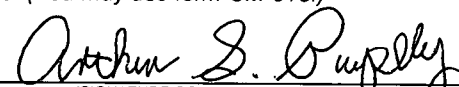
JUDGE: \_\_\_\_\_  
 DEPT: \_\_\_\_\_

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:
- |   |  |   |
|---|--|---|
| <p><b>Auto Tort</b></p> <p><input type="checkbox"/> Auto (22)</p> <p><input type="checkbox"/> Uninsured motorist (46)</p> <p><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b></p> <p><input type="checkbox"/> Asbestos (04)</p> <p><input type="checkbox"/> Product liability (24)</p> <p><input type="checkbox"/> Medical malpractice (45)</p> <p><input type="checkbox"/> Other PI/PD/WD (23)</p> <p><b>Non-PI/PD/WD (Other) Tort</b></p> <p><input type="checkbox"/> Business tort/unfair business practice (07)</p> <p><input type="checkbox"/> Civil rights (08)</p> <p><input type="checkbox"/> Defamation (13)</p> <p><input type="checkbox"/> Fraud (16)</p> <p><input type="checkbox"/> Intellectual property (19)</p> <p><input type="checkbox"/> Professional negligence (25)</p> <p><input type="checkbox"/> Other non-PI/PD/WD tort (35)</p> <p><b>Employment</b></p> <p><input type="checkbox"/> Wrongful termination (36)</p> <p><input type="checkbox"/> Other employment (15)</p> | <p><b>Contract</b></p> <p><input type="checkbox"/> Breach of contract/warranty (06)</p> <p><input type="checkbox"/> Rule 3.740 collections (09)</p> <p><input type="checkbox"/> Other collections (09)</p> <p><input type="checkbox"/> Insurance coverage (18)</p> <p><input type="checkbox"/> Other contract (37)</p> <p><b>Real Property</b></p> <p><input type="checkbox"/> Eminent domain/Inverse condemnation (14)</p> <p><input type="checkbox"/> Wrongful eviction (33)</p> <p><input type="checkbox"/> Other real property (26)</p> <p><b>Unlawful Detainer</b></p> <p><input type="checkbox"/> Commercial (31)</p> <p><input type="checkbox"/> Residential (32)</p> <p><input type="checkbox"/> Drugs (38)</p> <p><b>Judicial Review</b></p> <p><input type="checkbox"/> Asset forfeiture (05)</p> <p><input type="checkbox"/> Petition re: arbitration award (11)</p> <p><input checked="" type="checkbox"/> Writ of mandate (02)</p> <p><input type="checkbox"/> Other judicial review (39)</p> | <p><b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b></p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)</p> <p><input type="checkbox"/> Construction defect (10)</p> <p><input type="checkbox"/> Mass tort (40)</p> <p><input type="checkbox"/> Securities litigation (28)</p> <p><input type="checkbox"/> Environmental/Toxic tort (30)</p> <p><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p><b>Enforcement of Judgment</b></p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p><b>Miscellaneous Civil Complaint</b></p> <p><input type="checkbox"/> RICO (27)</p> <p><input type="checkbox"/> Other complaint (not specified above) (42)</p> <p><b>Miscellaneous Civil Petition</b></p> <p><input type="checkbox"/> Partnership and corporate governance (21)</p> <p><input type="checkbox"/> Other petition (not specified above) (43)</p> |
|---|--|---|

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a.  monetary    b.  nonmonetary; declaratory or injunctive relief    c.  punitive
4. Number of causes of action (specify): two
5. This case  is  is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: July 18, 2016  
 Arthur S. Pugsley  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME)

  
 \_\_\_\_\_  
 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.

File this cover sheet in addition to any cover sheet required by local court rule.

If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.

Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

## Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
  - Asbestos Property Damage
  - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
  - Medical Malpractice—Physicians & Surgeons
  - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
  - Premises Liability (e.g., slip and fall)
  - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
  - Intentional Infliction of Emotional Distress
  - Negligent Infliction of Emotional Distress
  - Other PI/PD/WD

## Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
  - Legal Malpractice
  - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

## Employment

- Wrongful Termination (36)
- Other Employment (15)

## Contract

- Breach of Contract/Warranty (06)
  - Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
- Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
  - Auto Subrogation
  - Other Coverage
- Other Contract (37)
  - Contractual Fraud
  - Other Contract Dispute

## Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
  - Writ of Possession of Real Property
  - Mortgage Foreclosure
  - Quiet Title
  - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

## Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

## Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
  - Writ—Administrative Mandamus
  - Writ—Mandamus on Limited Court Case Matter
- Writ—Other Limited Court Case Review
- Other Judicial Review (39)
  - Review of Health Officer Order
  - Notice of Appeal—Labor Commissioner Appeals

## Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

## Enforcement of Judgment

- Enforcement of Judgment (20)
  - Abstract of Judgment (Out of County)
  - Confession of Judgment (*non-domestic relations*)
  - Sister State Judgment
  - Administrative Agency Award (*not unpaid taxes*)
  - Petition/Certification of Entry of Judgment on Unpaid Taxes
  - Other Enforcement of Judgment Case

## Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
  - Declaratory Relief Only
  - Injunctive Relief Only (*non-harassment*)
  - Mechanics Lien
  - Other Commercial Complaint Case (*non-tort/non-complex*)
  - Other Civil Complaint (*non-tort/non-complex*)

## Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
  - Civil Harassment
  - Workplace Violence
  - Elder/Dependent Adult Abuse
  - Election Contest
  - Petition for Name Change
  - Petition for Relief From Late Claim
  - Other Civil Petition

SHORT TITLE: Los Angeles Waterkeeper v. Cal. State Res. Control Bd.	CASE NUMBER
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**CIVIL CASE COVER SHEET ADDENDUM AND  
STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

**Step 1:** After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

**Step 2:** In Column B, check the box for the type of action that best describes the nature of the case.

**Step 3:** In Column C, circle the number which explains the reason for the court filing location you have chosen.

**Applicable Reasons for Choosing Court Filing Location (Column C)**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>1. Class actions must be filed in the Stanley Mosk Courthouse, Central District.</li> <li>2. Permissive filing in central district.</li> <li>3. Location where cause of action arose.</li> <li>4. Mandatory personal injury filing in North District.</li> <li>5. Location where performance required or defendant resides.</li> <li>6. Location of property or permanently garaged vehicle.</li> </ul> | <ul style="list-style-type: none"> <li>7. Location where petitioner resides.</li> <li>8. Location wherein defendant/respondent functions wholly.</li> <li>9. Location where one or more of the parties reside.</li> <li>10. Location of Labor Commissioner Office.</li> <li>11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury).</li> </ul> |
|--|---|

Auto Tort

Other Personal Injury/Property Damage/Wrongful Death Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11 1, 4, 11
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11 1, 4, 11 1, 4, 11 1, 4, 11

Non-Personal Injury/ Property Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1, 2, 3
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1, 2, 3
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2, 5
	<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2, 5
	<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1, 2, 5
	<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1, 2, 5
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	5, 6, 11
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	5, 11
	<input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1, 2, 3, 5
	<input type="checkbox"/> A6031 Tortious Interference	1, 2, 3, 5
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 8, 9
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation      Number of parcels_____	2, 6
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2, 6
	<input type="checkbox"/> A6032 Quiet Title	2, 6
	<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Unlawful Detainer-Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

07/18/2016

SHORT TITLE:

Los Angeles Waterkeeper v. Cal. State Res. Control Bd.

CASE NUMBER

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
<b>Judicial Review</b>	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input checked="" type="checkbox"/> A6151 Writ - Administrative Mandamus	2, 8
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8	
<b>Provisionally Complex Litigation</b>	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
<b>Enforcement of Judgment</b>	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> A6160 Abstract of Judgment	2, 6
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2, 9
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 8, 9
<b>Miscellaneous Civil Complaints</b>	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8		
<b>Miscellaneous Civil Petitions</b>	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2, 3, 9
		<input type="checkbox"/> A6123 Workplace Harassment	2, 3, 9
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2, 3, 9
		<input type="checkbox"/> A6190 Election Contest	2
		<input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender	2, 7
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2, 3, 8
<input type="checkbox"/> A6100 Other Civil Petition	2, 9		



SHORT TITLE: Los Angeles Waterkeeper v. Cal. State Res. Control Bd.	CASE NUMBER
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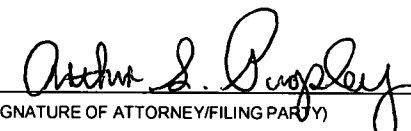
07/18/2016

**Step 4: Statement of Reason and Address:** Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

<b>REASON:</b> <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.		<b>ADDRESS:</b> Los Angeles Regional Water Quality Control Board 320 W 4th Street Suite 200
<b>CITY:</b> Los Angeles	<b>STATE:</b> CA	<b>ZIP CODE:</b> 90013

**Step 5: Certification of Assignment:** I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: July 18, 2016

  
 (SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.