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1 NATURAL RESOURCES DEFENSE COUNCIL  
 2 David S. Beckman (Bar No. 156170)  
 3 dbeckman@nrdc.org  
 4 Anjali I. Jaiswal (Bar No. 207098)  
 5 ajaiswal@nrdc.org  
 6 Selena Kyle (Bar No. 246069)  
 7 skyle@nrdc.org  
 8 1314 Second Street  
 9 Santa Monica, California 90401  
 10 Tel: (310) 434-2300  
 11 Fax: (310) 434-2399

12 LAWYERS FOR CLEAN WATER, INC.  
 13 Daniel Cooper (Bar No. 153576)  
 14 daniel@lawyersforcleanwater.com  
 15 Layne Friedrich (Bar No. 195431)  
 16 layne@lawyersforcleanwater.com  
 17 Martin McCarthy (Bar No. 194915)  
 18 martin@lawyersforcleanwater.com  
 19 1004 O'Reilly Avenue  
 20 San Francisco, California 94129  
 21 Tel: (415) 440-6520  
 22 Fax: (415) 440-4155

23 Attorneys for Plaintiffs  
 24 Natural Resources Defense Council  
 25 and Santa Monica Baykeeper

**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

26 NATURAL RESOURCES DEFENSE  
 27 COUNCIL, INC., and SANTA MONICA  
 28 BAYKEEPER,

Plaintiffs,

v.

COUNTY OF LOS ANGELES; LOS  
 ANGELES COUNTY FLOOD

Civil Case No.: **CV08-01467GHK (RCX)**  
**COMPLAINT FOR DECLARATORY  
 AND INJUNCTIVE RELIEF AND CIVIL  
 PENALTIES**

(Clean Water Act 33 U.S.C. § 1251 et seq.)

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20

1 CONTROL DISTRICT; MICHAEL  
2 ANTONOVICH, in his official capacity  
3 as Supervisor; YVONNE B. BURKE, in  
4 her official capacity as Supervisor; DON  
5 KNABE, in his official capacity  
6 as Supervisor; GLORIA MOLINA, in her  
7 official capacity as Supervisor; ZEV  
8 YAROSLAVSKY, in his official capacity  
9 as Supervisor; and DONALD L. WOLFE,  
10 in his official capacity as Director of Los  
11 Angeles County Department of Public  
12 Works,

Defendants.

**INTRODUCTION**

1. Defendants County of Los Angeles and Los Angeles Flood Control District have discharged and continue to discharge polluted stormwater and flows consisting of non-stormwater discharges (“non-stormwater”) into southern California’s surface and coastal waters in violation of the federal Clean Water Act (“CWA”),<sup>1</sup> 33 U.S.C. § 1251 *et seq.*, since December 13, 2001. This Court has jurisdiction over this action pursuant to 33 U.S.C. § 1365(a) and 28 U.S.C. § 1331.

2. Congress recognized in the CWA that municipal stormwater and non-stormwater discharges can cause or contribute to water pollution that threatens the ecological health of our coastal waters and the health and welfare of people who depend on those waters. The CWA accordingly prohibits all discharges of pollutants from municipal storm sewer systems except as authorized under the terms of a National Pollutant Discharge Elimination System (“NPDES”) permit.

3. Defendants County of Los Angeles and Los Angeles Flood Control District’s municipal stormwater and non-stormwater discharges are regulated by an

<sup>1</sup> For ease of reference, a list of acronyms is attached, as Exhibit 1.

1 NPDES permit issued by the State of California's Regional Water Quality Control Board  
2 for the Los Angeles Region on December 13, 2001 and amended on September 14, 2006  
3 and August 9, 2007 ("Permit"). The Permit, *inter alia*, prohibits non-stormwater  
4 discharges and discharges from a municipal separate storm sewer system ("MS4") that  
5 cause or contribute to the violation of water quality standards for all receiving waters—  
6 including inland rivers and coastal waters. The Permit also incorporates, and prohibits  
7 violation of, water quality protections adopted by the State under the CWA.

8 4. The Natural Resources Defense Council and Santa Monica Baykeeper  
9 (collectively "Plaintiffs") bring this lawsuit to end Defendants County of Los Angeles  
10 and Los Angeles County Flood Control District's illegal discharges of pollutants. These  
11 unlawful discharges threaten the health of California's coastal waters and the millions of  
12 Californians and others who depend on those waters for food, recreation, and other  
13 purposes.

#### 14 JURISDICTION AND VENUE

15 5. This Court has jurisdiction over the subject matter of this action pursuant to  
16 the CWA, 33 U.S.C. § 1365(a), which grants the federal district courts jurisdiction over  
17 CWA citizen enforcement, and 28 U.S.C. § 1331, which grants the federal district courts  
18 original jurisdiction over civil actions arising under federal law, including the CWA, 33  
19 U.S.C. §§ 1251 *et seq.*

20 6. On May 31, 2007, Plaintiffs mailed a notice letter via certified mail to  
21 Defendants County of Los Angeles, Los Angeles Flood Control District, Los Angeles  
22 County Supervisors Michael Antonovich, Yvonne B. Burke, Don Knabe, Gloria Molina,  
23 Zev Yaroslavsky, in their official capacities, and Director of the Los Angeles County  
24 Department of Public Works Donald L. Wolfe, in his official capacity, (collectively  
25 "Defendants" or "County"), notifying them of the violations referenced in this  
26 Complaint. *See* 40 C.F.R. § 135.2(a)(2).

27 7. On September 10, 2007, Plaintiffs mailed a second notice letter via certified  
28 mail to Defendants that (1) provided notice of supplemental violations based on

1 information that became publicly available shortly after the County of Los Angeles  
2 submitted the 2006-2007 Stormwater Monitoring Report on August 15, 2007; and (2)  
3 provided additional information—which included, *inter alia*, examples illustrating the  
4 same type of persistent violations committed by Defendants—regarding violations of  
5 which Plaintiffs previously provided notice to Defendants in the May 31, 2007 notice  
6 letter.

7 8. On December 18, 2007, Plaintiffs mailed a third notice letter via certified  
8 mail to Defendants that provided additional information of Permit violations with respect  
9 to Surfrider Beach based on the Santa Monica Bay Beaches Bacteria Summer Dry  
10 Weather Total Maximum Daily Load (“Bacteria TMDL”) limits as incorporated into the  
11 Permit.

12 9. Over sixty days have passed since Plaintiffs mailed Defendants the May 31,  
13 2007, September 10, 2007, and December 18, 2007 letters. Plaintiffs also mailed all  
14 three letters to the Administrator of the United States Environmental Protection Agency  
15 (“EPA”), the Administrator of EPA Region 9, the Executive Director of the State Water  
16 Resources Control Board, and the Executive Officer of the Regional Water Quality  
17 Control Board, Los Angeles Region (collectively “State and Federal agencies”).

18 10. As of this filing, none of the State or Federal agencies had commenced or  
19 was diligently prosecuting a civil or criminal action against Defendants to require  
20 compliance with the standards, limitations and orders described in this Complaint.

21 11. Venue in this Court is proper under 28 U.S.C. § 1391(b)(2), because a  
22 substantial part of the events or omissions giving rise to Plaintiffs’ claims occurred in this  
23 judicial district, and under 33 U.S.C. § 1365(c)(1), because the sources of the violations  
24 described in this Complaint are within this judicial district.

## 25 PARTIES

26 12. Plaintiff Natural Resources Defense Council, Inc. (“NRDC”) is a national,  
27 not-for-profit membership corporation organized under the laws of the State of New  
28 York, with offices in Los Angeles, San Francisco, New York, Washington, D.C.,

1 Chicago, and Beijing. NRDC has over 400,000 members nationwide, including over  
2 79,000 members in California. NRDC advocates for, *inter alia*, Federal and State  
3 enforcement of the CWA and related state laws and, when necessary, brings citizen  
4 enforcement actions on behalf of itself and its members.

5 13. Plaintiff Santa Monica Baykeeper (“Baykeeper”) is a non-profit organization  
6 with approximately 3,000 members, organized under the laws of the State of California,  
7 with its main office in Marina del Rey, California. Baykeeper is dedicated to the  
8 preservation, protection, and defense of the environment, the wildlife, and the natural  
9 resources of the Santa Monica Bay watershed. To further these goals, Baykeeper  
10 advocates for Federal and State enforcement of the CWA and related state laws and,  
11 when necessary, brings citizen enforcement actions on behalf of itself and its members.

12 14. Plaintiffs have thousands of members who live and/or recreate in and around  
13 the County of Los Angeles. NRDC’s and Baykeeper’s members use and enjoy the waters  
14 into which the County is illegally discharging pollutants, including the waters of the  
15 Santa Monica Bay and the Los Angeles/Long Beach Harbor, to swim, fish, sail, kayak,  
16 surf, view wildlife, and engage in scientific study. The County’s discharge of pollutants  
17 impairs each of these uses. Plaintiffs’ members have been and will continue to be  
18 adversely affected by the County’s polluted discharges in violation of the CWA until  
19 Defendants cease their illegal discharges.

20 15. Defendant County of Los Angeles is a political subdivision of the State of  
21 California. Defendant County of Los Angeles owns and/or operates a MS4.

22 16. Defendant Los Angeles County Flood Control District is a public entity  
23 controlled by the Los Angeles County Board of Supervisors through the Department of  
24 Public Works. Defendant Los Angeles County Flood Control District owns and/or  
25 operates a MS4 and is designated as the Principal Permittee under the Permit.

26 17. Defendant Michael Antonovich, in his official capacity as Supervisor,  
27 represents the Fifth District of Los Angeles County.

1 18. Defendant Yvonne B. Burke, in her official capacity as the Chair of the  
2 Board of Supervisors and as Supervisor, represents the Second District of Los Angeles  
3 County.

4 19. Defendant Don Knabe, in his official capacity as Supervisor, represents the  
5 Fourth District of Los Angeles County.

6 20. Defendant Gloria Molina, in her official capacity as Supervisor, represents  
7 the First District of Los Angeles County.

8 21. Defendant Zev Yaroslavsky, in his official capacity as Supervisor, represents  
9 the Third District of Los Angeles County.

10 22. Defendant Donald L. Wolfe, in his official capacity, is the Director of the  
11 Department of Public Works, which includes the Los Angeles County Flood Control  
12 District.

### 13 SOUTHERN CALIFORNIA'S POLLUTED RUNOFF PROBLEM

14 23. Pollutants—such as bacteria, viruses, trash, and metals—are carried by  
15 stormwater and non-stormwater runoff into surface streams and creeks that make their  
16 way to Santa Monica Bay, Los Angeles/Long Beach Harbor and the Pacific Ocean.

17 24. Polluted stormwater and non-stormwater runoff are now regarded as one of  
18 the largest sources of pollution to the coastal waters of the United States. In southern  
19 California, advanced sewage treatment has reduced the emissions of contaminants from  
20 sewage treatment plant and industrial discharges to surface waters and the ocean. As a  
21 consequence, mass emissions from stormwater and non-stormwater runoff now constitute  
22 a much larger portion of the constituent inputs to receiving waters and may represent the  
23 dominant source of some contaminants, such as copper and zinc. Bay, S., *Study of the*  
24 *Impact of Stormwater Discharge on Santa Monica Bay*, (Nov. 1999).

25 25. Pollutants that have been identified as a concern and are common in  
26 stormwater and non-stormwater discharges include, *inter alia*, cyanide, bacteria, total  
27 dissolved solids, total suspended solids, aluminum, cadmium, copper, and zinc. *See*  
28 *Permit at 3.*

1           26. Polluted runoff has been shown to be toxic to marine and freshwater  
2 organisms. This toxicity persists over large areas as discharge plumes spread through  
3 coastal receiving waters. Large loadings of nutrients have been measured from urban  
4 creeks and these have ultimately contributed to the overenrichment of estuaries at the  
5 mouths of urban watersheds, as indicated in part by large blooms of macroalgae.

6           27. Biosurveys of fish communities have shown bioaccumulation of toxicants,  
7 attributable to heavy metals associated with polluted runoff. Bay, S., *Toxicity of Dry*  
8 *Weather Flow from the Santa Monica Bay Watershed*, (1996), Bull. Southern California  
9 Acad. Sci. 5 at 33-45. Other studies have found chemical concentration of pollutants that  
10 exceed state and federal water quality criteria in storm drains flowing to the ocean during  
11 dry weather. *Chemical Contaminant Release into Santa Monica Bay*, Final Report,  
12 American Oceans Campaign, Santa Monica (1993).

13           28. Numerous scientific studies over the past decade have documented serious  
14 health risks to recreational users of southern California's waters from pollutant-loaded  
15 stormwater and non-stormwater discharges. See, e.g., Stenstrom, M. K., *Southern*  
16 *California Environmental Report Card: Stormwater Impact* at 15; Los Angeles County  
17 Grand Jury, *Reducing the Risks of Swimming at Los Angeles County Beaches* (1999-  
18 2000) at 205; Haile, R. et al., *An Epidemiological Study of Possible Adverse Health*  
19 *Effects of Swimming in Santa Monica Bay* (Santa Monica Bay Restoration Project, 1996)  
20 at 5.

21           29. During both dry and wet weather, many popular Santa Monica Bay and Los  
22 Angeles beaches remain unsafe for swimming. Fact Sheet for the Los Angeles Municipal  
23 Storm Water NPDES Permit (Dec. 13, 2001) at 3, 5-6; Stenstrom, M. K., *Southern*  
24 *California Environmental Report Card: Stormwater Impact* at 14-16.

25           30. For example, regional monitoring of southern California beaches has shown  
26 that shorelines which receive dry weather flows are ten times more likely to exceed water  
27 contact standards than those that are distant from storm drains. More than 60 percent of  
28 the shoreline exceeds water contact standards following wet weather events. This has led

1 to the permanent posting of warning signs near drain outlets and blanket warnings against  
2 body contact recreation at any beach for 72 hours following rain events.

3 31. A landmark epidemiological study showed that people who swam directly in  
4 front of storm drain outlets into Santa Monica Bay were far more likely to experience  
5 fevers, chills, vomiting, gastroenteritis, and similar health effects than those who swam  
6 100 or 400 yards away from the outlets. Los Angeles County Grand Jury, *Reducing the*  
7 *Risks of Swimming at Los Angeles County Beaches* (1999-2000) at 205; Haile, R. *et al.*,  
8 *An Epidemiological Study of Possible Adverse Health Effects of Swimming in Santa*  
9 *Monica Bay* at 5.

10 32. Polluted runoff has significant economic costs. One recent UCLA/Stanford  
11 study revealed the staggering cost to the public of swimming in contaminated waters.  
12 The researchers found that nearly 1.5 million southern Californians become ill from  
13 swimming in polluted waters each year. The health costs associated with these illnesses  
14 caused an estimated annual economic loss of \$21 to \$51 million. Given, S. *et al.*,  
15 *Regional Public Health Cost Estimates of Contaminated Coastal Waters: A Case Study of*  
16 *Gastroenteritis at Southern California Beaches*, *Environ. Sci. Technol.* 2006, 40, 4851-  
17 4858 (2006).

18 33. These studies conclude that water quality improvements in the region would  
19 have substantial public health benefits and corresponding economic benefits.

20 34. According to the National Ocean Economics Program, Los Angeles  
21 County's ocean economy, based on estimates for tourism and recreation alone,  
22 contributed over \$11 billion to the gross state product in 2004. National Ocean  
23 Economics Program, *Ocean Economic Data by State, County & Sector* (2004). Polluted  
24 runoff threatens this massive economic resource.

25 35. Controlling polluted stormwater and non-stormwater discharges is essential  
26 to protecting southern California's surface and coastal waters.

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## STATUTORY AND REGULATORY BACKGROUND

### A. The Clean Water Act (CWA), the California Water Code (CWC), and California's NPDES Permitting Scheme for Municipal Stormwater Discharges

36. Congress passed the CWA to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters,” 33 U.S.C. § 1251(a), and with the “interim goal” that wherever attainable, “water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983.” 33 U.S.C. § 1251(a)(2).

37. Section 301 of the CWA, 33 U.S.C. § 1311, prohibits the discharge of any pollutant, by any person, from any point source to the waters of the United States, including the waters of the contiguous zone or the ocean, except where expressly authorized under a valid NPDES Permit issued by EPA or an EPA-delegated State permitting authority. 33 U.S.C. § 1311(a); *id.* § 1362(12)(A), (7); 40 C.F.R. § 122.2.

38. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), establishes a NPDES permitting framework for MS4 discharges. 33 U.S.C. § 1342(a), (p). NPDES permits issued for municipal storm sewer systems must both (1) “effectively prohibit non-stormwater discharges into the storm sewers,” 33 U.S.C. § 1342(p)(3)(B)(ii), and (2) “require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as . . . appropriate for the control of such pollutants.” *Id.* § 1342(p)(3)(B)(iii).

39. Storm sewers are point sources that are subject to NPDES permitting requirements under the CWA and its implementing regulations. *See* 33 U.S.C. § 1311(a); *id.* § 1342(p); *id.* § 1362(12)(A); 40 C.F.R. § 122.2.

40. Santa Clara River, Los Angeles River, San Gabriel River, Malibu Creek and tributaries of the Santa Clara, Los Angeles, and San Gabriel Rivers and Malibu Creek; the Santa Monica Bay; the Los Angeles/Long Beach Harbor; and Pacific Ocean drainage

1 areas from the watersheds are “waters of the United States” as defined in the CWA and  
2 its implementing regulations. 33 U.S.C. § 1362(7); 40 C.F.R. § 122.2.

3 41. Section 303(d) of the CWA, 33 U.S.C. § 1313(d), requires that water bodies  
4 be identified and ranked by priority when water quality is too poor to support the  
5 beneficial uses for those waters. 33 U.S.C. § 1313(d). For each of these identified water  
6 bodies, Section 303(d) further requires the establishment of Total Maximum Daily Loads  
7 (“TMDLs”) by the State and Regional Boards. 33 U.S.C. § 1313(d)(1). For each of  
8 these waters, California must establish a TMDL for each pollutant at a level necessary to  
9 implement applicable water quality standards with an adequate margin of safety. 33  
10 U.S.C. § 1313(d)(1)(C).

11 42. NPDES permit conditions must be consistent with waste load allocations  
12 established in applicable TMDLs. 40 C.F.R. § 122.44(d)(1), (d)(1)(vii)(B); 40 C.F.R.  
13 § 130.7(a).

14 43. EPA has delegated its NPDES permitting authority for California MS4  
15 discharges to the State of California (“State”). *See* 33 U.S.C. § 1342(b).

16 44. The California Water Code (“CWC”) vests the State Water Resources  
17 Control Board (“State Board”) and the State’s Regional Water Quality Control Boards  
18 (“Regional Boards”) with primary responsibility for regulating state water quality. Cal.  
19 Water Code §§ 13001, 13050(a)-(b), 13200. The Santa Clara River, Los Angeles River,  
20 San Gabriel River and Malibu Creek watersheds, and the Pacific Ocean drainages from  
21 these watersheds, fall within the jurisdiction of the Regional Water Quality Control  
22 Board for the Los Angeles Region (“Los Angeles Regional Board”). *Id.* § 13200(d).

## 23 **B. Water Quality Standards and the Bacteria TMDL**

### 24 **1. Basin Plan Standards for Los Angeles County Inland Waters**

25 45. The CWC requires California’s Regional Boards, including the Los Angeles  
26 Regional Board, to adopt water quality control plans for the waters in their regions. Cal.  
27 Water Code § 13240. Water quality control plans must include water quality objectives  
28 designed to protect the waters’ beneficial uses, which may include recreation;

1 preservation and enhancement of fish, wildlife, and other aquatic resources; and domestic  
2 or municipal water supply. *Id.* §§ 13421, 13050(f).

3 46. The Los Angeles Region Basin Plan for the Coastal Watersheds of Los  
4 Angeles and Ventura Counties (“Basin Plan”) is the water quality control plan for the Los  
5 Angeles region. The Basin Plan provides, *inter alia*:

- 6 a. In marine waters, the single sample limits for bacteria are as follows: (1)  
7 total coliform density cannot exceed 10,000/100 ml; (2) fecal coliform  
8 density cannot exceed 400/100 ml; (3) enterococcus density cannot  
9 exceed 104/100 ml; and (4) total coliform density cannot exceed  
10 1,000/100 ml, if the ratio of fecal-to-total coliform exceeds 0.1.
- 11 b. In fresh waters, the single sample limits are the following: *E. coli* density  
12 cannot exceed 235/100 ml and fecal coliform density cannot exceed  
13 400/100 ml.
- 14 c. In waters designated for domestic or municipal water supply (“MUN”),  
15 aluminum concentrations cannot exceed 1 milligram per liter (“mg/L”);  
16 cyanide concentrations cannot exceed 0.2 mg/L, and nickel  
17 concentrations cannot exceed 0.1 mg/L;
- 18 d. In certain designated waters, sulfate concentrations cannot exceed 50  
19 mg/L; and
- 20 e. In certain designated waters, chloride concentrations cannot exceed 10  
21 mg/L.

22 Basin Plan at 3-8, 3-12 to 3-13; Los Angeles Regional Board Resolution No. 01-018,  
23 Attachment A, at Table 1.

24 47. The Santa Clara River, Los Angeles River, San Gabriel River, Malibu  
25 Creek, tributaries of the Santa Clara, Los Angeles, and San Gabriel Rivers and tributaries  
26 of Malibu Creek; the Santa Monica Bay; the Los Angeles/Long Beach Harbor, and  
27 Pacific Ocean drainage areas from the watersheds are all “receiving waters” as defined in  
28 the Permit and the Basin Plan. Permit at 66.

## 2. California Toxics Rule (“CTR”) Standards for Inland and Coastal Waters

48. The California Toxics Rule (“CTR”), promulgated by EPA pursuant to Section 303(c)(2)(B) of the CWA, 33 U.S.C. § 1313(c)(2)(B), and implemented through CWA regulations, establishes numeric limits on concentrations of toxic pollutants for California waters and discharges to those waters. 40 C.F.R. § 131.38; *see also* Water Quality Standards: Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California, 65 Fed Reg. 31682 (May 18, 2000) (to be codified at 40 C.F.R. pt. 130). The CTR standards apply concurrently with standards established by California except where California has established a more stringent standard, in which case the more stringent standard applies. 40 C.F.R. § 131.38(c)(1).

49. The CTR includes standards for both inland, or fresh, waters and coastal, or salt, waters, as well as factors for calculating metals criteria. 40 C.F.R. § 131.38(b)(1), Table, (b)(2). For each water type and pollutant, the CTR specifies a Criteria Maximum Concentration (“CMC”), which “equals the highest concentration of pollutants to which aquatic life can be exposed for a short period of time without deleterious effects.” *Id.* n.d.

### 3. Limits Established in the Bacteria TMDL

50. Pursuant to the Bacteria TMDL, a violation of any of its four bacteria objectives constitutes an “exceedance day.” *See, e.g.*, Los Angeles Regional Board Resolution No. 02-004, Attachment A, at Table 7-4.1 and 7-4.2a.

51. Under the Bacteria TMDL, for all beaches in Santa Monica Bay during summer dry weather, no exceedance days are allowed. *See, e.g.*, Los Angeles Regional Board Resolution No. 02-004, Attachment A, at Table 7-4.2a.

### 4. Standards for California Coastal Waters and Areas of Special Biological Significance

52. The CWC requires the State Board to create a water quality control plan for California’s ocean waters (“Ocean Plan”). Cal. Water Code § 13170.2(a).

53. The State Board has adopted the Ocean Plan, which, like the Basin Plans adopted by Regional Boards for California’s inland waters, includes numeric and

1 narrative water quality objectives intended to protect designated uses including  
2 recreation, fishing, and preservation of marine habitat. *Id.*; Ocean Plan at 1-23.

3 54. Among other objectives, the Ocean Plan provides that

4 a. In waters designated for contact recreation, fecal coliform may not  
5 exceed 400/100ml in any single sample; and

6 b. Copper may not exceed a daily maximum of 12 µg/L.

7 Ocean Plan at 4, 7.

8 55. The Ocean Plan designates thirty-four marine areas off the coast of  
9 California as Areas of Special Biological Significance (“ASBS”). Ocean Plan at 39-40.  
10 Among these are the California coastal waters from Mugu Lagoon in Ventura County to  
11 Latigo Point in Los Angeles County (the “Mugu to Latigo ASBS”), *id.*, which include  
12 five major subtidal habitat types and extensive reefs.

13 56. The Ocean Plan, *inter alia*, prohibits discharges of waste, of whatever origin,  
14 into or near any ASBS. Ocean Plan at 20, 27.

### 15 **C. The NPDES Permit for MS4 Discharges**

16 57. The Permit identifies the Los Angeles County Flood Control District, the  
17 County of Los Angeles, 84 incorporated cities, and any agency named in the Permit as  
18 responsible for meeting the terms of the Permit, except the City of Long Beach. State  
19 Water Resources Control Board Order No. 01-182, NPDES Permit No. CAS004001,  
20 Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges  
21 within the County of Los Angeles, and the Incorporated Cities Therein, Except the City  
22 of Long Beach, adopted December 13, 2001. The current Permit, adopted in 2001, is the  
23 third generation permit for the County of Los Angeles’ MS4 discharges, which were  
24 previously regulated under NPDES permits issued in 1990 and 1996, respectively.

25 58. The Permit “cover[s] all areas within the boundaries of the [p]ermittee  
26 municipalities ... over which they have regulatory jurisdiction as well as unincorporated  
27 areas in Los Angeles County within the jurisdiction of the Regional Board.” Permit at 8.  
28 The Permit regulates the following watershed areas: Ballona Creek, Malibu Creek, Los

1 Angeles River, Coyote Creek/San Gabriel River, Dominguez Channel, and Santa Clara  
2 River. *Id.* at 13.

3 59. As the Principal Permittee, the County has certain special obligations, as set  
4 forth in the Permit, such as requirements that the County:

- 5 a. “coordinate and facilitate activities necessary to comply with the  
6 requirements” of the Permit;
- 7 b. “coordinate permit activities among [p]ermittees and act as liaison  
8 between [p]ermittees and the Regional Board on permitting issues”;  
9 provide personnel and fiscal resources for the necessary updates of the  
10 SQMP [Stormwater Quality Management Program] and its components”;
- 11 c. “[p]rovide technical and administrative support for committees that will  
12 be organized to implement the SQMP and its components”; and
- 13 d. “[i]mplement the Countywide Monitoring Program,” as discussed below  
14 at paragraphs 68-71 of this Complaint.

15 Permit at 25.

16 60. Permit violations constitute violations of the CWA and its implementing  
17 regulations and are grounds for enforcement actions under the CWA, including citizen  
18 enforcement actions seeking civil penalties. Permit at 71; *see also* 33 U.S.C. § 1365(a);  
19 40 C.F.R. § 122.41(a).

20 **1. General Prohibitions on Non-Stormwater Discharges and Discharges that**  
21 **Cause or Contribute to Violations of Water Quality Standards**

22 61. The County is required to design a Stormwater Quality Management  
23 Program (“SQMP”) to “achieve compliance with receiving water limitations.” Permit, at  
24 23, 68.

25 62. The Permit prohibits “discharges from the MS4 that cause or contribute to  
26 the violation of Water Quality Standards or water quality objectives.” Permit at 23.  
27 Those “water quality standards or water quality objectives,” collectively described in the  
28 remainder of this Complaint as “water quality standards,” include all standards described

1 at paragraphs 36-56 of this Complaint. *Id.* at 70 (defining “Water Quality Standards and  
2 Water Quality Objectives” to include all “water quality criteria contained in the Basin  
3 Plan, the California Ocean Plan . . . the California Toxic Rule, and other state or federally  
4 approved surface water quality plans . . . used by the Regional Board to regulate all  
5 discharges, including storm water discharges.”).

6 63. The Permit requires the County to “effectively prohibit non-stormwater  
7 discharges into the MS4 and watercourses,” except as covered by the terms of a separate  
8 NPDES permit or by narrow, enumerated exceptions for certain categories of discharge.  
9 Permit at 21-22; *see also id.* at 64.

10 64. The Permit was amended on September 14, 2006 to incorporate the Bacteria  
11 TMDL. As amended, the Permit provides, in relevant part: “Discharges of Summer Dry  
12 Weather flows from MS4s into Santa Monica Bay . . . that cause or contribute to  
13 exceedances of the bacteria Receiving Water Limitations in Part 2.5 and 2.6 below, are  
14 prohibited.” Permit at 22. As amended, the Permit further provides: “During Summer  
15 Dry Weather there shall be no discharges of bacteria from MS4s into the Santa Monica  
16 Bay that cause or contribute to exceedances in the Wave Wash, of the applicable bacteria  
17 objectives.” *Id.* at 24.

18 **2. Reporting and Program Modification Requirements for Discharges That**  
19 **Cause or Contribute to Exceedances of Water Quality Standards**

20 65. When “discharges are causing or contributing to an exceedance of an  
21 applicable Water Quality Standard,” the County is required to promptly notify the  
22 Regional Board and complete a Receiving Water Limitations Compliance Report (“RWL  
23 Compliance Report”). Permit at 23.

24 66. RWL Compliance Reports must describe the pollutants that are in  
25 exceedance; analyze possible sources of those pollutants; and describe its plan for  
26 complying with water quality standards, including discharge prohibitions. *See id.*,  
27 Attachment T.

28 ///

1           67. RWL Compliance Reports must also describe Best Management Practices  
2 (“BMPs”) “that are currently being implemented and additional BMPs that will be  
3 implemented to prevent or reduce any pollutants that are causing or contributing to the  
4 exceedances of Water Quality Standards.” Permit at 23, 61. BMPs are methods,  
5 measures or practices designed and selected to reduce or eliminate the discharge of  
6 pollutants to surface waters from discharges including stormwater and non-stormwater.  
7 *Id.* at 61. BMPs may include structural and nonstructural controls, which may be applied  
8 before, during, and/or after pollution producing activities. *Id.*

### 9           **3. Monitoring and Reporting Requirements**

10           68. The Permit requires the County to complete and submit annually to the Los  
11 Angeles Regional Board an Individual Annual Report describing its level of compliance  
12 with, and efforts to comply with, the Permit. Permit, Attachment T. The County, as the  
13 Principal Permittee, is required to compile the information from its Individual Annual  
14 Reports and other municipalities’ Individual Annual Reports and submit a Unified  
15 Annual Report. *Id.*

16           69. The Permit further requires the County, as Principal Permittee, to submit a  
17 Stormwater Monitoring Report (“SMR”) to the Los Angeles Regional Board on an  
18 annual basis. Permit, Attachment T.

19           70. As Principal Permittee, the County must “[i]mplement the Countywide  
20 Monitoring Program required under [the Permit] and evaluate, assess and synthesize the  
21 results of the monitoring program,” Permit at 25, and “estimate the mass emissions from  
22 the MS4” to “[d]etermine if the MS4 is contributing to exceedances of Water Quality  
23 Standards” in receiving waters. *Id.* Attachments T, U.

24           71. The County has indicated that it has monitored Ballona Creek, Malibu  
25 Creek, the Los Angeles River, Coyote Creek, and the San Gabriel River since at least  
26 1994. The County has indicated that it began monitoring the Dominguez Channel in  
27 2001 and the Santa Clara River in 2002. Since 2002, under the Permit, the County has  
28

1 been required to test each of these waters three to four times a year during storm events  
2 and two times a year during dry weather.

3 **4. Permit Requirements for Adequate Legal Authority**

4 72. The Permit requires the County to “prohibit non-stormwater discharges to  
5 the storm drain system,” Permit at 28, and to “hold dischargers to [the] MS4 accountable  
6 for their contributions of pollutants and flows.” *Id.* at 29.

7 73. The County has authority to pass ordinances, permits, contracts, model  
8 programs, and orders binding on private persons within its jurisdiction, Permit at 28, and  
9 is required to amend and adopt urban runoff ordinances as necessary to enforce all  
10 requirements of the Permit. *Id.* at 29. This includes the authority to control pollutants, to  
11 require source control and treatment control BMPs, and to “carry out all inspections,  
12 surveillance and monitoring procedures necessary to determine compliance and non-  
13 compliance with permit conditions, including the prohibition of illicit discharges to the  
14 MS4.” *Id.* at 28-29.

15 74. The County also has authority to enter into interagency agreements with  
16 other State and Federal entities in order to control discharges from those entities’  
17 facilities. Permit at 9.

18 75. The Permit requires the County to adopt SQMPs that identify and ensure  
19 implementation of BMPs to control stormwater and non-stormwater pollution. Permit at  
20 24-26.

21 76. The Permit requires the County to pursue enforcement action against  
22 commercial and industrial facilities or construction sites found not to be adequately  
23 implementing BMPs, as well as against certain other dischargers. Permit at 33-60.

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**PERMIT VIOLATIONS**

**A. The County's Violations of Water Quality Standards At Mass Emission Stations As Reported in Stormwater Monitoring Reports<sup>2</sup>**

77. The County owns and/or operates the MS4 and further has jurisdiction over lands which generate stormwater and non-stormwater discharges in each of the watersheds at issue: Santa Clara River; Los Angeles River; San Gabriel River; and Malibu Creek.

**1. Violations of Water Quality Standards Reported in the 2006-2007 Stormwater Monitoring Report**

**a. Santa Clara River**

78. The 2006-2007 SMR reported sampling in the Santa Clara River on seven dates, the first five for wet weather monitoring (December 9, 2006; December 16, 2006; January 30, 2007; February 19, 2007; and February 22, 2007) and two for dry weather monitoring (October 31, 2006 and April 2, 2007).

79. Four samples showed exceedances of the Basin Plan's standard for fecal coliform on December 9, 2006; January 30, 2007; February 19, 2007; and February 22, 2007.

80. Four samples showed exceedances for the Basin Plan standard for total aluminum on December 9, 2006; January 30, 2007; February 19, 2007; and February 22, 2007.

81. Total copper exceeded the CTR standard every time it was sampled and tested.

**b. Los Angeles River**

82. The 2006-2007 SMR reported sampling in the Los Angeles River on five dates, the first three for wet weather monitoring (December 9, 2006; February 19, 2007;

1 February 22, 2007) and two for dry weather monitoring (November 1, 2006 and April 9,  
2 2007).

3 83. Four of the five samples conducted showed exceedances of the Basin Plan  
4 standard for fecal coliform on December 9, 2006; February 19, 2007; February 22, 2007;  
5 and April 9, 2007.

6 84. Three samples exceeded Basin Plan standards for total aluminum on  
7 December 9, 2006; February 19, 2007; and February 22, 2007.

8 85. Total antimony exceeded Basin Plan standards on December 9, 2006.

9 86. Total cadmium exceeded both Basin Plan and CTR standards on December  
10 9, 2006.

11 87. Four samples exceeded the CTR cyanide standard on November 1, 2006;  
12 February 19, 2007; February 22, 2007; and April 9, 2007.

13 88. Total copper exceeded the CTR standard every time it was sampled and  
14 tested.

15 89. On December 9, 2006, the CTR standards for total lead and total silver were  
16 exceeded.

17 90. Three samples showed exceedances of the CTR standard for total zinc on  
18 December 9, 2006; February 19, 2007; and February 22, 2007.

19 **c. San Gabriel River**

20 91. The 2006-2007 SMR reported sampling in the San Gabriel River on six  
21 dates, the first four for wet weather monitoring (December 9, 2006; February 10, 2007;  
22 February 19, 2007; and February 22, 2007) and two for dry weather monitoring  
23 (November 1, 2006 and April 2, 2007).

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27 <sup>2</sup> For the ease of reference, a list of the County's violations at the mass emission stations,  
28 as discussed in this Complaint, is attached as Exhibit 2.

1 92. Four samples showed exceedances of the Basin Plan's standard for fecal  
2 coliform on November 1, 2006; December 9, 2006; February 19, 2007; and February 22,  
3 2007.

4 93. Three samples showed exceedances for the Basin Plan's standard for total  
5 aluminum on December 9, 2006; February 10, 2007; and February 22, 2007.

6 94. On February 19, 2007, the CTR cyanide standard was exceeded.

7 95. Total copper exceeded the CTR standard each and every time it was tested.

8 96. On December 9, 2006, samples showed that the CTR's standard for total  
9 zinc was exceeded.

10 **d. Malibu Creek**

11 97. The 2006-2007 SMR reported sampling in Malibu Creek on six dates, the  
12 first four for wet weather monitoring (December 9, 2006; January 30, 2007; February 19,  
13 2007; and February 22, 2007) and the last two for dry weather monitoring (November 1,  
14 2006 and April 9, 2007).

15 98. Samples for sulfate showed exceedances of the Basin Plan standard on  
16 November 1, 2006; December 9, 2006; and April 9, 2007.

17 99. The sample tested for total dissolved solids showed exceedance of the Basin  
18 Plan standard on November 1, 2006.

19 100. Three samples for total aluminum exceeded the Basin Plan standard on  
20 December 9, 2006; February 19, 2007; and February 22, 2007.

21 101. The Basin Plan and CTR standards for total cadmium were exceeded on  
22 December 9, 2006.

23 102. Five of the six samples for total copper exceeded the CTR standard on  
24 November 1, 2006; December 9, 2006; February 19, 2007; February 22, 2007; and April  
25 9, 2007.

26 103. The sample for total zinc exceeded the CTR standard on December 9, 2006.

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1           **2. Violations of Water Quality Standards Reported in the 2005-2006**  
2           **Stormwater Monitoring Report**

3                   **a. Santa Clara River**

4           104. The 2005-2006 SMR demonstrates that the Santa Clara River was sampled  
5 on six dates, four times following rain events, and twice on dry days: October 17, 2005;  
6 December 31, 2005; January 14, 2006; February 17, 2006; November 29, 2005; and April  
7 25, 2006.

8           105. The samples indicate that cyanide levels exceeded water quality standards  
9 on October 17, 2005. The result of that test was 0.594 mg/L, which exceeds the CTR  
10 limit.

11           106. Fecal coliform in the Santa Clara River exceeded water quality standards on  
12 all four wet weather days sampled. The results for fecal coliform were 300,000  
13 MPN/100ml, 90,000 MPN/100ml, 3,000 MPN/100ml, and 1,300 MPN/100ml.  
14 According to the Basin Plan, the maximum fecal coliform concentration is 400  
15 MPN/100ml. The Santa Clara River samples exceeded the maximum permitted  
16 concentration of fecal coliform by 750 times, 225 times, 7.5 times, and 3.25 times,  
17 respectively.

18           107. Total aluminum exceeded water quality standards on all four wet weather  
19 days. The levels sampled on these days were 3,410 µg/L, 1,530 µg/L, 1,845 µg/L, and  
20 3,340 µg/L.

21           108. The Basin Plan standard for total antimony was exceeded on October 17,  
22 2005.

23           109. The samples tested showed that total copper exceeded the applicable CTR  
24 standard on October 17, 2005 and April 25, 2006.

25           110. The samples tested showed that total zinc exceeded the applicable CTR  
26 standard on October 17, 2005.

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1                   **b. Los Angeles River**

2           111. The 2005-2006 SMR demonstrates that the Los Angeles River was sampled  
3 on six dates, four times following rain events, and twice on dry days: October 17, 2005;  
4 December 31, 2005; January 14, 2006; February 17, 2006; January 24, 2006; and April  
5 25, 2006.

6           112. The samples tested indicated that cyanide exceeded water quality standards  
7 on three dates February 17, 2006, January 24, 2006, and April 25, 2006. The results of  
8 those tests were 0.035 mg/L, 0.040 mg/L, and 0.057 mg/L.

9           113. Fecal coliform levels in the Los Angeles River exceeded water quality  
10 standards on every date sampled. The results for fecal coliform were 24,000,000  
11 MPN/100ml, 50,000 MPN/100ml, 2,400 MPN/100ml, 16,000 MPN/100ml, 500  
12 MPN/100ml, and 9,000 MPN/100ml. Under the Basin Plan, the maximum amount of  
13 fecal coliform is 400 MPN/100ml. The Los Angeles River exceeded the maximum  
14 permitted amount of fecal coliform by 60,000 times, 125 times, 6 times, 40 times, 1.25  
15 times, and 22.5 times, respectively.

16           114. The January 14, 2006 sample for dissolved copper in the Los Angeles  
17 River, 0.0146 mg/l, exceeded the applicable CTR standard (0.013 mg/L).

18           115. The samples tested showed that total copper exceeded the applicable CTR  
19 standard on October 17, 2005; January 14, 2006; February 17, 2006; and April 25, 2006.

20           116. The samples tested showed that total zinc exceeded the applicable CTR  
21 standard on October 17, 2005; January 14, 2006; and February 17, 2006.

22                   **c. San Gabriel River**

23           117. The 2005-2006 SMR demonstrates that the San Gabriel River was sampled  
24 on six occasions, four following a rain event, and two during dry weather: October 17,  
25 2005; December 31, 2005; January 14, 2006; February 17, 2006; January 24, 2006; and  
26 April 25, 2006.

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1 118. Exceedances of fecal coliform were found on October 17, 2005; December  
2 31, 2005; January 14, 2006; and January 24, 2006. The levels of fecal coliform were  
3 16,000,000 MPN/100ml, 240,000 MPN/100ml, 800 MPN/100ml, and 3,000 MPN/100ml.  
4 This exceeds the limits of the Basin Plan by 40,000 times, 600 times, 2 times, and 7.5  
5 times, respectively for the San Gabriel River mass emissions station.

6 119. On October 17, 2005, the sample exceeded the applicable Basin Plan  
7 standard for total aluminum.

8 120. The samples tested showed that total copper exceeded the applicable CTR  
9 standard on October 17, 2005 and April 25, 2006.

10 121. On October 17, 2005, the sample tested showed that total zinc exceeded the  
11 applicable CTR standard.

12 **d. Malibu Creek**

13 122. The 2005-2006 SMR demonstrates that the County sampled Malibu Creek  
14 on six dates, the first four following rain events, and the last two during dry weather:  
15 October 17, 2005; November 9, 2005; December 31, 2005; February 17, 2006; January  
16 24, 2006; and April 25, 2006.

17 123. Sulfate levels exceeded water quality standards on five out of six of the  
18 sampling dates. The results from the sulfate tests were 658 mg/L, 749 mg/L, 573 mg/L,  
19 507 mg/L, and 589 mg/L, but, according to the Basin Plan, the maximum amount of  
20 sulfate permitted in Malibu Creek is just 500 mg/L.

21 124. The Basin Plan standard for total aluminum was exceeded on October 17,  
22 2005.

23 125. The samples tested showed that total copper exceeded the applicable CTR  
24 standard on October 17, 2005; November 9, 2005; February 17, 2006; and April 25,  
25 2006.

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1                   **3. Violations of Water Quality Standards Reported in the 2004-2005**  
2                   **Stormwater Monitoring Report**

3                   **a. Santa Clara River**

4                   126. The 2004-2005 SMR reported sampling in the Santa Clara River on five  
5 dates, the first three for wet weather monitoring (October 17, 2004; October 26, 2004;  
6 and January 7, 2005) and the last two for dry weather monitoring (November 16, 2004  
7 and March 9, 2005).

8                   127. Four samples showed exceedances of the Basin Plan's standard for fecal  
9 coliform on October 17, 2004; October 26, 2004; January 7, 2005; and March 9, 2005.

10                  128. On January 7, 2005, the Basin Plan standard for dissolved aluminum was  
11 exceeded.

12                  129. Three samples showed exceedances for the Basin Plan standard for total  
13 aluminum on October 26, 2004; January 7, 2005; and March 9, 2005.

14                  130. On November 16, 2004, the Basin Plan standard for total boron was  
15 exceeded.

16                  131. Two samples showed exceedances for the CTR standard for dissolved  
17 copper on October 26, 2004 and January 7, 2005.

18                  132. Total copper exceeded the CTR standard every time it was sampled and  
19 tested.

20                   **b. Los Angeles River**

21                  133. The 2004-2005 SMR reported sampling in the Los Angeles River on six  
22 dates, the first four for wet weather monitoring (October 17, 2004; October 26, 2004;  
23 December 5, 2004; and January 7, 2005) and the last two for dry weather monitoring  
24 (November 16, 2004 and March 17, 2005).

25                  134. Five samples showed exceedances of the Basin Plan standard for fecal  
26 coliform on October 17, 2004; October 26, 2004; December 5, 2004; January 7, 2005;  
27 and March 17, 2005.  
28

1 135. The Basin Plan standard for pH was exceeded on November 16, 2004 and  
2 December 5, 2004.

3 136. Four samples showed exceedances of the Basin Plan’s standard for total  
4 aluminum on October 17, 2004; October 26, 2004; December 5, 2004; and January 7,  
5 2005.

6 137. The CTR cyanide standard was exceeded on October 26, 2004; November  
7 16, 2004; and March 17, 2005.

8 138. Total copper exceeded the CTR standard every time it was sampled and  
9 tested.

10 139. Samples showed exceedances of the CTR standard for total zinc on October  
11 17, 2004; October 26, 2004; and December 5, 2004.

12 **c. San Gabriel River**

13 140. The 2004-2005 SMR reported sampling in the San Gabriel River on six  
14 dates, the first four for wet weather monitoring (October 17, 2004; October 26, 2004;  
15 December 5, 2004; and January 7, 2005) and the last two for dry weather monitoring  
16 (March 17, 2005 and June 21, 2005).

17 141. Four samples showed exceedances of the Basin Plan standard for fecal  
18 coliform on October 17, 2004; October 26, 2004; December 5, 2004; and January 7,  
19 2005.

20 142. On June 21, 2005, the Basin Plan standard for chloride was exceeded.

21 143. On October 17, 2004, the Basin Plan standard for nitrite was exceeded.

22 144. The Basin Plan standard for total aluminum was exceeded on December 5,  
23 2004 and January 7, 2005.

24 145. Total copper exceeded the CTR standard on October 17, 2004; December 5,  
25 2004; and January 7, 2005.

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1                   **d. Malibu Creek**

2           146. The 2004-2005 SMR reported sampling in Malibu Creek on six dates, the  
3 first four for wet weather monitoring (October 17, 2004; October 26, 2004; December 5,  
4 2004; and January 11, 2005) and the last two for dry weather monitoring (November 16,  
5 2004 and March 9, 2005).

6           147. The samples showed three exceedances of the Basin Plan standard for  
7 sulfate on October 17, 2004; October 26, 2004; and December 5, 2004.

8           148. On January 11, 2005, the Basin Plan standard for total aluminum was  
9 exceeded.

10          149. On January 11, 2005, the sample exceeded both Basin Plan and CTR  
11 standards for total cadmium.

12          150. Samples for total copper exceeded the CTR standard on October 17, 2004;  
13 October 26, 2004; November 16, 2004; December 5, 2004; and January 11, 2005.

14                   **4. Violations of Water Quality Standards Reported in the 2003-2004**  
15                   **Stormwater Monitoring Report**

16                   **a. Santa Clara River**

17          151. The 2003-2004 SMR reported sampling in the Santa Clara River on five  
18 dates, the first three for wet weather monitoring (October 31, 2003; December 25, 2003;  
19 and January 1, 2004) and the last two for dry weather monitoring (October 28, 2003 and  
20 January 13, 2004).

21          152. Four samples showed exceedances of the Basin Plan standard for fecal  
22 coliform on October 28, 2003; October 31, 2003; December 25, 2003; and January 1,  
23 2004.

24          153. On December 25, 2003, the Basin Plan standard for total zinc was exceeded.

25          154. Three samples showed exceedances of the CTR standard for total copper on  
26 October 28, 2003; October 31, 2003; and December 25, 2003.

27          155. On December 25, 2003 and January 1, 2004, the CTR standard for total  
28 aluminum was exceeded.

1                   **b. Los Angeles River**

2           156. The 2003-2004 SMR reported sampling in the Los Angeles River on five  
3 dates, the first three for wet weather monitoring (October 31, 2003; December 25, 2003;  
4 and January 1, 2004) and the last two for dry weather monitoring (October 28, 2003 and  
5 January 13, 2004).

6           157. Four samples showed exceedances of the Basin Plan standard for fecal  
7 coliform on October 28, 2003; October 31, 2003; December 25, 2003; and January 1,  
8 2004.

9           158. On October 31, 2003, the Basin Plan standard for dissolved oxygen was  
10 exceeded.

11           159. On January 1, 2004, the Basin Plan standard for pH was exceeded.

12           160. On October 31, 2003, the Basin Plan standard for total aluminum was  
13 exceeded.

14           161. The CTR cyanide standard was exceeded on October 28, 2003; October 31,  
15 2003; and January 13, 2004.

16           162. On October 31, 2003, the CTR standards for total cadmium and total lead  
17 were exceeded.

18           163. Four samples showed exceedances of the CTR standard for total copper on  
19 October 28, 2003; October 31, 2003; December 25, 2003; and January 1, 2004.

20           164. Two samples showed exceedances of the CTR standard for total zinc on  
21 October 31, 2003 and January 13, 2004.

22                   **c. San Gabriel River**

23           165. The 2003-2004 SMR reported sampling in the San Gabriel River on four  
24 dates, the first three for wet weather monitoring (October 31, 2003; December 25, 2003;  
25 and January 1, 2004) and at least one date for dry weather monitoring (October 28, 2003).

26           166. At least two samples showed exceedances of the Basin Plan standard for  
27 fecal coliform on October 31, 2003 and December 25, 2003.

28           167. On October 28, 2003, the Basin Plan standard for nitrite was exceeded.

1 168. On October 28, 2003, the CTR standard for cyanide was exceeded.

2 **d. Malibu Creek**

3 169. The 2003-2004 SMR reported sampling in Malibu Creek on five dates, the  
4 first three for wet weather monitoring (October 31, 2003; December 25, 2003; and  
5 January 1, 2004) and the last two for dry weather monitoring (October 28, 2003 and  
6 January 13, 2004).

7 170. Two samples showed exceedances of the Basin Plan standard for sulfate on  
8 October 28, 2003 and December 25, 2003.

9 171. On October 28, 2003, the Basin Plan standard for total dissolved solids was  
10 exceeded.

11 172. On that October 28, 2003, the CTR standard for total copper was exceeded.

12 **5. Violations of Water Quality Standards Reported in the 2002-2003**  
13 **Stormwater Monitoring Report**

14 **a. Santa Clara River**

15 173. The 2002-2003 SMR reported sampling in the Santa Clara River on six  
16 dates, the first four for wet weather monitoring (November 8, 2002; December 16, 2002;  
17 February 11, 2003; and March 15, 2003) and the last two for dry weather monitoring  
18 (October 10, 2002 and April 30, 2003).

19 174. Three samples showed exceedances of the Basin Plan standard for fecal  
20 coliform on December 16, 2002; February 11, 2003; and March 15, 2003.

21 175. On December 16, 2002, the Basin Plan standard for dissolved oxygen was  
22 exceeded.

23 176. Two samples showed exceedances of the Basin Plan standard for total  
24 aluminum on November 8, 2002 and December 16, 2002.

25 177. On November 8, 2002, the CTR standard for total copper was exceeded.

26 **b. Los Angeles River**

27 178. The 2002-2003 SMR reported sampling in the Los Angeles River on six  
28 dates, the first four for wet weather monitoring (November 8, 2002; December 16, 2002;

1 February 11, 2003; and March 15, 2003) and the last two for dry weather monitoring  
2 (October 10, 2002 and April 30, 2003).

3 179. Three samples showed exceedances of the Basin Plan standard for fecal  
4 coliform on December 16, 2002; February 11, 2003; and March 15, 2003.

5 180. Two samples showed exceedances of the Basin Plan standard for pH on  
6 November 8, 2002 and April 30, 2003.

7 181. Two samples showed exceedances of the CTR standard for cyanide on  
8 February 11, 2003 and April 30, 2003.

9 182. Three samples showed exceedances of the CTR standard for total copper on  
10 November 8, 2002; December 16, 2002; and April 30, 2003.

11 **c. San Gabriel River**

12 183. The 2002-2003 SMR reported sampling in the San Gabriel River on six  
13 dates, the first four for wet weather monitoring (November 8, 2002; December 16, 2002;  
14 February 11, 2003; and March 15, 2003) and the last two for dry weather monitoring  
15 (October 10, 2002 and April 30, 2003).

16 184. Four samples showed exceedances of the Basin Plan standard for fecal  
17 coliform on December 16, 2002; February 11, 2003; March 15, 2003; and April 30, 2003.

18 185. On October 10, 2002, the Basin Plan standard for nitrite was exceeded.

19 186. On November 8, 2002, the Basin Plan standard for total aluminum was  
20 exceeded.

21 187. On October 10, 2002, the Basin Plan standard for total dissolved solids was  
22 exceeded.

23 188. Two samples exceeded the CTR standard for cyanide on November 8, 2002  
24 and February 11, 2003.

25 189. On November 8, 2002, the CTR standard for total zinc was exceeded.

26 190. Three samples showed exceedances of the CTR standard for total copper on  
27 October 10, 2002, November 8, 2002, and March 15, 2003.

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1                   **d. Malibu Creek**

2           191. The 2002-2003 SMR reported sampling in Malibu Creek on six dates, the  
3 first four for wet weather monitoring (November 8, 2002; December 16, 2002; February  
4 11, 2003; and March 15, 2003) and the last two for dry weather monitoring (October 10,  
5 2002 and April 30, 2003).

6           192. On March 15, 2003, the Basin Plan standard for dissolved oxygen was  
7 exceeded.

8           193. On October 10, 2002, the Basin Plan standard for pH was exceeded.

9           194. Three samples showed exceedances for the Basin Plan standard for sulfate  
10 on October 10, 2002; November 8, 2002; and February 11, 2003.

11           195. On November 8, 2002, the Basin Plan standard for total aluminum was  
12 exceeded.

13           196. On November 8, 2002, the Basin Plan and CTR standards for total cadmium  
14 were exceeded.

15           197. Two samples showed exceedances of the CTR standard for total copper on  
16 October 10, 2002 and November 8, 2002.

17           **B. The County's Violations of the Bacteria TMDL<sup>3</sup>**

18           198. Malibu Creek and Lagoon drain into the Pacific Ocean at Surfrider Beach, a  
19 County beach. The Permit identifies Surfrider Beach as compliance monitoring site "S1"  
20 for the Coordinated Shoreline Monitoring Plan.

21           199. Based on the Coordinated Shoreline Monitoring conducted by the City of  
22 Los Angeles for Surfrider Beach, the County is causing and contributing to violations of  
23 the Bacteria TMDL's zero dry weather exceedance days, as incorporated into the Permit,  
24 during 2006 and 2007.

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27 <sup>3</sup> For the ease of reference, a list of the County's violations of the Bacteria TMDL at  
28 Surfrider Beach, as discussed in this Complaint, is attached as Exhibit 3.

1           200. On September 14, 2006, monitoring data showed that bacteria levels  
2 exceeded water quality standards because the fecal coliform density was 1,100/100 ml.

3           201. On September 15, 2006, monitoring data showed that bacteria levels  
4 exceeded water quality standards because the fecal coliform density was 1,100/100 ml.

5           202. On September 28, 2006, monitoring data showed that bacteria levels  
6 exceeded water quality standards because the single sample fecal coliform density was  
7 500/100 ml.

8           203. On October 3, 2006, monitoring data showed that bacteria levels exceeded  
9 water quality standards because total coliform density was 13,000/100 ml and the fecal  
10 coliform density was 6,300/100 ml (15.75 times over the single sample numeric targets).

11           204. On October 5, 2006, the the single sample bacteria numeric limits under the  
12 Bacteria TMDL for summer dry weather were exceeded. The total coliform density was  
13 13,000/100 ml (1.3 times over the numeric limit), the fecal coliform density was  
14 7,300/100 ml (18.25 times higher than the limit), and the enterococcus density was  
15 1,400/100 ml (13.46 times higher than the limit).

16           205. On October 7, 2006, monitoring data showed that bacteria levels exceeded  
17 water quality standards because fecal coliform density was 740/100 ml.

18           206. On October 10, 2006, monitoring data showed that bacteria levels exceeded  
19 water quality standards because fecal coliform density was 1,000/100 ml.

20           207. On October 13, 2006, monitoring data showed that bacteria levels exceeded  
21 water quality standards because total coliform density was 13,000/100 ml; fecal coliform  
22 density was 430/100 ml; enterococcus density was 180/100 ml.

23           208. On October 14, 2006, monitoring data showed that bacteria levels exceeded  
24 water quality standards because total coliform density was 13,000/100 ml; fecal coliform  
25 density was 4,900/100 ml; and enterococcus density was 210/100 ml.

26           209. On October 17, 2006, monitoring data showed that bacteria levels exceeded  
27 water quality standards because fecal coliform density was 1,300/100 ml.  
28

1           210. On October 18, 2006, monitoring data showed that bacteria levels exceeded  
2 water quality standards because enterococcus density was 110/100 ml.

3           211. On October 20, 2006, monitoring data showed that bacteria levels exceeded  
4 water quality standards because fecal coliform density was 500/100 ml.

5           212. On October 25, 2006, monitoring data showed that bacteria levels exceeded  
6 water quality standards because fecal coliform density was 3,200/100 ml and  
7 enterococcus density was 160/100 ml.

8           213. On October 27, 2006, monitoring data showed that bacteria levels exceeded  
9 water quality standards because fecal coliform density was 430/100 ml and enterococcus  
10 density was 110/100 ml.

11           214. On April 6, 2007, monitoring data showed that bacteria levels exceeded  
12 water quality standards because the fecal coliform density was 580/100 ml.

13           215. On April 7, 2007, monitoring data showed that bacteria levels exceeded  
14 water quality standards because total coliform density was 13,000/100 ml and the fecal  
15 coliform density was 1,600/100 ml.

16           216. On April 21, 2007, monitoring data showed that bacteria levels exceeded  
17 water quality standards because total coliform density was 13,000/100 ml; the fecal  
18 coliform density was 1,600/100 ml; and the enterococcus density was 780/100 ml.

19           217. On April 24, 2007, monitoring data showed that bacteria levels exceeded  
20 water quality standards because total coliform density was 11,000/100 ml and the fecal  
21 coliform density was 740/100 ml.

22           218. On April 25, 2007, monitoring data showed that bacteria levels exceeded  
23 water quality standards because total coliform density was 11,000/100 ml and the fecal  
24 coliform density was 7,300/100 ml.

25           219. On April 27, 2007, monitoring data showed that bacteria levels exceeded  
26 water quality standards because fecal coliform density was 430/100 ml.

1 220. On May 18, 2007, monitoring data showed that bacteria levels exceeded  
2 water quality standards because fecal coliform density was 430/100 ml and enterococcus  
3 density was 190/100 ml.

4 221. On May 19, 2007, monitoring data showed that bacteria levels exceeded  
5 water quality standards because fecal coliform density was 430/100 ml.

6 222. On June 2, 2007, monitoring data showed that bacteria levels exceeded  
7 water quality standards because enterococcus density was 270/100 ml.

8 223. On June 16, 2007, monitoring data showed that bacteria levels exceeded  
9 water quality standards because fecal coliform density was 8,700/100 ml; the  
10 enterococcus density was 310/100 ml; and the total coliform density was 9,600/100 ml.

11 **C. The County's Violations of Water Quality Standards Applicable to the Mugu to**  
12 **Latigo Area of Special Biological Significance**

13 224. In violation of the Permit, the County owns and/or operates drains and  
14 further controls polluted stormwater and non-stormwater draining into the Mugu to  
15 Latigo ASBS.

16 225. The Ocean Plan's water quality standard for waste prohibits the discharge  
17 of any waste into the ASBS.

18 226. Any exceedance of the Ocean Plan's water quality criteria for ocean waters  
19 constitutes a separate violation of the Permit.

20 227. In October 2004, the State Board sent a letter to James Noyes, then the  
21 Director of Public Works for the County of Los Angeles, indicating that the County was  
22 violating the Ocean Plan by discharging waste into the Mugu to Latigo ASBS. Letter  
23 from Celeste Cantú, Executive Director, State Water Resources Control Board (October  
24 18, 2004). The letter informed the County that it would have to stop its discharges of  
25 waste to the ASBS.

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1           228. In its December 20, 2004 response, the County stated that it had “identified  
2 23 flood control discharges that are operated by the County and that appear to discharge  
3 to the ASBS during dry and/or wet weather.” Letter from Donald Wolfe, interim Director  
4 of Public Works, County of Los Angeles (December 30, 2004).

5           229. Plaintiffs have identified numerous pipes owned and operated by the County  
6 that are discharging waste into the Mugu to Latigo ASBS. Examples are pipes  
7 designated MTD6226, MTD6225, and MTD6223.

8           230. Plaintiffs’ sampling of the discharge from these pipes indicates that over a  
9 two-month period bacteria levels exceeded numerical water quality objectives listed in  
10 the Ocean Plan by 93 percent, 60 percent, and 37 percent respectively.

11           231. With respect to MTD 6226, for example, a grab sample test conducted on  
12 June 7, 2006 measured total coliform levels at 64,880 MPN/100ml. Not only is this  
13 discharge a violation of the Ocean Plan’s discharge prohibition, it also exceeds the Basin  
14 Plan standard of 10,000 MPN/100ml. The single grab sample test also measured  
15 enterococcus levels at 10,170 MPN/100ml, which again violates the Ocean Plan and  
16 exceeds the Basin Plan standard of 104 MPN/100ml. In addition, on that date, dissolved  
17 cadmium was measured at 0.70 ppb, dissolved copper at 10.90 ppb, dissolved nickel at  
18 7.90 ppb, and dissolved zinc at 77.20 ppb—all of which violate the Ocean Plan waste  
19 discharge prohibition. Based on a grab sample test conducted on June 22, 2006,  
20 dissolved silver was measured at 2.90 ppb, and dissolved lead was measured at 0.10 ppb,  
21 which again violate the Ocean Plan waste discharge prohibition.

22           232. With respect to MTD 6225, for example, a sample test conducted on April  
23 18, 2006 measured total coliform levels at 36,540 MPN/100ml, which again violates the  
24 Ocean Plan and exceeds the Basin Plan standard of 10,000 MPN/100ml. The single  
25 sample test also measured enterococcus levels at 630 MPN/100ml, which again violates  
26 the Ocean Plan and exceeds the Basin Plan standard of 104 MPN/100ml. In addition, on  
27 that date, dissolved cadmium was measured at 0.10 ppb, dissolved copper at 16.00 ppb,  
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1 dissolved lead at 0.10 ppb, dissolved nickel at 5.90 ppb, and dissolved zinc at 22.00 ppb,  
2 which again violate the Ocean Plan waste discharge prohibition.

3 233. With respect to MTD 6223, for example, a sample test conducted on June 1,  
4 2006 measured total coliform levels at 21,430 MPN/100ml, which exceeded the Basin  
5 Plan standard of 10,000 MPN/100ml. The single sample test also measured enterococcus  
6 levels at 11,060 MPN/100ml, which exceeded the Basin Plan standard of 104  
7 MPN/100ml. In addition, on that date, dissolved cadmium was measured at 0.70 ppb,  
8 dissolved copper at 4.00 ppb, dissolved nickel at 29.90 ppb, and dissolved zinc at 25.90  
9 ppb, which again violate the Ocean Plan waste discharge prohibition.

10 **D. The County's Failures to Report All Stormwater and Non-Stormwater**  
11 **Discharges That Cause or Contribute to Exceedances of Water Quality**  
12 **Standards**

13 234. The County has failed to submit RWL Compliance Reports for all  
14 stormwater and non-stormwater discharges from the MS4 that have caused or contributed  
15 to exceedances of water quality standards, as required since the Permit's issuance on  
16 December 13, 2001.

17 235. The County purported to submit a "Receiving Water Limitations  
18 Compliance Report" for 2005-2006 and 2006-2007, respectively. Both reports do not  
19 meet Permit requirements. Among other things, neither report recommends changes to  
20 the SQMP to achieve compliance with water quality standards, nor do the reports address  
21 all stormwater and non-stormwater discharges from the MS4 that have caused or  
22 contributed to exceedances of water quality standards.

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**CLAIMS FOR RELIEF**

**FIRST CLAIM (CWA)**

**Santa Clara Watershed: Causing and Contributing to  
Exceedances of Water Quality Standards in  
Violation of the Permit and CWA Sections 301(a) and 402(p),  
33 U.S.C. §§ 1311(a) and 1342(p)**

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6 236. Plaintiffs reallege, as set forth fully herein, each and every allegation  
7 contained in the preceding paragraphs.

8 237. The Los Angeles Basin Plan, CTR, Ocean Plan, and other applicable  
9 regulatory documents establish a number of water quality standards for inland and coastal  
10 waters in the Los Angeles region, all incorporated by reference into the Permit. The  
11 Permit prohibits discharges that cause or contribute to exceedances of these water quality  
12 standards.

13 238. The County's SMRs, submitted under the Permit, have documented  
14 exceedances of water quality standards in Santa Clara River since 2003.

15 239. In violation of the Permit and the CWA, 33 U.S.C. §§ 1311(a) and 1342(p),  
16 as owner and/or operator of the MS4, the County has caused and contributed to, and is  
17 causing and contributing to, exceedances of water quality standards in the Santa Clara  
18 River watershed, including the Santa Clara River and tributaries and the drainages to the  
19 Pacific Ocean.

20 240. In violation of the Permit and the CWA, 33 U.S.C. §§ 1311(a) and 1342(p),  
21 as a result of its control of land areas that are generating polluted stormwater and non-  
22 stormwater, the County has caused and contributed to, and is causing and contributing to,  
23 exceedances of water quality standards in the Santa Clara River watershed, including the  
24 Santa Clara River and tributaries and the drainages to the Pacific Ocean.

25 241. From November 8, 2002 to the present, each day that the County has caused  
26 or contributed to exceedances of water quality standards is a separate and distinct  
27 violation of the Permit and 33 U.S.C. §§ 1311(a) and 1342(p).  
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1 242. These violations are ongoing and continuous. In light of the County's  
2 history of violations and the nature of the violations, the County will continue to violate  
3 these requirements in the future unless and until enjoined from doing so.

4 243. Unless the County desists in its violations of the Permit and Sections 301(a)  
5 and 402(p) of the CWA, 33 U.S.C. § 1311(a) and § 1342(p), Plaintiffs will suffer  
6 irreparable harm.

7 244. Plaintiffs have no adequate remedy at law.

8 **CLAIMS FOR RELIEF**

9 **SECOND CLAIM (CWA)**

10 **Los Angeles River Watershed: Causing and Contributing to**  
11 **Exceedances of Water Quality Standards in**  
12 **Violation of the Permit and CWA Sections 301(a) and 402(p),**  
13 **33 U.S.C. §§ 1311(a) and 1342(p)**

14 245. Plaintiffs reallege, as set forth fully herein, each and every allegation  
15 contained in the preceding paragraphs.

16 246. The Los Angeles Basin Plan, CTR, Ocean Plan, and other applicable  
17 regulatory documents establish a number of water quality standards for inland and coastal  
18 waters in the Los Angeles region, all incorporated by reference into the Permit. The  
19 Permit prohibits discharges that cause or contribute to exceedances of these water quality  
20 standards.

21 247. The County's SMRs, submitted under the Permit, have documented  
22 exceedances of water quality standards in the Los Angeles River since 2002.

23 248. In violation of the Permit and the CWA, 33 U.S.C. §§ 1311(a) and 1342(p),  
24 as owner and/or operator of the MS4, the County has caused and contributed to, and is  
25 causing and contributing to, exceedances of water quality standards in the Los Angeles  
26 River watershed, including the Los Angeles River and tributaries and the drainages to the  
27 Pacific Ocean.

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1           256. The County’s SMRs, submitted under the Permit, have documented  
2 exceedances of water quality standards in the San Gabriel River since 2002.

3           257. In violation of the Permit and the CWA, 33 U.S.C. §§ 1311(a) and 1342(p),  
4 as owner and/or operator of the MS4, the County has caused and contributed to, and is  
5 causing and contributing to, exceedances of water quality standards in the San Gabriel  
6 River watershed, including the San Gabriel River and tributaries and the drainages to the  
7 Pacific Ocean.

8           258. In violation of the Permit and the CWA, 33 U.S.C. §§ 1311(a) and 1342(p),  
9 as a result of its control of land areas that are generating polluted stormwater and non-  
10 stormwater, the County has caused and contributed to, and is causing and contributing to,  
11 exceedances of water quality standards in the San Gabriel River watershed, including the  
12 San Gabriel River and tributaries and the drainages to the Pacific Ocean.

13           259. From December 13, 2001 to the present, each day that the County has  
14 caused or contributed to exceedances of water quality standards is a separate and distinct  
15 violation of the Permit and 33 U.S.C. §§ 1311(a) and 1342(p).

16           260. These violations are ongoing and continuous. In light of the County’s  
17 history of violations and the nature of the violations, the County will continue to violate  
18 these requirements in the future unless and until enjoined from doing so.

19           261. Unless the County desists in its violations of the Permit and Sections 301(a)  
20 and 402(p) of the CWA, 33 U.S.C. § 1311(a) and § 1342(p), Plaintiffs will suffer  
21 irreparable harm.

22           262. Plaintiffs have no adequate remedy at law.

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**CLAIMS FOR RELIEF**

**FOURTH CLAIM (CWA)**

**Malibu Creek Watershed and Surfrider Beach:  
Causing and Contributing to  
Exceedances of Water Quality Standards and TMDL Violations in  
Violation of the Permit and CWA Sections 301(a) and 402(p),  
33 U.S.C. §§ 1311(a) and 1342(p)**

263. Plaintiffs reallege, as set forth fully herein, each and every allegation contained in the preceding paragraphs.

264. The Los Angeles Basin Plan, CTR, Ocean Plan, and other applicable regulatory documents establish a number of water quality standards for inland and coastal waters in the Los Angeles region, all incorporated by reference into the Permit. The Permit prohibits discharges that cause or contribute to exceedances of these water quality standards.

265. The County's SMRs, submitted under the Permit, have documented exceedances of water quality standards in Malibu Creek since 2002.

266. The Permit incorporates the Bacteria TMDL and requires that during summer dry weather there shall be no discharges of bacteria into the Santa Monica Bay that cause or contribute to exceedances in the wave wash of the applicable water quality standards for bacteria. The Permit also prohibits discharges of summer dry weather flows into Santa Monica Bay that cause or contribute to exceedances of water quality standards for bacteria.

267. In violation of the Permit and the CWA, 33 U.S.C. §§ 1311(a) and 1342(p), as owner and/or operator of the MS4, the County has caused and contributed to, and is causing and contributing to, exceedances of water quality standards in the Malibu Creek watershed, including Malibu Creek and tributaries and the drainages to the Pacific Ocean.

268. In violation of the Permit and the CWA, 33 U.S.C. §§ 1311(a) and 1342(p), as a result of its control of land areas that are generating polluted stormwater and non-stormwater, the County has caused and contributed to, and is causing and contributing to,

1 exceedances of water quality standards in the Malibu Creek watershed, including Malibu  
2 Creek and tributaries and the drainages to the Pacific Ocean.

3 269. During 2006 and 2007, the County has caused and contributed to and  
4 continues to cause and contribute to exceedances of water quality standards at Surfrider  
5 Beach in violation of the zero allowable exceedance days of the dry weather Bacteria  
6 TMDL, as incorporated into the Permit.

7 270. From December 13, 2001 to the present, each day that the County has  
8 caused or contributed to exceedances of water quality standards is a separate and distinct  
9 violation of the Permit and 33 U.S.C. §§ 1311(a) and 1342(p).

10 271. These violations are ongoing and continuous. In light of the County's  
11 history of violations and the nature of the violations, the County will continue to violate  
12 these requirements in the future unless and until enjoined from doing so.

13 272. Unless the County desists in its violations of the Permit and Sections 301(a)  
14 and 402(p) of the CWA, 33 U.S.C. § 1311(a) and § 1342(p), Plaintiffs will suffer  
15 irreparable harm.

16 273. Plaintiffs have no adequate remedy at law.

17 **FIFTH CLAIM (CWA)**

18 **Discharging in Violation of Water Quality Standards for the Mugu to Latigo**  
19 **ASBS in Violation of the Permit and the CWA Sections 301(a) and 402(p),**  
20 **33 U.S.C. §§ 1311(a) and 1342(p)**

21 274. Plaintiffs reallege, as set forth fully herein, each and every allegation  
22 contained in the preceding paragraphs.

23 275. The County owns and/or operates drains and has control of a significant  
24 portion of the polluted stormwater and non-stormwater draining into the Mugu to Latigo  
25 ASBS.

26 276. On information and belief, Plaintiffs allege that the County has been  
27 discharging waste into the Mugu to Latigo ASBS since at least 2004.



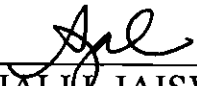




i. ordering such other relief as this Court may deem appropriate.

Dated: March 3, 2008

Respectfully submitted,

  
\_\_\_\_\_  
ANJALI U. JAISWAL (Bar No. 207098)  
SELENA KYLE (Bar No. 246069)  
NATURAL RESOURCES DEFENSE COUNCIL  
111 Sutter Street, 20th Floor  
San Francisco, California 94104  
Telephone: (415) 875-6100  
Facsimile: (415) 875-6161  
Email: ajaiswal@nrdc.org; skyle@nrdc.org

DAVID S. BECKMAN (Bar No. 156170)  
NATURAL RESOURCES DEFENSE COUNCIL  
1314 Second Street  
Santa Monica, California 90401  
Telephone: (310) 434-2300  
Facsimile: (310) 434-2399  
Email: dbeckman@nrdc.org

DANIEL COOPER (Bar No. 153576)  
LAYNE FRIEDRICH (Bar No. 195431)  
MARTIN MCCARTHY (Bar No. 194915)  
LAWYERS FOR CLEAN WATER, INC.  
1004 O'Reilly Avenue  
San Francisco, California 94129  
Tel: (415) 440-6520  
Fax: (415) 440-4155  
Email: daniel@lawyersforcleanwater.com;  
layne@lawyersforcleanwater.com;  
martin@lawyersforcleanwater.com

ATTORNEYS FOR PLAINTIFFS  
NATURAL RESOURCES DEFENSE COUNCIL  
AND SANTA MONICA BAYKEEPER

# Exhibit 1

**EXHIBIT 1**  
**LIST OF ACRONYMS**

Areas of Special Biological Significance	ASBS
Best Management Practices	BMP
California Toxics Rule	CTR
California Water Code	CWC
Clean Water Act	CWA
Criteria Maximum Concentration	CMC
Department of Public Works	DPW
Environmental Protection Agency	EPA
Marine Waters Designated for Water Contact Recreation	Rec-1
Milligrams Per Liter	mg/L
Milliliter	ml
Most Probable Number	MPN
Municipal Separate Storm Sewer System	MS4
Municipal Water Supply	MUN
National Pollutant Discharge Elimination System	NPDES
Natural Resources Defense Council	NRDC
Receiving Water Limitations Compliance Report	RWL Compliance Report
Stormwater Monitoring Report	SMR
Stormwater Quality Management Program	SQMP
Total Maximum Daily Load	TMDL

# Exhibit 2

EXHIBIT 2				
Violations of Water Quality Standards Reported in the 2006-2007 Stormwater Monitoring Report				
Watershed	Constituent	Date	Measurement	Units
SANTA CLARA RIVER	Fecal Coliform	12/9/2006	5,000	MPN/100 ml
	Fecal Coliform	1/30/2007	1,700	MPN/100 ml
	Fecal Coliform	2/19/2007	800	MPN/100 ml
	Fecal Coliform	2/22/2007	5,000	MPN/100 ml
	Total Aluminum	12/9/2006	6,500	µg/L
	Total Aluminum	1/30/2007	3,400	µg/L
	Total Aluminum	2/19/2007	17,800	µg/L
	Total Aluminum	2/22/2007	18,000	µg/L
	Total Copper	12/9/2006	50.3	µg/L
	Total Copper	12/16/2006	28.3	µg/L
	Total Copper	1/30/2007	38.2	µg/L
	Total Copper	2/19/2007	31.9	µg/L
	Total Copper	2/22/2007	50.5	µg/L
	Total Copper	10/31/2006	22.4	µg/L
Total Copper	4/2/2007	22.1	µg/L	
LOS ANGELES RIVER	Fecal Coliform	12/9/2006	240,000	MPN/100 ml
	Fecal Coliform	2/19/2007	22,000	MPN/100 ml
	Fecal Coliform	2/22/2007	17,000	MPN/100 ml
	Fecal Coliform	4/9/2007	2,400	MPN/100 ml
	Total Aluminum	12/9/2006	10,100	µg/L
	Total Aluminum	2/19/2007	5,200	µg/L
	Total Aluminum	2/22/2007	3,240	µg/L
	Total Antimony	12/9/2006	6.91	µg/L
	Total Cadmium	12/9/2006	5.17	µg/L
	Cyanide	11/1/2006	0.05	mg/L
	Cyanide	2/19/2007	0.033	mg/L
	Cyanide	2/22/2007	0.047	mg/L
	Cyanide	4/9/2007	0.044	mg/L
	Total Copper	12/9/2006	424	µg/L
	Total Copper	2/19/2007	76.9	µg/L
	Total Copper	2/22/2007	48.6	µg/L
	Total Copper	11/1/2006	20	µg/L
	Total Copper	4/9/2007	25.8	µg/L
	Total Lead	12/9/2006	240	µg/L
	Total Silver	12/9/2006	3.51	µg/L
Total Zinc	12/9/2006	2,590	µg/L	
Total Zinc	2/19/2007	198	µg/L	
Total Zinc	2/22/2007	124	µg/L	
SAN GABRIEL RIVER	Fecal Coliform	11/1/2006	2,100	MPN/100 ml
	Fecal Coliform	12/9/2006	14,000	MPN/100 ml
	Fecal Coliform	2/19/2007	1,300	MPN/100 ml
	Fecal Coliform	2/22/2007	2,200	MPN/100 ml
	Total Aluminum	12/9/2006	3,450	µg/L
	Total Aluminum	2/10/2007	2,430	µg/L
	Total Aluminum	2/22/2007	1,110	µg/L
	Cyanide	2/19/2007	0.027	mg/L
	Total Copper	12/9/2006	43.2	µg/L
	Total Copper	2/10/2007	32.7	µg/L
	Total Copper	2/19/2007	21.1	µg/L
	Total Copper	2/22/2007	24.5	µg/L
	Total Copper	11/1/2007	32.5	µg/L
Total Copper	4/2/2007	23.8	µg/L	
Total Zinc	12/9/2006	138	µg/L	
MALIBU CREEK	Sulfate	11/1/2006	1,086	mg/L
	Sulfate	12/9/2006	873	mg/L
	Sulfate	4/9/2007	522	mg/L
	Total Dissolved Solids	11/1/2006	2,084	mg/L
	Total Aluminum	12/9/2006	20,100	µg/L
	Total Aluminum	2/19/2007	2,480	µg/L
	Total Aluminum	2/22/2007	3,170	µg/L
	Total Cadmium	12/9/2006	14.9	µg/L
	Total Copper	11/1/2006	20.6	µg/L
	Total Copper	12/9/2006	53.3	µg/L
	Total Copper	2/19/2007	17.6	µg/L
	Total Copper	2/22/2007	22.5	µg/L
Total Copper	4/9/2007	21.1	µg/L	
Total Zinc	12/9/2006	146	µg/L	

EXHIBIT 2				
Violations of Water Quality Standards Reported in the 2005-2006 Stormwater Monitoring Report				
Watershed	Constituent	Date	Measurement	Units
SANTA CLARA RIVER	Cyanide	10/17/2005	0.594	mg/L
	Fecal Coliform	10/17/2005	300,000	MPN/100 ml
	Fecal Coliform	12/31/2005	90,000	MPN/100 ml
	Fecal Coliform	1/14/2006	3,000	MPN/100 ml
	Fecal Coliform	2/17/2006	1,300	MPN/100 ml
	Total Aluminum	10/17/2005	3,410	µg/L
	Total Aluminum	12/31/2005	1,530	µg/L
	Total Aluminum	1/14/2006	1,845	µg/L
	Total Aluminum	2/17/2006	3,340	µg/L
	Total Antimony	10/17/2005	1,363	µg/L
	Total Copper	10/17/2005	37.3	µg/L
	Total Copper	4/25/2006	33.5	µg/L
Total Zinc	10/17/2005	149	µg/L	
LOS ANGELES RIVER	Cyanide	1/24/2006	0.04	mg/L
	Cyanide	2/17/2006	0.035	mg/L
	Cyanide	4/25/2006	0.057	mg/L
	Fecal Coliform	10/17/2005	24,000,000	MPN/100 ml
	Fecal Coliform	12/31/2005	50,000	MPN/100 ml
	Fecal Coliform	1/14/2006	2,400	MPN/100 ml
	Fecal Coliform	1/24/2006	500	MPN/100 ml
	Fecal Coliform	2/17/2006	16,000	MPN/100 ml
	Fecal Coliform	4/25/2006	9,000	MPN/100 ml
	Dissolved Copper	1/14/2006	14.6	µg/L
	Total Copper	10/17/2005	51.2	µg/L
	Total Copper	1/14/2006	16.4	µg/L
	Total Copper	2/17/2006	43.8	µg/L
	Total Copper	4/25/2006	19.3	µg/L
	Total Zinc	10/17/2005	249	µg/L
	Total Zinc	1/14/2006	129	µg/L
Total Zinc	2/17/2006	178	µg/L	
SAN GABRIEL RIVER	Fecal Coliform	10/17/2005	16,000,000	MPN/100 ml
	Fecal Coliform	12/31/2005	240,000	MPN/100 ml
	Fecal Coliform	1/14/2006	800	MPN/100 ml
	Fecal Coliform	1/24/2006	3,000	MPN/100 ml
	Total Aluminum	10/17/2005	2,140	µg/L
	Total Copper	10/17/2005	34.5	µg/L
	Total Copper	4/25/2006	17.6	µg/L
Total Zinc	10/17/2005	175	µg/L	
MALIBU CREEK	Sulfate	10/17/2005	658	mg/L
	Sulfate	11/9/2005	749	mg/L
	Sulfate	12/31/2005	573	mg/L
	Sulfate	1/24/2006	589	mg/L
	Sulfate	2/17/2006	507	mg/L
	Total Aluminum	10/17/2005	2,770	µg/L
	Total Copper	10/17/2005	32.6	µg/L
	Total Copper	11/9/2005	73	µg/L
	Total Copper	2/17/2006	15	µg/L
	Total Copper	4/25/2006	14.9	µg/L

EXHIBIT 2				
Violations of Water Quality Standards Reported in the 2004-2005 Stormwater Monitoring Report				
Watershed	Constituent	Date	Measurement	Units
SANTA CLARA RIVER	Fecal Coliform	10/17/2004	300,000	MPN/100 ml
	Fecal Coliform	10/26/2004	240,000	MPN/100 ml
	Fecal Coliform	1/7/2005	16,000	MPN/100 ml
	Fecal Coliform	3/9/2005	500	MPN/100 ml
	Dissolved Aluminum	1/7/2005	3,680	µg/L
	Total Aluminum	10/26/2004	10,343	µg/L
	Total Aluminum	1/7/2005	19,650	µg/L
	Total Aluminum	3/9/2005	7,500	µg/L
	Total Boron	11/16/2004	1,860	µg/L
	Dissolved Copper	10/26/2004	22.6	µg/L
	Dissolved Copper	1/7/2005	17.2	µg/L
	Total Copper	10/17/2004	15.7	µg/L
	Total Copper	10/26/2004	28	µg/L
	Total Copper	11/16/2004	14.4	µg/L
	LOS ANGELES RIVER	Total Copper	1/7/2005	19.5
Total Copper		3/9/2005	18.5	µg/L
Fecal Coliform		10/17/2004	240,000	MPN/100 ml
Fecal Coliform		10/26/2004	50,000	MPN/100 ml
Fecal Coliform		12/5/2004	500,000	MPN/100 ml
Fecal Coliform		1/7/2005	160,000	MPN/100 ml
Fecal Coliform		3/17/2005	16,000	MPN/100 ml
Cyanide		10/26/2004	1.2	mg/L
Cyanide		11/16/2004	0.055	mg/L
Cyanide		3/17/2005	0.024	mg/L
pH		11/16/2004	9.4	
pH		12/5/2004	6.16	
Total Aluminum		10/17/2004	1,440	µg/L
Total Aluminum		10/26/2004	5,768	µg/L
Total Aluminum		12/5/2004	1,790	µg/L
Total Aluminum	1/7/2005	2,840	µg/L	
Total Copper	10/17/2004	41.5	µg/L	
Total Copper	10/26/2004	50.6	µg/L	
Total Copper	11/16/2004	25.5	µg/L	
Total Copper	12/5/2004	35.2	µg/L	
Total Copper	1/7/2005	31.1	µg/L	
Total Copper	3/17/2005	14.5	µg/L	
Total Zinc	10/17/2004	135	µg/L	
Total Zinc	10/26/2004	200	µg/L	
Total Zinc	12/5/2004	150	µg/L	
SAN GABRIEL RIVER	Fecal Coliform	10/17/2004	140,000	MPN/100 ml
	Fecal Coliform	10/26/2004	17,000	MPN/100 ml
	Fecal Coliform	12/5/2004	90,000	MPN/100 ml
	Fecal Coliform	1/7/2005	2,800	MPN/100 ml
	Chloride	6/21/2005	220	mg/L
	Nitrite	10/17/2004	1.04	mg/L
	Total Aluminum	12/5/2004	1,240	µg/L
	Total Aluminum	1/7/2005	16,100	µg/L
	Total Copper	10/17/2004	22.5	µg/L
	Total Copper	12/5/2004	32.2	µg/L
MALIBU CREEK	Total Copper	1/7/2005	37.9	µg/L
	Sulfate	10/17/2004	838	mg/L
	Sulfate	10/26/2004	519	mg/L
	Sulfate	12/5/2004	515.8	mg/L
	Total Aluminum	1/11/2005	18,100	µg/L
	Total Cadmium	1/11/2005	7.9	µg/L
	Total Copper	10/17/2004	17.3	µg/L
	Total Copper	10/26/2004	15.9	µg/L
	Total Copper	11/16/2004	17.2	µg/L
	Total Copper	12/5/2004	24.2	µg/L
Total Copper	1/11/2005	38.9	µg/L	

EXHIBIT 2				
Violations of Water Quality Standards Reported in the 2003-2004 Stormwater Monitoring Report				
Watershed	Constituent	Date	Measurement	Units
SANTA CLARA RIVER	Fecal Coliform	10/28/2003	500	MPN/100 ml
	Fecal Coliform	10/31/2003	80,000	MPN/100 ml
	Fecal Coliform	12/25/2003	50,000	MPN/100 ml
	Fecal Coliform	1/1/2004	50,000	MPN/100 ml
	Total Aluminum	12/25/2003	7,800	µg/L
	Total Aluminum	1/1/2004	1,500	µg/L
	Total Copper	10/28/2003	13.50	µg/L
	Total Copper	10/31/2003	30.40	µg/L
	Total Copper	12/25/2003	53.30	µg/L
	Total Zinc	12/25/2003	353	µg/L
LOS ANGELES RIVER	Fecal Coliform	10/28/2003	28,000	MPN/100 ml
	Fecal Coliform	10/31/2003	170,000	MPN/100 ml
	Fecal Coliform	12/25/2003	240,000	MPN/100 ml
	Fecal Coliform	1/1/2004	1,300,000	MPN/100 ml
	Dissolved Oxygen	10/31/2003	2.5	mg/L
	pH	1/1/2004	6.3	
	Total Aluminum	10/31/2003	14,600	µg/L
	Cyanide	10/28/2003	0.057	mg/L
	Cyanide	10/31/2003	0.062	mg/L
	Cyanide	1/13/2004	0.036	mg/L
	Total Cadmium	10/31/2003	4.7	µg/L
	Total Lead	10/31/2003	1,070	µg/L
	Total Copper	10/28/2003	19.9	µg/L
	Total Copper	10/31/2003	295	µg/L
	Total Copper	12/25/2003	20.7	µg/L
	Total Copper	1/1/2004	16.2	µg/L
	Total Zinc	10/31/2003	1,030	µg/L
	Total Zinc	1/13/2004	133	µg/L
SAN GABRIEL RIVER	Fecal Coliform	10/31/2003	500	MPN/100 ml
	Fecal Coliform	12/25/2003	130,000	MPN/100 ml
	Nitrite	10/28/2003	1.93	mg/L
	Cyanide	10/28/2003	0.023	mg/L
MALIBU CREEK	Sulfate	10/28/2003	1,090	mg/L
	Sulfate	12/25/2003	701	mg/L
	Total Dissolved Solids	10/28/2003	2,060	mg/L
	Total Copper	10/28/2003	13.3	µg/L

EXHIBIT 2				
Violations of Water Quality Standards Reported in the 2002-2003 Stormwater Monitoring Report				
Watershed	Constituent	Date	Measurement	Units
SANTA CLARA RIVER	Fecal Coliform	12/16/2002	170,000	MPN/100 ml
	Fecal Coliform	2/11/2003	9,000	MPN/100 ml
	Fecal Coliform	3/15/2003	170,000	MPN/100 ml
	Dissolved Oxygen	12/16/2002	3.12	mg/L
	Total Aluminum	11/8/2002	2,340	µg/L
	Total Aluminum	12/16/2002	1,350	µg/L
	Total Copper	11/8/2002	32.9	µg/L
LOS ANGELES RIVER	Fecal Coliform	12/16/2002	30,000	MPN/100 ml
	Fecal Coliform	2/11/2003	11,000	MPN/100 ml
	Fecal Coliform	3/15/2003	800,000	MPN/100 ml
	pH	11/8/2002	8.85	
	pH	4/30/2003	9.87	
	Cyanide	2/11/2003	0.0763	mg/L
	Cyanide	4/30/2003	0.051	mg/L
	Total Copper	11/8/2002	25.9	µg/L
	Total Copper	12/16/2002	19	µg/L
	Total Copper	4/30/2003	14	µg/L
SAN GABRIEL RIVER	Fecal Coliform	12/16/2002	300,000	MPN/100 ml
	Fecal Coliform	2/11/2003	17,000	MPN/100 ml
	Fecal Coliform	3/15/2003	220,000	MPN/100 ml
	Fecal Coliform	4/30/2003	50,000	MPN/100 ml
	Nitrite	10/10/2002	5.81	mg/L
	Total Aluminum	11/8/2002	2,780	µg/L
	Total Dissolved Solids	10/10/2002	806	mg/L
	Cyanide	11/8/2002	0.029	mg/L
	Cyanide	2/11/2003	0.047	mg/L
	Total Zinc	11/8/2002	440	µg/L
	Total Copper	10/10/2002	18.1	µg/L
	Total Copper	11/8/2002	81.4	µg/L
	Total Copper	3/15/2003	13.1	µg/L
	Dissolved Oxygen	3/15/2003	2.95	mg/L
MALIBU CREEK	pH	10/10/2002	8.69	
	Sulfate	10/10/2002	1,144	mg/L
	Sulfate	11/8/2002	723	mg/L
	Sulfate	2/11/2003	755	mg/L
	Total Aluminum	11/8/2002	3,180	µg/L
	Total Cadmium	11/8/2002	7.17	µg/L
	Total Copper	10/10/2002	13.5	µg/L
	Total Copper	11/8/2002	33.2	µg/L

# Exhibit 3

**EXHIBIT 3**  
**Violations of the Bacteria TMDL at Surfrider Beach**

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Under the Bacteria TMDL for dry weather, the single sample limits have to be met throughout the year with the exception of a limited "allowable number of exceedance days" for summer and winter dry weather at designated beaches, including Surfrider Beach. The allowable number of exceedance days of the single sample for bacteria during summer dry weather for all the beaches established by the Bacteria TMDL is zero.

<b>Site</b>	<b>Dates of Exceedances</b>	<b>Constituent</b>
<b>SURFRIDER BEACH</b>	9/14/2006	Bacteria
	9/15/2006	Bacteria
	9/28/2006	Bacteria
	10/3/2006	Bacteria
	10/5/2006	Bacteria
	10/7/2006	Bacteria
	10/10/2006	Bacteria
	10/13/2006	Bacteria
	10/14/2006	Bacteria
	10/17/2006	Bacteria
	10/18/2006	Bacteria
	10/20/2006	Bacteria
	10/25/2006	Bacteria
	10/27/2006	Bacteria
	4/6/2007	Bacteria
	4/7/2007	Bacteria
	4/21/2007	Bacteria
	4/24/2007	Bacteria
	4/25/2007	Bacteria
	4/27/2007	Bacteria
5/18/2007	Bacteria	
5/19/2007	Bacteria	
6/2/2007	Bacteria	
6/16/2007	Bacteria	