

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION
CLEANUP AND ABATEMENT ORDER NO. R4-2024-XXXX
TO
RJ'S PROPERTY MANAGEMENT LLC
LOS ANGELES COUNTY PARCELS 2526-025-022, 2526-025-012, 2526-024-270,
2526-024-028, 2526-024-021, 2581-026-001, AND 2581-026-012
ON
*DATE***

This Cleanup and Abatement Order No. R4-2024-XXXX (hereafter "Order") is issued to RJ's Property Management LLC based on provisions of Water Code sections 13304 and 13267, which authorize the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) to issue this Order and require the submittal of technical and monitoring reports.

The Los Angeles Water Board finds that:

BACKGROUND

1. Discharger: RJ's Property Management LLC (hereafter "Discharger") is a Responsible Party due to its:
 - a. Current ownership of Los Angeles County Assessor's Identification Numbers (AINs) 2526-025-022, 2526-025-012, 2526-024-028, 2526-024-021, 2581-026-001, and 2581-026-012, and,
 - b. Prior operations at AIN 2526-024-270 (hereafter collectively, with the parcels listed above, referred to as the "Site") that resulted in the discharge of wastes, including fill material (such as sediment, concrete, plastics) and other miscellaneous waste constituents of concern, to the environment and waters of the state.

As detailed in this Order, the Discharger has caused or permitted waste to be discharged, or placed where it threatens to be discharged, into waters of the state, which creates, or threatens to create, a condition of pollution or nuisance.

2. Location: The Site is located at AINs 2526-025-022, 2526-025-012, 2526-024-028, 2526-024-270, 2526-024-021, 2581-026-001, and 2581-026-012 in Sylmar, California. Attachment B (Site Location Map), attached hereto and incorporated herein by reference, depicts the location of the Site and the surrounding area. The Angeles National Forest and rural and residential properties surround the Site.
3. Waters of the State: The Site lies within the Los Angeles River Watershed. The Little Tujunga Canyon Creek (also known as "Little Tujunga Wash") is located along the middle and western areas of the Site and is a tributary to Los Angeles River Reach 4. Stormwater runoff from the Site drains to the Little Tujunga Canyon Creek. The Little

Tujunga Canyon Creek provides existing and intermittent beneficial uses for wildlife habitat; rare, threatened, or endangered species; ground water recharge; warm freshwater habitat; and cold freshwater habitat. There is potential beneficial use for municipal and domestic water supply¹. The Little Tujunga Canyon Creek is a water of the state.

4. **Site Description and Activities:** The Site consists of 7 parcels that collectively encompass 336.4 acres; AIN 2526-025-022 covers 10.86 acres; AIN 2526-025-012 covers 39.31 acres; AIN 2526-024-028 covers 30.3 acres; AIN 2526-024-270 covers 8.48 acres; AIN 2581-026-001 covers 46.21 acres; AIN 2526-024-021 covers 38.31 acres; and AIN 2581-026-012 covers 162.94 acres. The Site is the location of “Middle Ranch” (also referred to as “Main Ranch”), which is a wedding and event venue with equestrian facilities.

According to the Los Angeles County Office of the Assessor, RJ’s Property Management LLC, has current ownership of AINs 2526-025-022, 2526-025-012, 2526-024-028, 2526-024-021, 2581-026-001, and 2581-026-012, and the Metropolitan Water District of Southern California has current ownership of AIN 2526-024-270.

EVIDENCE OF WASTE DISCHARGE AND BASIS FOR SECTION 13304 ORDER

5. Waste Discharges and Summary of Findings from Investigation:

Los Angeles Water Board staff conducted five inspections of the Site on July 19, 2019, September 3, 2019, September 18, 2020, October 14, 2021, and July 21, 2023. During these inspections, staff observed unauthorized discharges and threatened discharges to the Little Tujunga Canyon Creek from land disturbance activities, including unpermitted structures/crossings, grading, and placement of fill within the creek and portions of the floodplain within waters of the state..

The Los Angeles Water Board issued a Section 13267 Order to the Discharger on July 6, 2020, requiring it to submit technical reports detailing land disturbance and dredge and fill activity at the parcels in and around the Little Tujunga Canyon Creek and a jurisdictional delineation report (JD Report) of streams prior to any activity that altered waters of the state or waters of the United States. The Discharger submitted the required JD Report (Attachment C), on April 16, 2021, as part of its Section 13267 Order response (Response). The JD Report determined that impacts to the Site from unauthorized land disturbance and fill totaled approximately 0.62 acres of the east bank of the Little Tujunga Canyon Creek and associated riparian habitat based on California Department of Fish and Wildlife jurisdiction, and 0.51 acres based on waters of the state jurisdiction.

¹ Water Quality Control Plan Los Angeles Region. Chapter 2: Beneficial Uses, Table 2-1. Available at: https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2016/Table2-1.pdf

Los Angeles Water Board staff reviewed the JD Report and determined it is deficient because it did not correctly delineate waters of the state, resulting in an underestimation of impacts to jurisdictional waters. A proper delineation requires a hydraulic analysis to show 25-year, 50-year and 100-year storm lines throughout the property to determine appropriate siting for any fill or discharge. The Discharger's JD Report does not consider any hydraulic analysis or hydrologic modeling for the siting of any unauthorized fill. The Discharger also failed to utilize technical guidance and procedures from the Arid West Regional Supplement to the Army Corp of Engineer's Wetland Arid Southwest Manual in its delineation as requested by the Los Angeles Water Board. In addition, the JD Report failed to address discharges and/or threatened discharges documented by the Los Angeles Water Board at AINs 2526-024-021 and 2581-026-001.

As part of its Response, the Discharger claims, with respect to land disturbing activities it conducted on AINs 2581-026-001, 2526-024-021, and 2581-027-004, that "[n]o impacts to waters of the State resulted from these activities." Further, the Discharger incorrectly stated that the determination that these activities had no impact to waters of the state "was confirmed by Regional Water Quality Board staff during a site inspection conducted on September 18, 2021." (Attachment D) Los Angeles Water Board staff made no such determinations during the September 18, 2021, site inspection.

Los Angeles Water Board staff have identified the following areas where further investigation is required, and where additional stabilization, remediation and/or mitigation may be required, to address discharges and/or threatened discharges into the Little Tujunga Canyon Creek.

a. Graded Access Road at the Main Ranch

The "Main Ranch" area of the Site includes the southern parcels, AINs 2526-025-022, 2526-025-012, 2526-024-028, and 2526-024-270.

On July 9, 2019, Los Angeles Water Board staff discovered fill graded into an access road covering the east bank of the Little Tujunga Canyon Creek that runs through the southern parcels (Figures 1383-1387, Attachment E). Staff observed visible fill at the west edge of the access road, where the fill material was pushed to the side and was deposited onto the slope of the remaining vegetated east bank of the creek (Figures 1389, 1395, and 1402, Attachment E). The graded road (Figures 1658, 1655, 1669, Attachment F; Figures 5119, 5121, 5124, and 5130, Attachment G; Figures 1895 and 1896, Attachment H; Photos 25, 26, and 29, Attachment J) and the loose fill material (Figures 1652, 1653, Attachment F; Figures 5131 and 5146, Attachment G; Figures 1888 and 1889, Attachment H; Photos 18, 20, and 21, Attachment J) were observed by staff at subsequent inspections. According to the Response to the Section 13267 Order, the Discharger conducted work to improve the fire access road between February and March 2016.

The fill material can be differentiated from the creek's natural bank sediment by the steep erosion that occurred from depositing relatively new material on top of the bank (Figure 1408, Attachment E; Figures 4928, 1683, Attachment F; Figure 1683, Attachment G), and the darker sediment color compared to the streambed (Figure 1408, Attachment E; Figure 4935, Attachment F). The fill material can also contain larger construction debris (Photos 18, 19, 21, Attachment J), some of which was only exposed upon erosion along the creek bank and access road (Photo 22, Attachment J).

On September 4, 2019, Los Angeles Water Board staff found that the graded road extended all the way to the north area of the "Main Ranch" that led directly into the streambed of the creek in AIN 2526-024-028 (Figure 4974, Attachment F).

Los Angeles Water Board staff identified loose sediment piles on or near the graded road during the inspections on September 4, 2019 and September 18, 2020 (Figures 4933, 4956, and 1657, Attachment F; Figures 1655 and 1657, Attachment G).

Los Angeles Water Board staff observed debris piles on the east bank of the creek near the large crossing on AIN 2526-025-022 during the July 9, 2019, inspection (Figures 1413 and 1414, Attachment E) and on the west bank on September 4, 2019 (Figure 4906, Attachment F). The debris piles remained on the site in all subsequent inspections (Figure 1643, Attachment F; Figure 5116, Attachment G), though the piles were partially removed or graded by the time of the September 18, 2020 inspection (Figures 5115 and 5117, Attachment G; Figures 1843 and 1853, Attachment I) and covered by vegetation by the time of the July 21, 2023 inspection (Photos 11 and 17, Attachment J).

According to the Discharger's memo to the Los Angeles County Department of Public Works on August 30, 2021, final fill removal activities occurred on August 16, 2021, to remove all artificial fill material left on top of the east bank of the Little Tujunga Canyon Creek. On October 14, 2021, staff observed that the debris piles on the road and some, but not all, of the loose fill material observed on the west edge of the access road were removed. However, due to the lack of an adequate JD Report that properly delineates waters of the state, fill may remain in or near the Little Tujunga Canyon Creek on the east bank in the form of the graded access road, as debris piles on the east and west side of the creek near the crossing, and as loose fill material remaining on the edge of the road into the east bank of the creek. The most recent inspection on July 21, 2023 shows that the bank and access road are not completely stabilized by natural vegetation and there is ongoing risk for the bank and access road to erode and discharge fill material downstream (Photo 22, Attachment J).

b. Crossing at the Main Ranch

On October 14, 2021, Los Angeles Water Board staff identified a watercourse crossing on AIN 2526-025-022 in the "Main Ranch" area that created permanent

impacts of approximately 0.35 acres within waters of the state (Figure 1, Attachment H). This structure was built within the Little Tujunga Canyon Creek without a Clean Water Act Section 401 Water Quality Certification or waste discharge requirements from the Los Angeles Water Board. The concrete crossing has three 24-inch culvert openings, which are not adequately sized for the hydrology of Little Tujunga Canyon. An improperly designed crossing at this location causes stormwater to flow over the crossing during heavy rain events (Attachment K) and scour and erode downstream sections of the creek, and may be causing further downstream geomorphological effects.

The Discharger has been unable to provide the Los Angeles Water Board with any records of historical permits to build this structure or hydraulic analysis to determine the appropriate design for any crossing. The Discharger also does not have any current Clean Water Act Section 401 Water Quality Certifications or waste discharge requirements to maintain this structure.

c. Fill material at Middle Property

Los Angeles Water Board staff observed graded fill material in the parcel AIN 2526-024-021, which is referred to as the “Middle Property”. According to the Discharger’s April 16, 2021 Response, the Discharger conducted “general cleanup activities, vegetation removal for fire management purposes, and minor grading” on the parcel in May 2018.

During their inspections, Los Angeles Water Board staff observed fill graded down into pads (Figures 1430, 1432, and 1435, Attachment E; Figures 1695, 1699, and 1701, Attachment F; Figures 1902, 1923-1925, 1930, Attachment I; Photo 38, Attachment J) and a berm graded to resemble a roadway along the east side of Little Tujunga Canyon Creek (Figures 1425-1427, Attachment E; Figures 1708, 1710, and 4964, Attachment F). The fill material in the graded areas consisted of larger debris and loose sediment with no stabilization measures. In the inspections following the one on September 3, 2019, Los Angeles Water Board staff observed that vegetation had grown over the fill (Figures 5214, 5215, and 0558, Attachment G; Photos 1932, 1934, and 1935, Attachment H; Photos 32 and 34, Attachment J). At certain locations the graded berm road reaches a height of approximately 8 to 10 feet of fill (Figure 1710, Attachment F). On October 14, 2021, Los Angeles Water Board staff measured the berm road at over 300 feet in length and 17 feet wide. Los Angeles Water Board staff also observed evidence of a small, dry tributary running alongside the berm road, demonstrating potential for the fill material to be eroded and discharged downstream during wetter seasons (Figures 0574 and 0570, Attachment G; Photo 35, Attachment J).

d. Dirt Road Crossing through Little Tujunga Canyon Creek at the North Property

On October 14, 2021, Los Angeles Water Board staff identified a crossing of approximately 668 feet in length across Little Tujunga Creek (Figure 2, Attachment H) on AIN 2581-026-001, which would have required a Clean Water Act Section

401 Water Quality Certification or waste discharge requirements from the Los Angeles Water Board. The crossing starts from Little Tujunga Canyon Creek Road and extends west into the Little Tujunga Canyon Creek as a dirt road called Ebey Herreres Truck Trail (previously called “Akens Spur”), which leads to several trails and private properties within the rural parts of Sylmar. This dirt road has existed since at least 1994, based on Google Earth historical aerials (Exhibit 8, page 1, Attachment F).

There is no record of a Clean Water Act Section 401 Water Quality Certification or waste discharge requirements acquired to build the road within Little Tujunga Canyon Creek. Any road grading or fill materials (sediment and/or debris) placed for the construction of the road would have required technical analysis to determine the stability of any design; impacts to water quality from erosion; and any negative downstream effects within waters of the state. At a minimum, the Los Angeles Water Board requires any development near Little Tujunga Creek to adhere to permitting guidelines to avoid impacts within areas prone to flooding and to avoid causing further flood risks and impacts from scoured sediments or excessive deposition, either upstream or downstream within this reach.

e. Fill and Development within Little Tujunga Canyon Creek at the North Property

There is a levee or berm made of graded fill material in the parcel AIN 2581-026-001 (part of the “North Property”) starting north of the Ebey Herreres Truck Trail dirt road crossing and running along the west side of the Little Tujunga Canyon Creek. According to the Discharger’s April 16, 2021 Response, the Discharger installed irrigation, planted trees, and secured this levee between April and May 2018.

Los Angeles Water Board staff observed grading along the western banks of Little Tujunga Canyon Creek to create a levee separating the creek from a developed area west of the creek (Figures 4984, 1725, and 1728, Exhibit 8, page 4, Attachment F; Figure 0541, Attachment G). Staff estimated that the graded levee reached a height of 8 to 10 feet at certain areas (Figure 1758, Attachment F) and approximately 1,688 linear feet in length (Figure 3, Attachment H). On July 21, 2023, staff observed significant erosion along the slope of the levee that had exposed the mulch layer placed on top of the levee for the tree plantings (Photo 47, Attachment J).

The development, a flat graded area with white fences and planted trees surrounding it (Figures 1945-1948, Attachment I), encroaches on the west side of the Little Tujunga Canyon Creek. Aerials show that in 1994, half of the currently developed area between the Little Tujunga Canyon Creek Road and Little Tujunga Canyon Creek had been a riparian area, densely covered by trees in some parts (Exhibit 8, page 1, Attachment F).

As of the July 21, 2023 inspection by Los Angeles Water Board staff, land disturbance activities were still being conducted within the dry creek, evident by

vehicles and vehicle tracks within the creek and pushed up debris piles within the creek (Figures 1742 and 1745, Attachment F; Figure 0545, Attachment G; Figures 1956 and 1957, Attachment H; Figure 1954, Attachment I; Photos 40, 41, 43, 45, and 46, Attachment J). However, the Discharger does not have a Water Quality Certification nor waste discharge requirements to do work in the creek. If properly permitted, technical analysis would have been required prior to this development to determine the extent of impacts within jurisdictional waters of the state. Hydrologic modeling utilizing HEC-RAS software would have been required to determine the feasibility of not creating negative geomorphological effects either upstream or downstream of this area. To date, the Los Angeles Water Board has not received any information regarding any technical analysis performed to determine either flood risk or the extent of jurisdictional areas impacted within waters of the state.

f. Additional Fill and Debris throughout the Site

At the southernmost parcel, AIN 2526-025-022, Los Angeles Water Board staff identified fill and sediment pile in the creek just below the crossing that may wash down further downstream in a storm event (Figures 1934 and 1935, Attachment H; Figure 1862, Attachment I). By the July 21, 2023 inspection, the sediment pile was gone.

At the Middle Property parcel, AIN 2526-024-021, staff also observed loose mounds of fill material surrounding a culvert that appeared to run under Little Tujunga Canyon Road and onto the western area of the parcel (Figure 4977, Attachment F). There may be potential for discharge of fill material into the Little Tujunga Canyon Creek if flow occurs through the culvert on wetter seasons.

At the North Property parcel, AIN 2581-026-012, Los Angeles Water Board staff observed a graded flat area located on top of an incline that was being used by the Discharger for horse manure composting. Based on Google Earth Pro imagery, this area had formed a drainage area discharging into a tributary of the Little Tujunga Canyon Creek (Exhibit 4; Exhibit 8, page 4, Attachment F). No manure was observed within the streambed of the tributary of Little Tujunga Canyon Creek located downslope of the flat area at the time of the September 18, 2020, inspection. However, Los Angeles Water Board staff identified what appeared to be compost material on the slope leading down to the tributary on the September 18, 2020 inspection (Figure 0503, Attachment G) and observed manure placed at the edge of the slope above the tributary on the July 21, 2023 inspection (Photo 52, Attachment J).

6. **Sources of Information:** The sources for the evidence summarized above include but are not limited to: reports and other documentation in Los Angeles Water Board files, including meeting and telephone calls documentation, and e-mail communication with the Dischargers and/or consultants, and Site visits (Attachments E, F, G, H, and J).

7. Adverse Impacts and Threats to Water Quality:

- a. Surface soils in recently cut or filled areas, and surface soils in newly graded areas, are easily mobilized by storm events, can enter local waters, and may have strong detrimental impacts to local waters. These soils may cause an increase in turbidity and total suspended solids (TSS). High turbidity and high concentrations of TSS can have deleterious effects on aquatic life and stream health. Elevated levels of turbidity and TSS can block light from reaching submerged vegetation, reducing photosynthesis, and reducing dissolved oxygen levels.
- b. A decrease in water clarity caused by TSS can also affect the ability of fish to see and catch food. Suspended sediment can also clog fish gills, reduce growth rates, decrease resistance to disease, and prevent egg and larval development. When suspended solids settle to the bottom of a water body, they can smother the eggs of fish and aquatic insects, as well as suffocate newly hatched insect larvae. Settling sediments can fill-in spaces between rocks, which could have been used by aquatic organisms for habitation.
- c. Manure is a source of ammonia (NH_3), which is highly toxic to fish and other aquatic life. Oxidation of ammonia in water may also lower dissolved oxygen levels. Ammonia may also oxidize into nitrates (NO_3), which may impact groundwater in areas of recharge. Ammonia and nitrates are both 303(d) listed impairments for Los Angeles River and its tributaries, which Little Tujunga Canyon Creek is a tributary to.
- d. Wastes that are not cleaned up immediately after being released to the environment are easily carried by runoff from storm events, and pollutants associated with the wastes likely will continue to migrate and discharge to the Los Angeles River and its tributaries.
- e. Historical rainfall data from National Oceanic and Atmospheric Administration (NOAA) located between 0.5 and 5.7 miles from the Site, have recorded maximum rainfall events from 3.22 to 7.76 inches, as shown in the Table below. Without appropriate cleanup and site restoration, soils in the graded areas and development within floodplains may be mobilized by storm events, thereby causing or threatening to cause discharges of waste to waters of the state.

Rain Gauge and Station Information	SAN FERNANDO 4.2 E, CA US (Station ID: GHCND:US1CALA0041) ²	PACOIMA DAM FC33A E, CA US (Station ID: GHCND:USC00046602)	BURBANK GLENDALE PASADENA AIRPORT, CA US (Station ID: GHCND:USW00023152)
Approximate miles from the Site	0.5	3.7	5.7
Maximum Rainfall Event (inches)	3.22 ³	5.74 ⁴	7.76 ⁵
Total Precipitation January – December 2018 (inches)	--	14.31	10.25
Total Precipitation January – December 2019 (inches)	--	25.80	21.18
Total Precipitation January – December 2020 (inches)	--	15.53	9.32
Total Precipitation January – December 2021 (inches)	--	13.89	11.73 ⁶
Total Precipitation January – December 2022 (inches)	--	7.86	6.41
Total Precipitation January – July 2023 (inches)	--	27.5	22.67

² Only precipitation data from 2012-2015 is available for this station on the NOAA National Climatic Data Center's archive online.

³ March 1, 2014

⁴ February 12, 1973

⁵ January 22, 1943

⁶ Total precipitation data for November 2021 was not available, so this number is the sum of all available monthly total precipitation for 2021.

AUTHORITY - LEGAL REQUIREMENTS

8. Water Code section 13304, subdivision (a) provides that:

“(a) A person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.”

- a. “Waste” is defined by Water Code section 13050, subdivision (d) to include, sewage and any other waste substances, whether liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers prior to, and for purposes of, disposal.
 - i. Sediment and earthen material, when discharged to waters of the state, is a “waste” as defined in Water Code section 13050. The Discharger caused or permitted waste to be discharged or deposited where it will be, or has the potential to be, discharged to Little Tujunga Canyon Creek, a tributary of the Los Angeles River, all waters of the state.
- b. “Pollution” is defined by Water Code section 13050, subdivision (l)(1) as, an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either waters of the state for beneficial use or facilities which serve these beneficial uses.
 - i. Sediment and earthen material from land disturbing activities and placement of fill at the Site has discharged, and still has the potential to discharge into the Little Tujunga Canyon Creek in violation of Water Code sections 13260 and 13376 and provisions of the Basin Plan and creates or threatens to create a condition of pollution by unreasonably affecting the beneficial uses of waters of the state.

- ii. Little Tujunga Canyon Creek passes through the Site. Areas of land disturbance at the Site are affecting or threatening to affect water quality by encroaching on or discharging to Little Tujunga Canyon Creek.
- iii. Discharges of sediment and other inert material alter the hydrologic and sediment transport regimes of surface waters by affecting the flow of water and establishment of vegetation. Such changes may lead to adverse conditions such as flooding, increases in suspended sediment and turbidity, accelerated erosion of the watercourse bed or banks, and localized accumulation of deleterious materials. Additionally, such discharges directly threaten wildlife habitat and aquatic species (Beneficial Uses impacted: Rare, Threatened, or Endangered Species; Warm Freshwater Habitat; Cold Freshwater Habitat; and Wildlife Habitat). Increased sedimentation and turbidity can result in increased treatment and/or maintenance costs for downstream agricultural and municipal users that withdraw and treat the water (Beneficial Uses impacted: Municipal and Domestic Supply, Groundwater Recharge). Sediment laden storm water discharges to surface water and the resulting turbidity can also affect the recreational and aesthetic enjoyment of the surface waters (Beneficial Uses impacted: Water Contact Recreation and Non-water Contact Recreation).

9. Water Code section 13304, subdivision (c)(1) provides that:

“the person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are liable to that government agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial actions. . .”

10. Water Code section 13267, subdivision (b)(1) provides that:

“In conducting an investigation..., the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports and shall identify the evidence that supports requiring that person to provide the reports.”

11. Technical Reports Required: Water Code section 13267, subdivision (a) provides that the Los Angeles Water Board may investigate the quality of any water of the state within its region in connection with any action relating to the Basin Plan. Water Code section 13267, subdivision (b) provides that the Los Angeles Water Board, in conducting an investigation, may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports. The burden, including costs, of preparing these reports must bear a reasonable relationship to the need for the reports

and the benefits to be obtained from the reports. Staff estimate the cost of the reports to range between approximately \$75,760 - \$150,960 total. This analysis is discussed further below within subparagraphs (a) through (c).

- a. **Revised Jurisdictional Delineation Report (Revised JD Report).** The Revised JD Report is a technical report that is necessary to obtain an accurate and complete delineation of waters of the state throughout the Site. The Discharger's previous jurisdictional delineation report is deficient because it did not correctly delineate jurisdictional waters and failed to address discharges and/or threatened discharges documented by the Los Angeles Water Board at AINs 2526-024-021 and 2581-026-001. The Revised JD Report will be used to develop the Stabilization, Remediation, and Mitigation Work Plan the Discharger is required to submit under this Order to guide the cleanup and abatement of discharges and threatened discharges at the Site. By requiring a Revised JD Report, it can be determined where fill and debris has been discharged, or threatens to discharge to, the Little Tujunga Canyon Creek and its tributaries throughout the Site. The cost to produce the revised JD Report is estimated to be \$2,760 to \$4,960, based on an estimated hourly rate of \$100 for an environmental scientist, and an estimated 24 to 40 hours to complete the assessment, with an additional 3 to 8 hours for review under a certified engineer with an estimated hourly rate of \$120. The hourly rates are based on the 2019 State Water Resources Control Board Direct Cost Analysis for Proposed Updates to Cannabis Cultivation Policy (2019 Direct Cost Analysis). After consideration of these factors, Los Angeles Water Board staff has determined that the burden, including costs, of preparing and submitting the Revised JD Report bears a reasonable relationship to the need for the report and the benefits to be obtained from the report.
- b. **Hydrological and Geomorphological Assessment (Hydromorphological Assessment).** The Hydromorphological Assessment is a technical report that will characterize hydrology and any fluvial geomorphological impacts associated with fill activities within any waters throughout the Site and evaluate the potential impacts that existing permanent structures and development built at the Site may have on its downstream environment. This information is necessary to determine what measures are needed to address the potential hydrological and geomorphological impacts from fill activities at the Site. The information about the current Site conditions provided by this technical report will be used to develop the Stabilization, Remediation, and Mitigation Work Plan. The cost to produce the reports for a Hydromorphological Assessment required by this Order is estimated to be to be \$4,800 to \$9,600, based on an estimated hourly rate of \$120 for an engineer and an estimated 40 to 80 hours to complete the assessment. The hourly rate is based on the 2019 Direct Cost Analysis. After consideration of these factors, staff has determined that the burden, including costs, of preparing and submitting the Hydromorphological Assessment bears a reasonable relationship to the need for the report and the benefits to be obtained from the report.
- c. **Monitoring Reports.** Monitoring Reports are necessary to document the long-term stability of restored areas, to identify any areas where restoration is failing or

needs improvement, and to demonstrate the effectiveness of erosion control measures in preventing fill material discharges to waters of the state. Given the condition of the Property as a result of the unauthorized land disturbance activities, including extensive grading and placement of fill, monitoring reports will enable staff to confirm that the completed restoration and corrective actions documented in the Monthly Progress Reports and Completion Report continue to be effective. The cost to produce a Monitoring Report is estimated to be \$1,100 to \$2,200, based on an estimated hourly rate of \$100 for an environmental scientist working an estimated 5 to 10 hours, with an additional 5 to 10 hours under a certified engineer with an estimated hourly rate of \$120 to account for the regular monitoring and the less frequent geomorphic monitoring and LiDAR survey requirements. The hourly rate is based on the 2019 Direct Cost Analysis. The total cost to prepare at least 62 monitoring reports from at minimum a year of submitting weekly reports while implementing the Work Plan (52) and five years of submitting biannual post-cleanup monitoring reports (10) is between \$68,200 and \$136,400. After consideration of these factors, staff has determined that the burden, including costs, of submitting the Monitoring Reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

12. **Public Participation:** The Los Angeles Water Board may require the Dischargers to submit a Public Participation Plan or engage in other activities to disseminate information and gather community input regarding the Site, as authorized or required by Water Code sections 13307.1, 13307.5 and 13307.6.
13. The State Water Board has adopted Resolution No. 92-49, the "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304". This Policy sets forth the policies and procedures to be used during an investigation or cleanup of a polluted site and requires that cleanup levels be consistent with State Water Board Resolution 68-16, the "Statement of Policy with Respect to Maintaining High Quality of Waters in California". Resolution 92-49 and the Basin Plan establish the cleanup levels to be achieved. Resolution 92-49 requires the waste to be cleaned up to background, or if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with California Code of Regulations (CCR), title 23, section 2550.4. Any alternative cleanup level to background must (1) be consistent with the maximum benefit to the people of the State; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board.
14. The Los Angeles Water Board adopted the Water Quality Control Plan for the Los Angeles Region (Basin Plan), which identifies beneficial uses and establishes water quality objectives to protect those uses. The Site contains portions of Little Tujunga Canyon Creek. The unnamed tributaries located along the west side of the Site in AIN 2526-024-021 and in the southern portion of AIN 2581-026-012 drain to Little Tujunga

Canyon Creek. The existing and designated beneficial uses of the Creek as set forth in the Basin Plan are⁷:

Beneficial Uses	Little Tujunga Canyon Creek
Municipal and Domestic Supply	P
Industrial Service Supply	--
Industrial Process Supply	--
Agricultural Supply	--
Ground Water Recharge	I
Freshwater Replenishment	--
Navigation	--
Hydropower Generation	--
Commercial and Sport Fishing	--
Aquaculture	--
Warm Freshwater Habitat	I
Cold Freshwater Habitat	I
Inland Saline Water Habitat	--
Estuarine Habitat	--
Marine Habitat	--
Wildlife Habitat	E
Preservation of Biological Habitat	--
Rare, Threatened, or Endangered Species	E
Migration of Aquatic Organisms	--
Spawning, Reproduction and/or Early Development	--
Shellfish Harvesting	--
Wetland Habitat	--
Water Contact Recreation	I
Non-water Contact Recreation	E

15. This Order conforms to and implements policies and requirements of (1) the Porter-Cologne Water Quality Control Act (Division 7, commencing with Water Code section 13000); (2) applicable state and federal regulations; (3) all applicable provisions of statewide Water Quality Control Plans adopted by the State Water Board and the Basin Plan adopted by the Los Angeles Water Board including beneficial uses, water

⁷ The Little Tujunga Canyon Creek is assigned beneficial uses. The following abbreviations are used: P for Potential, I for Intermittent, and E for Existing. Water Quality Control Plan, Los Angeles Region. Chapter 2: Beneficial Uses.

quality objectives, and implementation Plans; and (4) applicable State Water Board policies and regulations.

DISCHARGER LIABILITY⁸

16. The term “waste” is defined in Water Code section 13050, subdivision (d) to include “sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.” Sediment, debris, animal waste, and other waste constituents discharged at the Site constitute “waste” as defined in Water Code section 13050(d).
17. As described in this Order, RJ’s Property Management LLC, is a discharger because, as the current owner of AINs 2526-025-022, 2526-025-012, 2526-024-028, 2526-024-021, 2581-026-001, and 2581-026-012 and as operators of the activities at the Site, it has caused or permitted waste to be discharged or deposited where it has discharged to waters of the state and has created, and continues to threaten to create, a condition of pollution or nuisance. Metropolitan Water District of Southern California is the current owner of AIN 2526-024-270; however, because RJ’s Property Management LLC was responsible for importing fill materials to AIN 2526-024-270, RJ’s Property Management LLC is listed as the Responsible Party in this Order. The findings in section 5 describe the activities that have caused the discharges, or threatened discharges, of wastes.
18. As described in section 5 in this Order, the Discharger is subject to an order pursuant to Water Code section 13267 to submit technical reports because existing data and information about the site indicate that waste has been discharged, is discharging, or is suspected of discharging, at the property, which is or was owned and/or operated by the Discharger named in this Order. The technical reports required by this Order are necessary to assure compliance with Water Code section 13304 and State Water Board Resolution 92-49, including to adequately investigate and cleanup the site to protect the beneficial uses of waters of the state, to protect against nuisance, and to protect human health and the environment.

OTHER CONSIDERATIONS

19. **California Environmental Quality Act:** Issuance of this Order is being taken for the protection of the environment and as such is exempt from provisions of the California Environmental Quality Act (CEQA) (Pubic Resources Code §§ 21000 et seq.) in

⁸ Under precedential Orders issued by the State Water Board, the Dischargers are liable for the cleanup of wastes at the Site regardless of involvement in the activities that initially caused the pollution. The discharge of waste did not cease when the prior owner vacated the premises. The State Water Board has interpreted the term “discharge” to include not only an active initial release, but also a passive migration of waste. The discharge continues as long as the wastes remain at the Site. (See State Water Board Orders WQ 86-2 (Zoecon Corporation), WQ 89-1 (Schmidl), and WQ 89-8 (Spitzer).) Under California law, courts have historically held, and modern courts maintain, that possessors of land may be liable for a nuisance on that land even if the possessor did not create the nuisance. (See *Leslie Salt Co. v. San Francisco Bay Conservation and Dev. Comm’n* (1984) 153 Cal.App.3d 605, 619–620).

accordance with title 14, California Code of Regulations, sections 15061, subdivision (b)(3), 15306, 15307, 15308, and 15321. This Order generally requires the Discharger(s) to submit plans for approval prior to implementation of cleanup activities at the Site. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. CEQA review at this time would be premature and speculative, as there is not enough information concerning the Dischargers' proposed remedial activities and possible associated environmental impacts. If the Los Angeles Water Board determines that implementation of any plan required by this Order will have a significant effect on the environment, the Los Angeles Water Board will conduct the necessary and appropriate environmental review prior to Executive Officer's approval of the applicable plan. The Dischargers will bear the costs, including the Los Angeles Water Board's costs, of determining whether implementation of any plan required by this Order will have a significant effect on the environment and, if so, in preparing and handling any documents necessary for environmental review. If necessary, the Dischargers and a consultant acceptable to the Los Angeles Water Board shall enter into a memorandum of understanding with the Los Angeles Water Board regarding such costs prior to undertaking any environmental review.

20. **Cost Recovery:** Pursuant to Water Code section 13304, the Los Angeles Water Board may seek reimbursement for all reasonable costs to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action. Such costs include, but are not limited to, staff time for investigation of the discharge, preparation of this Order, review of reports and correspondence submitted pursuant to this Order, work to complete the directives specified in this Order, and communications between Los Angeles Water Board staff and parties associated with the cleanup and abatement of the discharged waste, including the Dischargers, interested members of the public, and other regulatory agencies.
21. **State Water Board Petition:** Any person aggrieved by this action of the Los Angeles Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

REQUIRED ACTIONS

THEREFORE, IT IS HEREBY ORDERED, pursuant to Water Code sections 13304 and 13267, that the Discharger shall assess, monitor, clean up the waste and abate the effects of the waste forthwith discharging, and threatening to discharge, at and from the Site and the effects resulting from unauthorized grading, construction, and vegetation removal

activities within and around the Site, comprised of AINs 2526-025-022, 2526-025-012, 2526-024-270, 2526-024-028, 2526-024-021, 2581-026-001, and 2581-026-012, located in unincorporated Los Angeles County. “Forthwith” means as soon as reasonably possible, but in any event no later than the compliance dates below. More specifically, the Dischargers shall:

A. Cleanup and Abatement Requirements

1. **Immediately** cease all unauthorized earthwork activity, including disposal of wastes that include sediment, animal waste, and other waste at and around the Site in violation of the Porter-Cologne Act, and other applicable laws.
2. **Immediately** cease vehicle and equipment use in the streambed of the Little Tujunga Canyon Creek throughout the Site;
3. Within **30 days of the issuance of this Order**, develop and submit the following reports to the Los Angeles Water Board’s Executive Officer for approval:
 - a. **A Revised Jurisdictional Delineation (Revised JD Report):** A Revised JD Report of the Little Tujunga Canyon Creek and its tributaries delineating the waters as waters of the state, *prior* to any activity by the Discharger that altered waters of the state. The delineation must be conducted in accordance with the “State Wetland Definition and Procedures for Discharges of Dredged and Fill Material to Waters of the State” as revised on April 6, 2021, and use the Army Corps of Engineers Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (USACE 2008). In addition, the Revised JD Report must:
 - i. Ensure that all parcels of the Site are considered in the jurisdictional delineation: AINs 2526-025-022, 2526-025-012, 2526-024-270, 2526-024-028, 2526-024-021, 2581-026-001, and 2581-026-012.
 - ii. Include hydraulic modeling to indicate the 25-year, 50-year and 100-year storm event boundaries throughout the entire Site.
 - b. **A Hydrological and Geomorphological Assessment (Hydromorphological Assessment):** A hydromorphological assessment that characterizes hydrology and any fluvial geomorphological impacts associated with fill activities throughout the Site. The hydromorphological assessment shall include:
 - i. Establishment of Baseline Conditions. The baseline conditions should take into consideration cross-section morphology and/or channel pattern changes. Within the river system, there may be changes in channel plan view, bed elevations, or channel cross-section, or any combination of those.
 - ii. Key factors in the Baseline Conditions:

1. Sediment Transport (stream sediment load sampling)
 2. Cross Sections (measurements and repeated surveys)
 3. Plan Form (Mapping)
 4. Longitudinal Profile (Mapping and surveys)
 5. Delineation of the 100-year floodplain/ Q_{cap}
 6. Representative photographs of all the reaches.
 7. Large-scale aerial photography showing the Site before the start of unpermitted work and under current conditions.
- iii. Little Tujunga Canyon Creek geomorphic characteristics. Each transect should include centerline reach length, bed elevation, reach average width, average channel slope, D_{50} (particle size distribution) and bed sediment facies. Each facies type should be specified as S = sand (<2 mm), Gvf = very fine gravel (2–4 mm), Gf = fine gravel (4–8 mm), Gm = medium gravel (8–16 mm), Gc = coarse gravel (16–32 mm), Cc = coarse cobble (128–256 mm).

Transects shall be as precise as every 20 to 50 feet in either distance or change in bed elevation. The transects should be based on capturing the most representative data for each of the study reaches and this selection shall be approved by the Los Angeles Water Board. There should likely be a range of 15-20 transects per study area (3 main study areas).

- iv. Description of areas within the Site that have potential for or actual sediment discharge from both hillside erosion and tributary discharges into Little Tujunga Canyon Creek, including any sediment or debris changes due to significant fires/earthquakes or any other significant erosion due to landslides (mudslides, mass-wasting slides, etc.). Determine sediment yield from hillside erosion, tributary discharges, and other significant erosion for individual flood events and on an annual basis (average).
- v. Narrative explanation of movements or trends of active channel position(s) spanning back in time from before any equestrian facilities or levees/berms were constructed in the upper (northern) parcels AINs 2581-026-001 and 2581-026-012. Please state the specific dates/years of construction of the equestrian facilities and levees/berms and the years of the changes in the channel observed.
- vi. Vegetation mapping of the Site to scale showing vegetation types that exist in the Site. Please describe the vegetation types and the species (common and scientific name) that can be present within the type.

4. **Within 30 days of the approval of the Revised JD Report and the Hydromorphological Assessment**, develop and submit to the Los Angeles Water Board's Executive Officer for approval and, upon approval, immediately implement a Stabilization, Remediation, and Mitigation Work Plan (Work Plan) that must include the following items:
 - a. Identification of the areas where fill remains within jurisdiction of the waters of the state apart from the areas where fill removal and restoration have already been completed. Based on the review of the Discharger's response to the Section 13267 Order on April 16, 2021, and the memo sent to the Los Angeles Water Board on March 15, 2022, fill material was not assessed in AINs 2526-024-021, 2581-026-001, and 2581-026-012.
 - i. Include a map to scale based on the Revised JD Report that compares the areas where fill remains within jurisdiction of the waters of the state with the areas where fill removal and restoration have already been completed. The map should identify areas where additional removal and restoration activities need to occur, areas for which mitigation need to occur, and/or areas where site stabilization measures are needed. The map in this report should also help quantify the total area where fill material is found that will need mitigation or stabilization.
 - ii. Provide photos for each of the areas where fill or debris remains within jurisdiction of the waters of the state.
 - iii. Current and historical permits from agencies, if any, that were obtained to authorize the building of any permanent structures within the waters of the State, including but not limited to crossings, roads, berms, and facilities.
 - b. **Site Stabilization:** The Work Plan will address site stabilization to ensure the areas where fill, debris, or manure remain do not discharge into any area within jurisdiction of the waters of the state. At a minimum, this section of the Work Plan shall include:
 - i. A list of the Best Management Practices (BMPs) that will be installed and maintained to ameliorate the discharge, or threat of discharge, of any sediment or waste from each of the areas defined above into the waters of the state.
 - ii. A map to scale depicting the locations of the BMPs in each parcel.
 - iii. A narrative detailing the specifications for the installation and maintenance of each BMP.
 - iv. The BMPs should address the stabilization of all graded and eroded slopes and prevention of sediment tracking into the Little Tujunga Canyon Creek, its tributaries, culverts, and off-Site. The BMPs shall also prevent discharges of horse manure and runoff commingled with pollutants from

composting activities in AIN 2581-026-012 to tributaries to Little Tujunga Canyon Creek.

- c. **Remediation:** The Work Plan will address remediation to ensure the areas where fill or debris are removed are restored to conditions free of pollutants that may discharge into waters of the state. At a minimum, this section of the Work Plan shall include:
- i. Fill removal procedures appropriate for the area to minimize impact to existing vegetation or cause erosion to protect water quality and beneficial uses.
 - ii. Criteria used to determine complete removal of fill from the area (e.g., description of the fill material distinguishing it from the native soil and rock, depth of the fill material removed at each area).
 - iii. A revegetation plan that includes a description of the revegetation palette to be used, success criteria for restoration (e.g., percent area covered by native vegetation), photographs of the Site before and after revegetation, and a monitoring plan that tracks and documents the success of all restoration activities.
- d. **Mitigation:** The Work Plan will address mitigation by describing and quantifying the total area of unauthorized permanent impact within the Site within jurisdiction of the waters of the state, then describing the mitigation work that will be done to offset the impact. Areas that should be considered for mitigation include graded areas that cannot be restored, areas where fill cannot be recovered without causing greater impact to water quality and beneficial uses, and areas where permanent structures are established, including but not limited to crossings, roads, and berms. At a minimum, this section of the Work Plan shall include:
- i. A map based on the revised jurisdictional delineation of areas of permanent impact within the Site for which mitigation is necessary. The map should also quantify the total area where fill material is found that will need mitigation for, if necessary.
 - ii. Determination of whether on-site or off-site mitigation is appropriate to offset the impacts to waters of the states.
 - iii. Location of the mitigation areas.
 - iv. A description of the mitigation activities that will occur.
 - v. If applicable, description and records of the mitigation bank credits that will be purchased to offset the permanent impacts made within waters of the state.

- e. **Implementation Schedule.** A schedule of all stabilization, remediation, and/or mitigation activities that describes the implementation of actions required by the Work Plan with start and completion dates.
5. **Monitoring Plan.** A proposed Site Monitoring Plan to ensure the cleanup activities and related BMPs are implemented and maintained as designed, to assess their long-term effectiveness, and to identify areas requiring repair or improvement. Include a proposed monitoring checklist confirming that stabilization, remediation, and mitigation measures have been implemented and maintained as described in the Work Plan.
- a. Monitoring shall start **as soon as work starts according to the approved Work Plan**. Monitoring shall continue for a period of six years, or until the restoration success criteria stated in the approved Work Plan are met.
 - i. During the Work Plan implementation period, monitoring shall occur daily.
 - ii. Once the Completion Report is submitted, monitoring shall occur at least weekly, but as frequently as is necessary to fully assess the effectiveness of the implemented work and fulfill the requirements of the Monitoring Plan.
 - b. The Discharger shall create a written summary of the monitoring inspection and submit the summaries as a Monitoring Report to the Los Angeles Water Board.
 - i. During the Work Plan implementation period, Monitoring Reports shall be submitted **on a weekly basis until completion of all Work Plan activities**.
 - ii. Once the Completion Report is submitted, Monitoring Reports shall be submitted **every 6 months starting from the date that the Completion Report is submitted**. The Discharger shall continue to submit Monitoring Reports semiannually until the completion of the monitoring period as described in section A.5.a.
 - c. The monitoring summary shall include, at a minimum, the following information:
 - i. Date of the inspection.
 - ii. Name of the person conducting the inspection.
 - iii. Rainfall totals for the current water year (beginning October 1, 2022).
 - iv. Description of site observations, including any new sediment discharge, or potential discharge sites, as well as general site conditions with respect to erosion and sediment mobilization and discharge.
 - v. Photographs of each site at which cleanup and restoration work has been conducted to document conditions at the time of the inspection; and

- vi. Description of any corrective action conducted during the past month or needed to ensure stabilization, remediation, and mitigation measures are functioning as designed.
- d. Monitoring must also include:
- i. Regular sampling of both bedload and suspended load in the river and major tributaries during any flow event over the 10-year storm-event boundaries.
 - ii. Annual Geomorphic Monitoring identifying any channel avulsion (new paths) of the river or the active channel(s).
 - iii. Large-scale aerial photography shall be included in the monitoring plan at a minimum of every 2 years for the entire monitoring area, or annually in years exceeding 10-year events, in conjunction with LiDAR. LiDAR surveys with high-resolution aerial photography and elevation surveys will add another layer of data. The documentation shall be sufficient to identify any visible changes in the floodplain, active channel(s), or any major areas of scouring.
6. **Immediately** obtain the waste discharge requirements for any proposed fill removal and restoration work and/or mitigation work necessary within Little Tujunga Canyon Creek on the Site.
7. Within **90 days following the Executive Officer's approval of the Work Plan**, begin submitting **Monthly Progress Reports** summarizing progress on Work Plan implementation until completion of all Work Plan activities. The first report should be submitted within the 90 days of the Work Plan approval, and the subsequent reports should be submitted on the last day of each month until the Completion Report is submitted. Include pre- and post-work photographs and copies of all applicable permits obtained in response to the tasks listed above, including those required by the Porter-Cologne Act for activities that may impact the waters of the state at the Site.
8. **Public Participation:** Within **60 days of the issuance of this Order**, the Discharger shall submit to the Los Angeles Water Board information and take actions addressing public participation requirements of Water Code sections 13307.5 and 13307.6, including, but not limited to:
- a. Baseline community assessment: Provide information that describes current land use and demographic information near the Site and surrounding area within a one-mile radius.
 - b. Interested persons contact list: If additional property owners exist within a 500-foot radius of the Site, a fact sheet must be distributed to all property owners, affected and potentially affected and interested persons within the area. Provide a list of names and addresses for all property owners, and a list of

addresses in the above-delineated groups. A list of contacts for other interested persons, such as local, state and federal public agencies, environmental groups and community groups should also be provided.

- c. Draft fact sheet: Must include, for example, the description of the Site, including history, known discharges of fill, site investigation and cleanup activities to date, and a description of any proposed/planned site activities. The fact sheet should include an illustrative map of the site, showing the activities and details of the surrounding areas.

9. **Upon completion of all cleanup and restoration work**, submit a **Completion Report** summarizing the corrective actions, including pre- and post-work photographs, that the Discharger implemented to complete the approved Work Plan. Monitoring activities and reporting shall continue for at least five years after the submission of the Completion Report or until the restoration success criteria from the Work Plan is met.

B. Submission of Work Plans and Reports:

As required by the Business and Professions Code sections 6735, 7835, and 7835.1, all reports shall be prepared by, or under the supervision of, a California registered professional engineer or geologist and signed by the registered professional. All technical reports submitted by the Discharger shall include a statement signed by the authorized representative certifying under penalty of law that the representative has examined and is familiar with the report and that to his or her knowledge, the report is true, complete, and accurate. All technical documents shall be signed by and stamped with the seal of the above-mentioned qualified professionals that reflects a license expiration date.

C. Certifications:

All reports shall contain a completed perjury statement, signed by the Discharger (or a duly authorized senior representative) and not by a consultant.

The Perjury statement shall be in the following format:

"I [NAME], certify under penalty of perjury of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitted false information, including the possibility of fine and imprisonment for knowing violations."

D. Time Schedule:

Submit all required plans and reports and complete work within the time schedule of the Order and the implementation schedule of the approved Work Plan, which may be revised by the Executive Officer without revising this Order.

E. Submit all plans and reports **required under this Order via email to:**

Lydia Kim
Los Angeles Regional Water Quality Control Board
Enforcement II Unit
Lydia.Kim@waterboards.ca.gov

F. No Limitation of Los Angeles Water Board or Other Agency Authority:

This Order is not intended to permit or allow the Discharger(s) to cease any work required by any other Order issued by the Los Angeles Water Board, nor shall it be used as a reason to stop or redirect any investigation, or cleanup or remediation programs ordered by the Los Angeles Water Board or any other agency. Furthermore, this Order does not exempt the Dischargers from compliance with any other laws, regulations, or ordinances which may be applicable, nor does it legalize these waste treatment and disposal facilities, and it leaves unaffected any further restrictions on those facilities which may be contained in other statutes or required by other agencies.

G. Authority to Modify:

The Los Angeles Water Board, through its Executive Officer, may revise this Order as additional information becomes available. Upon request by the Dischargers, and for good cause shown, the Executive Officer may defer, delete, or extend the date of compliance for any action required of the Dischargers under this Order. The authority of the Los Angeles Water Board, as contained in the California Water Code, to order investigation and cleanup, in addition to that described herein, is in no way limited by this Order.

H. Extension:

In the event compliance with this Order cannot be achieved within the terms of this Order, the Dischargers can request an extension of time in writing from the Los Angeles Water Board's Executive Officer. The extension request shall include an explanation of why the specified date could not or will not be met, and justification for the requested period of extension. Any extension request shall be submitted as soon as the situation is recognized, and not on the compliance date, or later than the compliance date. Extension requests not submitted in writing to the Executive Officer of the Los Angeles Water Board will be denied.

I. Enforcement for Noncompliance with this Order:

Failure to comply with the terms or conditions of this Order may result in imposition of civil liabilities, imposed either administratively by the Los Angeles Water Board or judicially by the Superior Court in accordance with Water Code sections 13268, 13304, 13308, and/or 13350, and/or referral to the Attorney General of the State of California.

J. Entry and Access:

Consistent with Water Code section 13304, the Los Angeles Water Board's authorized representative(s) shall be allowed:

1. Entry upon premises where a regulated Site or activity is located, conducted, or where records are stored, under the conditions of this Order;
2. Access to copy any records that are stored under the conditions of this Order;
3. Access to inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
4. The right to photograph, sample, and monitor to ensure compliance with this Order, or as otherwise authorized by the Water Code.

K. Notification for Planned Changes:

The Dischargers shall submit 30-day advance notice to the Los Angeles Water Board of any planned changes in name or ownership of the contractor or subcontractors and notice of any planned physical changes that may affect compliance with this Order. In the event of a change in ownership or operator, the Dischargers shall also provide 30-day advance notice, by letter, to the succeeding owner/operator of the existence of this Order and shall submit a copy of this advance notice to the Los Angeles Water Board.

L. Delegation:

Reference herein to determinations and considerations to be made by the Los Angeles Water Board regarding the terms of the Order shall be made by the Executive Officer or his/her designee. Decisions and directives made by the Executive Officer in regard to this Order shall be as if made by the Los Angeles Water Board.

M. None of the obligations imposed by this Order on the Dischargers are intended to constitute a debt, damage claim, penalty or other civil action which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of California intended to protect the public health, safety, welfare, and environment.

N. Effective Date:

This Order is effective upon the date of signature below. Ordered by:

Susana Arredondo
Executive Officer

Date: _____

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Enclosure List:

Attachment A: Time Schedule

Attachment B: Site Location Map

Attachment C: Jurisdictional Delineation (dated October 2020, taken from a response to the 13267 Order received on April 16, 2021)

Attachment D: Response to 13267 Order, received on April 16, 2021

Attachment E: July 9, 2019 Inspection Report

Attachment F: September 3, 2019 Inspection Report

Attachment G: September 18, 2020 Inspection Report

Attachment H: October 14, 2021 Inspection Report

Attachment I: Additional Photos from October 14, 2021

Attachment J: July 21, 2023 Inspection Report

Attachment K: Photo from Discharger, received on October 14, 2021

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