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Exempt From Filing Fees Pursuant To Gov't Code § 6103

In the Matter of the Petition of:	)	PETITION FOR REVIEW
	)	
THE GARDENA VALLEY DEMOCRATIC	)	[Water Code 13320(a)]
CLUB FOR THE REVIEW OF ACTION BY	)	
THE CALIFORNIA REGIONAL WATER	)	
QUALITY CONTROL BOARD, LOS	)	
ANGELES REGION IN ADOPTING ORDER	)	
NO. R4-2026-XXXX	)	
WASTE DISCHARGE REQUIREMENTS FOR	)	
STORMWATER DISCHARGES ASSOCIATED	)	
WITH COMMERCIAL, INDUSTRIAL, AND	)	
INSTITUTIONAL FACILITIES IN THE	)	
DOMINGUEZ CHANNEL/LOS ANGELES AND	)	
LONG BEACH INNER HARBOR WATERSHED	)	
AND THE LOS CERRITOS	)	
CHANNEL/ALAMITOS BAY WATERSHED	)	
GENERAL NPDES PERMIT NO. XXXXXX	)	

This Petition for Review is submitted on behalf of the of the Gardena Valley Democratic Club located in the County of Los Angeles, pursuant to California Water Code Section 13320 and California Code of Regulations ("CCR") Title 23, Section 2050, for review of ORDER NO. R4-2026-XXXX, Waste Discharge Requirements for Stormwater Discharges Associated with Commercial, Industrial, and Institutional Facilities in the Dominguez Channel/Los Angeles and Long beach Inner Harbor Watershed and the Los Cerritos Channel/Alamitos Bay Watershed General NPDES permit No. XXXXXX

I. NAME, ADDRESS AND TELEPHONE NUMBERS OF PETITIONER

The Petitioner is the Gardena Valley Democratic Club. All written correspondence regarding this matter should be addressed to the following:

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II. SPECIFIC ACTION OF THE REGIONAL BOARD FOR WHICH REVIEW IS SOUGHT

Petitioner, Gardena Valley Democratic Club, referred to as Democratic Club, requests the State Water Resources Control Board ("State Board") to review the afore-mentioned Order for the purpose of overturning it and remanding it to the Regional Board for correction. A copy of the Order adopted by Los Angeles Regional Water Quality Board (Regional Board) on July 23, 2026 is attached herewith as **Exhibit "A."** Note that the Order contains red-lined revisions.

1. Why CII Permit Is Inappropriate and/or Improper:

1. Water quality Objectives/standards Do Not Exist for the Subject Watersheds because they are not referenced in Chapter 3 Water Quality objectives of the Basin Plan See as an example the following basin plan excerpt:

Table 3-10. Water Quality Objectives for Selected Constituents in Inland Surface Waters^a (cont.)

Reaches are in upstream to downstream order.

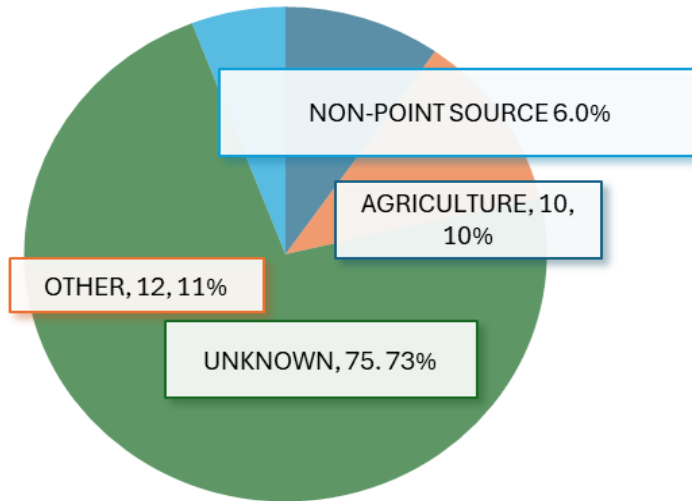
WATERSHED/STREAM REACH ^b	TDS (mg/L)	Sulfate (mg/L)	Chloride (mg/L)	Boron ^c (mg/L)	Nitrogen ^d (mg/L)	SAR ^e (mg/L)
Arroyo Simi-downstream Madera Road, Arroyo Las Posas, and tributaries	850	250	150	1.0	10	f
Calleguas Creek and tributaries-between Potrero Road and Arroyo Las Posas. Includes Conejo Creek, Arroyo Conejo, and Arroyo Santa Rosa	850	250	150	1.0	10	f
Below Potrero Road	no waterbody specific objectives ^f					
Miscellaneous Los Angeles County Coastal Streams	no waterbody specific objectives ^f					
Malibu Creek Watershed	2000	500	500	2.0	10	-
Ballona Creek Watershed	no waterbody specific objectives ^f					
Dominguez Channel Watershed	no waterbody specific objectives ^f					

2. Further, California Toxic Rule water quality standards were never adopted by the regional board, in violation of CWA 303(e). In addition, the TMDLs for the subject watersheds are either not on the 2024 303(d) list or are deemed to be of unknown sources, thereby making it impossible to know if the discharges are from CII Permittees. Chlordane, for example is not listed for the Dominguez Channel Estuary multiple times:

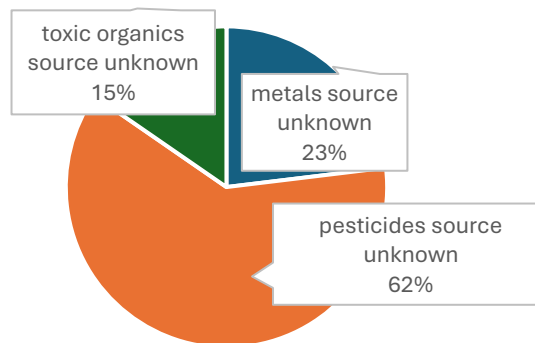
Do Not List on 303(d) list (TMDL required list)	Revised
Do Not List on 303(d) list (TMDL required list)	Revised
Do Not List on 303(d) list (TMDL required list)	Revised
Do Not List on 303(d) list (TMDL required list)	Revised

DOMINGUEZ CHANNEL 2024 303(D) LIST: TOXIC METALS AND ORGANICS N=103

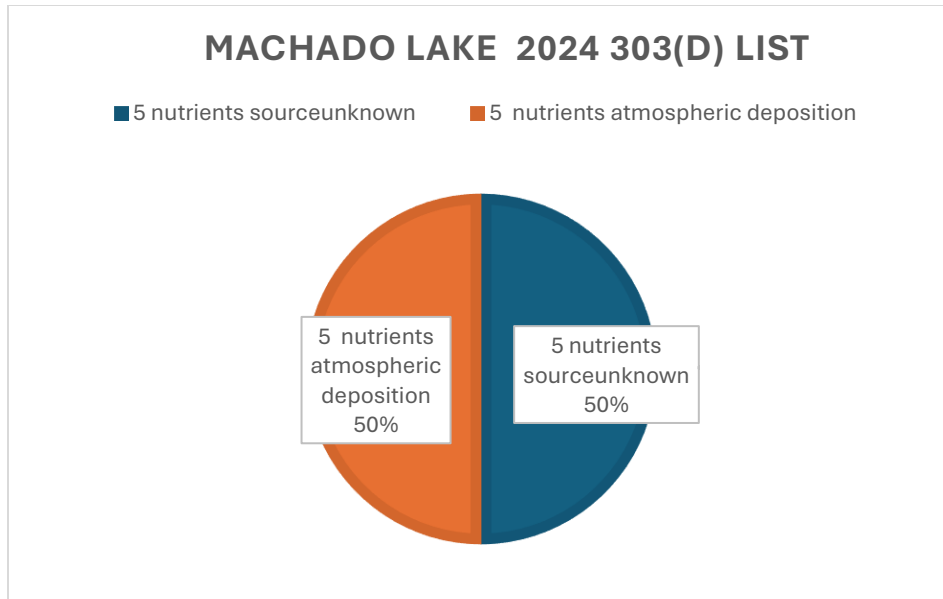
A Source
Unknown



Colorado Lagoon 2024 303 (d) List



■ metals source unknown ■ pesticides unknown source
■ toxic organics source unknown



3. The CII Permit improperly applies Maximum Contaminant Levels (MCLs) despite the fact that they only apply to drinking water and waste water. The CII permit only applies to stormwater.

Table I-1. Applicable Constituents with Primary or Secondary MCLs

Parameter Category	MCL Criteria for CII Pollutant Pretreatment
Primary MCLs: • Primary MCLs: Inorganics • Primary MCLs: Volatile Organic Compounds (VOCs) • Primary MCLs: Synthetic Organic Contaminants (SOCs) • Primary MCLs: Disinfection Byproducts	See footnote ⁹
Secondary MCLs: Total Dissolved Solids	Pollutants associated with CII activities in the influent of the infiltration BMP(s) shall not exceed 500 mg/L.

4. Due process was violated to the following extent:

- i. Public schools are not subject to the CII Permit, yet private schools are. According regional board staff, this is because the CII Permit only applies to

privately owned property. However, private schools, including religious ones, are privately owned. Failing to acknowledge this also amounts to discrimination against religious schools.

- ii. The CII Permit also discriminates against publicly owned property, including municipal airports, hospitals, colleges and universities - despite the fact that only privately owned facilities are subject to the permit
- iii. The regional board failed to post the final CII permit reflecting changes in red type that were made during the final minutes of the hearing (see Exhibit). According to water code 13267, all permits must be posted. Failing to do so denies due process because it denies the public the opportunity to review and comment on revised permit.

Costs are in conflict and are unreasonable. According to the Permit, under cost considerations, the low end capital costs for option 2 is \$285,000 per acre inch. However, during the hearing, staff estimated the cost to be \$400,000 per acre.

III. DATE OF REGIONAL BOARD'S ACTION

The Regional Board, on July 23, 2026, adopted the aforementioned Order.

IV. STATEMENT OF REASONS WHY THE REGIONAL BOARD'S ACTION WAS INAPPROPRIATE OR IMPROPER

The Order is improper for the following reasons:

Though adopted by the Los Angeles Regional Water Quality Board (regional board) on July 23, 2026, the permit was not posted on the regional board's website as required by water code 13267; nor did it reflect last-minute red-lined changes made to the Order by Regional Board staff at the public hearing which included:

- **Compliance Option Documents within three and one-half (3.5) years of the effective date Of this Order, ~~six (6) months after all Compliance Options identified under section 8 of this General Order become available.~~**

Further, the Regional Board failed to comply with California Government Code §11346.8(c), because the changes were substantial and requires that *no state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to Section 11346.5 [setting out notice requirements], unless the change is (1) non-substantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action. If a sufficiently related change is made, the full text of the resulting adoption, amendment,*

or repeal, with the change clearly indicated, shall be made available to the public for at least 15 days before the agency adopts, amends, or repeals the resulting regulation. Any written comments received regarding the change must be responded to in the final statement of reasons required by Section 11346.9."

The last minute changes to the permit were substantial because they relate to compliance that were not related to the original text.

Although intended to operate as a Commercial, Industrial and Institutional CII) enrollment type of NPDES permit it failed to serve this purpose because: (1) it did not identify potential enrollees in specific; and (2) privately owned property that is five acres or more of impervious surface. Potential enrollees could not know if they are subject to the CII permit because the tax codes are overly broad and therefore are unclear and ambiguous. For example, hospitals listed under Tax Code 7400

7400	Hospital
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do not distinguish hospitals that are privately owned from government owned ones such, as the Long Beach Veterans Administration Hospital and Harbor UCLA Medical Center in Torrance.

The same regarding airports.

Tax code 8862 makes no distinction between privately owned and government owned airports, such as the Long Beach and Torrance Municipal Airports. However, the board has already concluded that government facilities are not subject because they are not privately owned airports as shown below. Tax code 8862

8862	Airport, general
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Beyond this, the regional board did not conduct outreach informing them that other would-be permittees are subject to the permit if their property is located on five acres or more of impervious surface, something no hospital or any other potential enrollee could possibly know. This resulted in denying potential enrollees the opportunity to comment on the permit and attend the public hearing, thereby denying them due process

As a consequence, the permit is constitutionally vague and cannot be complied with. This was a concern expressed by WSPA, which requested earlier that the regional board prepare guidance to help dischargers enroll and understand the permit, to which the regional board responded at the July 23, hearing: "we plan to do that. Staff will be, uh, to help, um, dischargers enroll and understand the permit. We will be, of course, reaching out to all dischargers, once, if the

permit is adopted to let them know they're subject to this permit and to explain how they can enroll and we'll include guidance with that."

This raises another due process issue. Dischargers, as prospective permittees, cannot comment on or question the validity of a permit that already has been adopted ex-post facto. It cannot argue that, as in the case of non-private hospitals or religious schools that they cannot be subject to the permit. Clearly this information should have been made available prior to the adoption of the permit. It also begs the question why the regional board did not conduct an effective outreach effort prior to adopting the permit?

Another challenge for the regional board is how will it reach out to the hundreds office buildings and warehouses located in the subject watersheds/sub-watersheds.

The permit is also in conflict. According to tax code 1410, Supermarkets are only subject if they are between 6000 and 11999 square feet. However, according to the CII permit, only private properties five acres (217,800 square feet) or more are subject. This is just one of dozens of examples of conflicts between the tax codes and the permit.

1410	Supermarket, 6,000 square feet to 11,999 square feet
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Another example is that the code references public schools and religious schools but only exempts public schools.

According to regional board staff, private schools are exempt because they are on private property. Staff appears to be unaware that religious schools and churches are privately owned.

The government code states: *No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to Section 11346.5 [setting out notice requirements], unless the change is (1) non-substantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action. If a sufficiently related change is made, the full text of the resulting adoption, amendment, or repeal, with the change clearly indicated, shall be made available to the public for at least 15 days before the agency adopts, amends, or repeals the resulting regulation. Any written comments received regarding the change must be responded to in the final statement of reasons required by Section 11346.9."*

Compliance Options are Required to Comply with Water Quality Effluent Limits (WQBELs)

Option One compliance requires the Discharger to enter into a legally binding agreement with the local Watershed Management Group, in which the Discharger agrees to

contribute funding for a regional project in the group's Watershed Management Program. This is unnecessary given that dischargers already contribute to regional projects.

Each impervious property is subject to 2.5 cents per square foot under Los Angeles County's Measure W Tax adopted in 2018. The funds go toward regional projects. Beyond this, project are determined by the Regional Oversight Committee not by discharger.

Further, the WMP group, which consists of the county and cities may not wish to enter an agreement for any number of reasons. Dischargers may not want to because they already fund regional projects.

Compliance option 2 really is not a compliance option. It is only a design standard for structural best management practices, should the discharger elect to participate in a regional program. However, it is the WMP group that determines regional projects and their compliance with design standards.

Compliance option 1 only requires the Discharger to enter into a legally binding agreement with the local Watershed Management Group, in which the Discharger agrees to contribute funding for a regional project in the group's Watershed Management Program. The agreement is the compliance determinant not compliance with the WQBEL. This option may not be feasible, given that: The dischargers already contribute to regional project projects. Each impervious property is subject to 2.5 cents per square foot under Los Angeles County's Measure W Tax adopted in 2018.

The funds go towards regional projects that are determined by the Regional Oversight committee.

Compliance option 2 really is not a compliance option. It is only a BMP design standard which only applies to regional projects, for which dischargers are not responsible. That responsibility applies to WMP groups. They are responsible for proposing and designing regional projects.

Option 3 is out of the question. If CII sites cannot join with an MS4's WMP or comply with Option 2 they would be in violation in the event of a WQBEL exceedance is detected at an outfall. However, according to the US Supreme Court, this would be illegal. It ruled that permittees subject to Section 1311(b)(1)(C) of the Clean Water Act *does not authorize the Environmental Protection Agency (EPA) to include "end-result" provisions* - meaning compliance with WQBELs at outfalls. The CII Permit is subject to this provision and water boards are required to comply.

Costs are in conflict and are unreasonable. According to the Permit, under cost considerations, the low end capital costs for option 2 is \$285,000 per acre inch. However, during the hearing, staff estimated the cost to be \$400,000 per acre.

Table F-3: **Cost** Estimate for Compliance Option 2

Final Option 2 Cost Estimate	Capital Cost (per acre-inch)	Annual O&M (per acre-inch)	Net Present Value (20 years, undiscounted)	Annualized (20 years, 2%, per acre-inch)
Low	\$285,000	\$4,275	\$366,225	\$21,107
High	\$325,000	\$4,875	\$417,625	\$24,069

V. POINTS AND AUTHORITIES

Government Code Government Code §11346.8(c)
Chapter 3, Los Angeles Basin Plan
Appendices A and B, 2024 California Integrated Report
Clean Water Act Section 303(d) and (e).
14th Amendment, Equal Protection Clause, U.S Constitution
City and County of San Francisco v. EPA
California Water Code Section 13267
California Toxics Rule 40 CFR Part 131
Water Quality Standards

Best Regards,



Dan Medina
City Councilman Emeritus

Regards,



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Environmental

