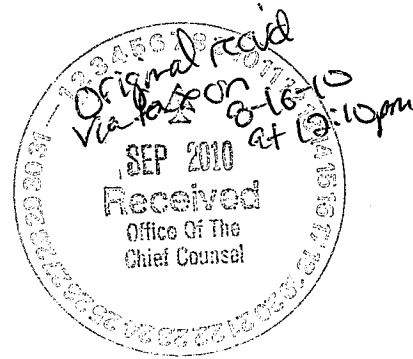


Petition to State of California regarding CAO #R4-2009-0101

1. Keith and Annette Gallegos
10632 Pinyon Avenue
Tujunga, CA 91042
818-554-8311
buster.spokes@yahoo.com



2. Action of Water Board: CAO #R4-2009-0101

3. 10/20/08 - site visit
7/15/10 - CAO issued

4. The CAO is inappropriate because the property has an erosion ditch in the back yard that is caused by street run-off non-related to Haines Canyon drainage or Big Tujunga Wash and not a tributary as indicated.

5. Restriction of utilization of private property without expensive and unnecessary certifications from agencies that have no jurisdiction over this matter.

6. Rescinding of CAO, issued from Region 4 office (Los Angeles):

7. Points - The erosion ditch in question is caused by water running through the property and is only street run-off caused by a non-grading job when the street was paved. There are no curbs or gutters. Have contacted street services to correct the problem and am currently on the to-do list.

Before purchasing the property, I inquired with Los Angeles Public Works as to the status of the ditch in the back yard if it was recognized as a stream/tributary, etc and was told by Public Works that it is not recognized as such. I told them that the ditch runs approx 300' from where it enters property off of Parsons Trail to where it exits on Pinyon Avenue and I told Public Works of my plans to place 8" PVC pipes the last 100' feet of the run to channel any street run off that should enter the property. The pipes were to be covered with dirt to allow better usage of this part of the property. Public Works gave me the ok for it. Furthermore, the water that runs through my property is unchanged from point to point through the property. There is nothing added or subtracted from the water. The pipes merely convey the water. The photos attached were given to the Regional Board staff - Dana Cole, Dr. L.B. Nye and Hugh Marley in December 2009 during an in-person meeting to try to resolve this matter at that level. The Regional Board staff told me I needed to respond in writing to the draft CAO before January 29, 2010. I am enclosing a copy of my response, hand delivered to Regional office July 28, 2010. I received no contact from anyone for approximately 6 months and assumed the matter was dropped. Then in July 2010, I received the CAO. My intended project has absolutely no effect on water quality as it is not a creek, stream or tributary. And I feel that no certification from any state agencies is necessary.

Authorities - According to City of Los Angeles (NavigateLA), that concerns themselves with every parcel within the city, it has been recognized that there is no stream, creek, and/or tributary on the property of 10632 Pinyon Ave in Tujunga, CA and this is per Lee Gelbo, engineer at Los Angeles Public Works.

8. Copies of the petition have been sent. There has been an in-person meeting with Region 4 staff in 12/09, followed by written response to draft CAO, hand delivered 1/28/10 to the Regional office staff.

9. These issues were raised in the petition and were presented to the Regional Board before they acted in an in-person meeting as well as written responses.

A handwritten signature in black ink, appearing to be "K Gallegos".

A handwritten signature in black ink, appearing to be "Annette Gallegos".

2

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

CLEANUP AND ABATEMENT ORDER NO. R4-2009-0101
REQUIRING MR. KEITH GALLEGOS AND MS. ANNETTE HETHERINGTON
TO TAKE REMEDIAL ACTION TO CLEANUP AND ABATE IMPACTS TO
WATERS OF THE STATE

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), finds that:

On October 20, 2008, Regional Board staff made an unannounced site visit at 10632 Pinyon Avenue, Tujunga, California. The property abuts and/or includes a surface water drainage (Drainage), a tributary to Haines Canyon, which is a tributary to the Big Tujunga Wash, a water of the state. Staff observed clearing and construction activity in the Drainage as described below and informed you that the activity required a permit from the U.S. Army Corps of Engineers and the California Department of Fish and Game (CDFG), and Certification from this Regional Board.

- The property is owned by Mr. Keith Gallegos and Ms. Annette Hetherington.
- The clearing and construction activity was readily observed by Regional Board staff from Pinyon Avenue.
- The surface water Drainage was observed to have been enlarged in cross section by the construction activity.
- Three plastic pipes approximately eight-inches in diameter were observed laid side-by-side in the Drainage, and appeared to connect to a concrete structure approximately 150 feet upstream.
- An uncovered pile of soil was observed at the southern edge of the surface water Drainage, approximately six feet high.
- It appears that the soil was being dispersed into the bed of the Drainage.
- In a subsequent telephone call on October 27, 2008 to Regional Board staff Mr. Dana Cole, Mr. Gallegos indicated he had not applied for permits with the CDFG or any other permitting agency.

IT IS HEREBY ORDERED, pursuant to California Water Code section 13304, that Mr. Keith Gallegos and Ms. Annette Hetherington (Dischargers) shall comply with the following:

- A. The Dischargers shall take remedial action to cleanup and abate actual and threatened discharges of fill material including pipes, dam construction material and debris to the Drainage. Fill material includes "rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation material, and materials used to create any structure or infrastructure in the waters in the United States." Such action shall include:
1. The immediate cessation of all unauthorized discharges.
 2. The immediate cleanup, abatement of all risks from, and proper disposal of any pipes, dam construction material and debris or other materials that are still remaining at any unpermitted discharge location.
 3. The implementation of the following best management practices:
 - work will not be performed in the Drainage when flowing water is present;
 - no native vegetation shall be destroyed; and
 - no heavy equipment shall be used in the channel.
 4. Preparation of a report (Report) demonstrating compliance with these tasks and describe the measures taken to comply with this directive.
- B. The Dischargers shall provide the Report to the Regional Board no later than **August 15, 2010** which shall include, but not be limited to, the following information:
- Estimation of the volume of material (pipes, dam construction material, debris or other fill) discharged and recovered;
 - The origin of the material placed in the Drainage;
 - Photographs of suitable quality that indicate compliance with this CAO;
 - Description of and copies of any permits for this and any other projects associated with the Drainage;
 - A statement, signed under penalty of perjury, that there shall be no further discharges to the Drainage unless permits are first obtained from all appropriate

permitting authorities including, but not limited to, this Regional Board the US Army Corps of Engineers and the California Department of Fish and Game.

- C. Each and any report submitted in accordance with this Certification shall contain the following completed declaration by **August 15, 2010** shall include:

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those 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 submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____

(Signature)
(Title)"

- D. This Order is not intended to stop or redirect any investigation, cleanup, and remediation programs ordered by this Board or any other agency.
- E. Pursuant to Water Code section 13304(c)(1), the Dischargers shall reimburse the Regional Board for all reasonable and necessary costs incurred by Regional Board staff to investigate the Discharger's unauthorized discharges of waste and to oversee cleanup of such wastes, abatement of the effects thereof, or other remedial actions.
- F. This Order in no way limits the authority of the Board, as contained in the California Water Code, to institute additional enforcement actions or to require additional investigation and cleanup. This Order may be revised by the Executive Officer, as additional information becomes available.
- G. Consistent with California Water Code Section 13304, the Regional Board's authorized representative(s) shall be allowed:
- Entry upon premises where a regulated facility or activity is located, conducted, or where records are stored, under the conditions of this Order;
 - Access to copy any records that are stored under the conditions of this Order;
 - Access to inspect any facility, equipment, practices, or operations regulated or required under this Order; and

- The right to photograph, sample, and monitor for the purpose of ensuring compliance with this Order, or as otherwise authorized by the California Water Code.
- H. The Dischargers shall submit 30-day advance notice to the Regional 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 also shall provide 30-day advance notice, by letter, to the succeeding contractor or subcontractors of the existence of this Order, and shall submit a copy of this advance notice to the Regional Board.
- I. Failure to comply with the terms or conditions of this Order may result in imposition of civil liabilities, either administratively by the Regional Board or judicially by a Superior Court, in accordance with section 13350 of the California Water Code or referral to the Attorney General of the State of California for action deemed appropriate, or both. Furthermore, the Regional Board may also request the United States Attorney, appropriate county District Attorney, or City Attorney to seek criminal prosecution. Any such penalties are in addition to any penalties that may otherwise be assessed for violations of waste discharge requirements or other applicable orders or prohibitions.
- J. Pursuant to California Water Code section 13320, an aggrieved person may seek review of this Order by filing a petition within 30 days of the date of this Order with the State Water Resources Control Board (SWRCB). The petition must be sent to the SWRCB, Attention: Elizabeth Jennings, P.O. Box 100, Sacramento, CA 95812.

Ordered by: Samuel Unger
Samuel Unger
Interim Executive Officer

Date: July 15, 2010

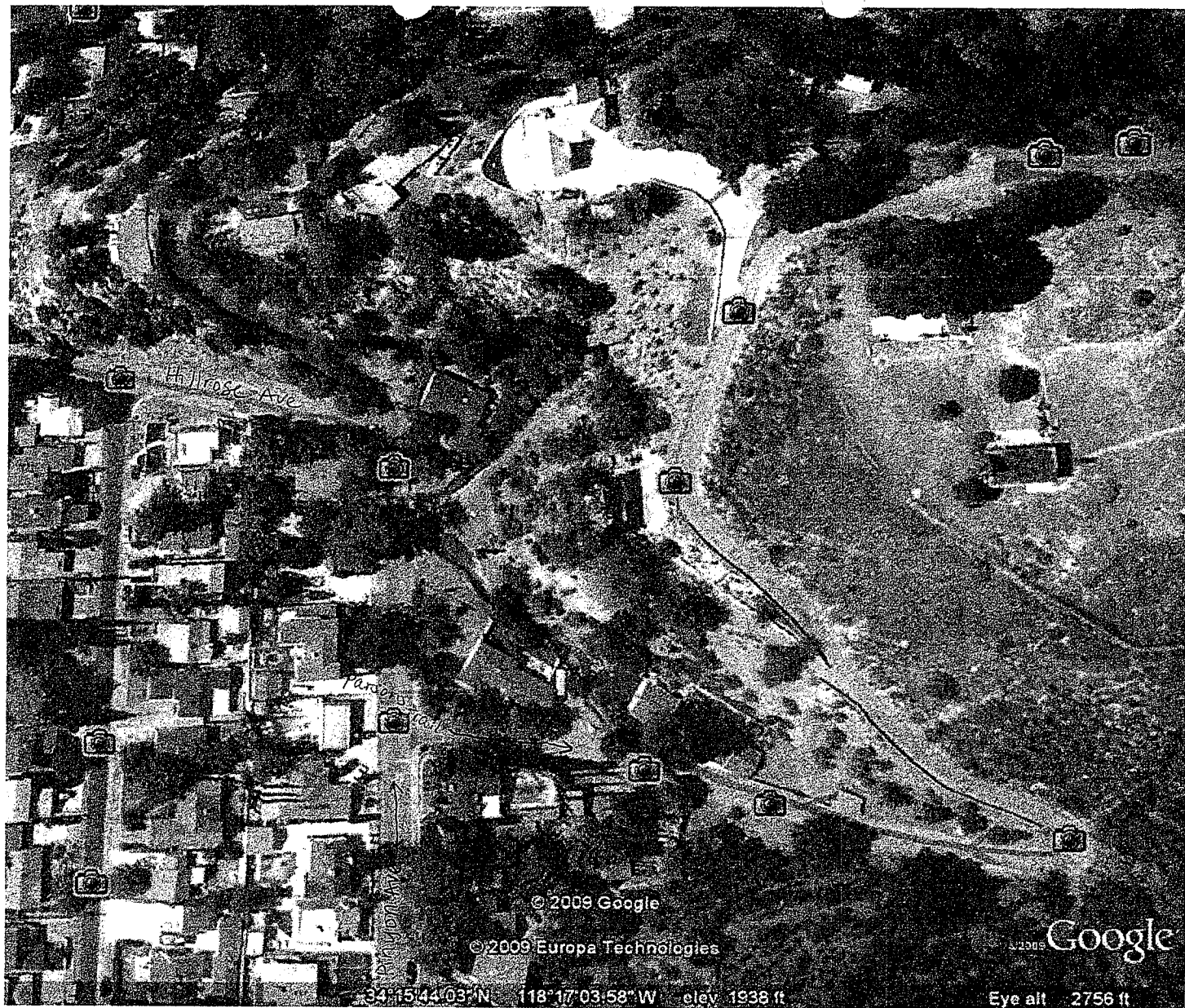


Ⓐ Point of entry

Ⓑ Exit

orange line indicates erosion ditch

Photo given to Regional staff 12/09



Water runs down Parsons Trail, through property behind house, exits onto Pinyon Avenue and down Hillrose Avenue to catch basin where all other water flows to in this area.

Update: In recent rains, it was noted that the water does not go to Rowley Catch basin as indicated but past and down Hillrose to a curb inlet west of Tujunga Canyon Road, approx 1/2 mile from our property.

Photo given to Regional staff 12/09

Google maps

To see all the details that are visible on the screen, use the "Print" link next to the map.



Highlighted area shows path of street run off through my property on its way to storm drain on Hillrose Ave, West of Tujunga Canyon Blvd

Update! In recent rains, it was noted that the water does not go to Rowley Catch Basin as indicated but past and down Hillrose to a curb inlet west of Tujunga Cyn Rd, approx 1/2 mile from our property.

Photo given to Regional staff 12/09

Google maps

To see all the details that are visible on the screen, use the "Print" link next to the map.



Highlight+ Shows drainage of Haines Canyon

Circled area shows property at 10632 Pinyon Ave

Photo given to Regional staff 12/09

January 27, 2010

California Regional Water Quality Control Board
Los Angeles Region
Attention: Dana Cole

Dear sirs,

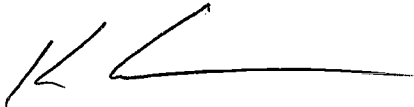
In regards to your CAO #R4-2009-0101, I have read your draft and assessed your charges. However, I am disputing this order as I am clearly not discharging any waste as described in Section 13304 of the Water Code. Also, this property neither abuts nor shares surface water drainage related to Haines Canyon in which the order describes. The water in question is street run off from Parsons Trail, an unimproved city street, which according to engineers at LA Public Works should not enter my property to begin with. This is a city issue that I have addressed with them. The water leaving my property returns to the city streets and into storm drains in the curb on Hillrose, west of Tujunga Canyon Blvd. It is certainly not Haines Canyon. This is a serious accusation and mistake on your part. Furthermore this property does not have a creek in which Mr. Cole first described it as. There has been no clearing of the property in any way. The surface water course was not enlarged in any way. There has been no change in width or depth. Also, these are not 12" pipes as stated. These are 8" plastic pipes. And what was described as a dam is nothing more than a small funnel-like structure to channel the water into the pipes. The water that runs through the property is the same water that enter and exits off the property. There is no discharge of waste as stated in your draft. This has no impact whatsoever to the waters of the state. There is no dam and no pollution. All I have done is simply to convey the street run off that should not enter my property in the first place. City Zoning Department told me that Fish and Game had no claim on this property and so I had not pursued any permits. The drainage through my property is approx 300' with the last 100' being channelled through plastic PVC pipes. It is surprising to me that a government agency such as yours has taken such an interest in something so trivial such as this. I consider this a waste of taxpayer money and my time.

Respectfully,

Keith Gallegos

Supplemental page for the points and authority section per Philip Wyles.

Please find enclosed Photo A showing course of water and gas lines crossing said erosion ditch leading to house above property on Parsons Trail. City of Los Angeles approved utility easements for Pinyon property to provide gas and water to house on hill above us. The water line has been unearthed due to street run off crossing property. Please find photos showing visible water line and also gas and water meter covers.

A handwritten signature or set of initials, possibly 'K' followed by a stylized 'L' or 'W', written in black ink.



Ⓐ Point of entry

Ⓑ Exit

orange line indicates erosion ditch

PHOTO A

W = water line

GM = gas meter

----- exposed water line
(visible in included photo)

Photo given to Regional staff 12/09



Photo showing unearthed water line leading to neighbor's house from meter at curb on Pinyon.

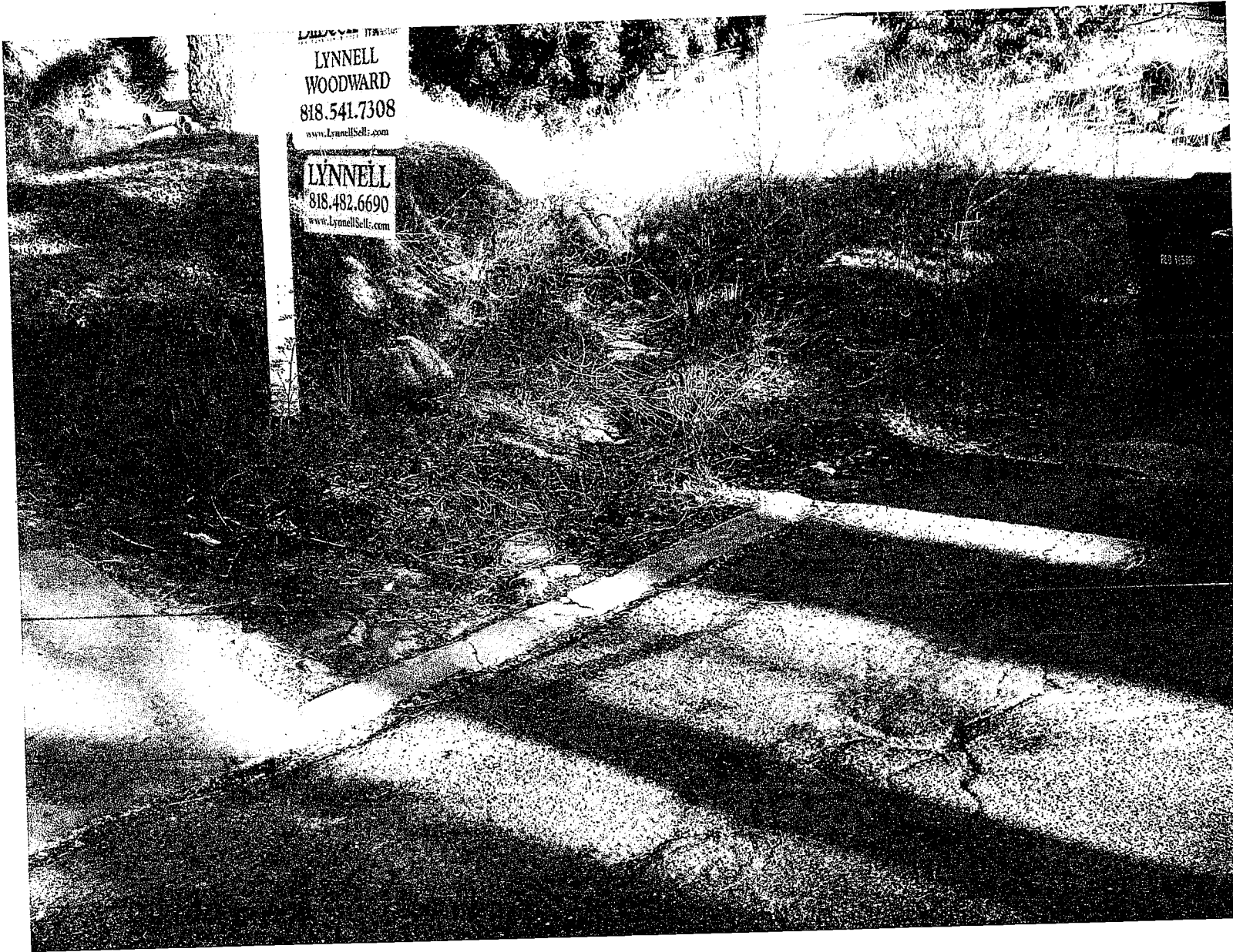
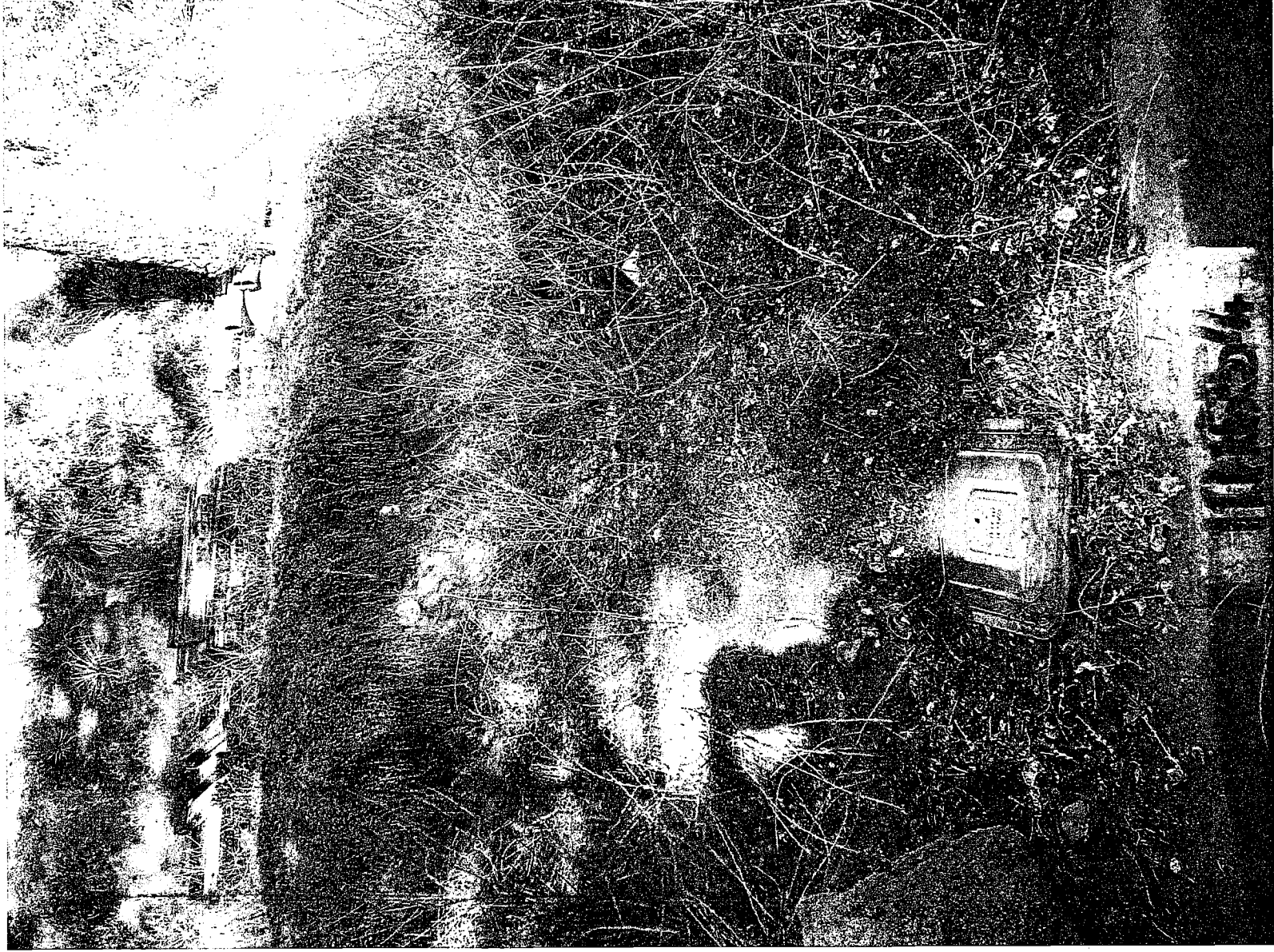


Photo showing ditch terminating at Pinyon.
Water pipes visible that supply neighbor's house
and these cross the ditch.

Photo
showing
water meter
at curb -
on Pinyon
supplying
neighbor's
house.
Water pipe
not visible
in this
photo.



Gas meter
at curb
on Pinyon
Supplying
gas to
neighbors
house.
Gas line is
still underground
and is not yet
visible but
crosses said
ditch.

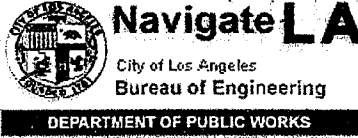


GISMD Websites

- [Adaptive Reuse Projects](#)
- [Adaptive Reuse Projects \(lite\)](#)
- [LA River Notes](#)
- [Million Trees LA](#)
- [My Neighborhood](#)
- [NavigateLAlite](#)
- [NavigateLA Map Gallery](#)
- [Neighborhood Councils](#)
- [Official Street Names](#)
- [PWRS \(Geocoder\)](#)
- [PWRS \(Viewer\)](#)
- [Street Closure Notes](#)

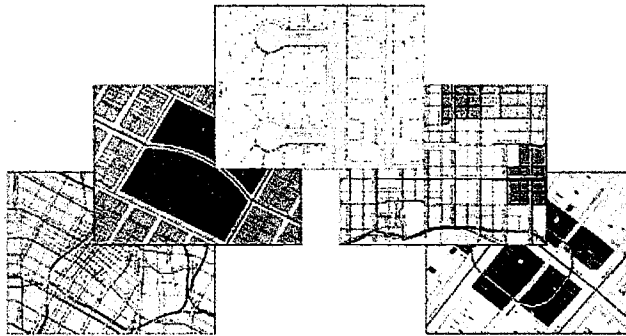
Other Websites

- [LAcounts2010.org \(Census 2010\)](#)
- [California Highway Real Time Traffic Information](#)
- [CRA Wilmington Industrial Park](#)
- [Department of Building and Safety Permits](#)
- [Los Angeles City TrafficInfo](#)
- [Street Lighting Requirements](#)
- [WPD Pollution Abatement](#)



NavigateLA is a web-based mapping application that delivers maps and reports based on data supplied by various City departments, Los Angeles County, and Thomas Bros. Maps. Among some of the reports available are: Bureau of Engineering Parcel Report, Building and Safety Parcel Report, Sewer Wye Parcel Report, and County Assessor Parcel Report. Public Works, Bureau of Engineering, Geographic Information Systems Mapping Division (GISMD) developed the application in association with a private consultant.

NOTE: NavigateLA offers options to access data that is currently in development, as well as data that is not yet available Citywide. Therefore, some of the data may only be available for certain areas of the City, and will be completed in the future.



[City of Los Angeles](#) | [Bureau of Engineering](#) | [Board of Public Works](#)

Map Gallery

Autodesk MapGuide Viewer 6.5 is required to view the maps on NavigateLA, also any other website links prefixed by a bullet.

Download Now

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- ▶ [Comments](#)

Tips

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- ▶ [DXF Download](#)
- ▶ [QuickTime Player](#)
- ▶ ["Unable to Display URL"](#)

Home page of Navigate LA - a program covering every property in the City of Los Angeles. Among other things, Navigate LA recognizes lakes, streams, easements, earthquake faults, etc. This program recognizes nothing in the way of stream, creek, tributaries on Pinyon property.

Photo of planned project. Approx. 100' of pipes to convey water the last 1/3 of 300' run of erosion ditch crossing my property. Cinder blocks/concrete structure is to help funnel water through 3 pipes. Dirt shown was to cover pipes to help smooth out ditch.

