



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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IN REPLY PLEASE

REFER TO FILE: WM-9

December 30, 2004

Mr. Dominic Gregorio  
Division of Water Quality  
Ocean Standards Unit  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Dear Mr. Gregorio

### **NOTIFICATION OF REQUEST FOR EXCEPTION FOR DISCHARGES TO AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE**

This letter is in response to a letter sent to Mr. James Noyes, former Director of Public Works for the County of Los Angeles, dated October 18, 2004. The letter indicated that "[y]our discharge of storm water (dry and wet weather runoff) into the Mugu Lagoon to Latigo Point Area of Special Biological Significance is subject to the prohibition against waste discharges to an ASBS." The letter also indicated that a response was required by January 1, 2005, if an exception was sought from the State Board with respect to discharges to the ASBS.

This response is being made by the County of Los Angeles Department of Public Works on behalf of all elements of County government that might qualify as "dischargers" to the ASBS, and thus, potentially subject to the October 18 letter.

Public Works understands that the discharges in question have been identified in the report "Discharges Into State Water Quality Protection Areas" dated July 2003 and prepared by the Southern California Coastal Water Research Project (SCCWRP). While the October 18 letter did not identify which discharges in the above-referenced ASBS are considered to be the responsibility of the County, we have identified 23 flood control discharges that are operated by the County and that appear to discharge to the ASBS during dry and/or wet weather.

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To the extent that these sources are considered to be discharging into the ASBS, this letter is to formally notify the State Board that the County is requesting an exception for such discharges. Moreover, this letter is to notify the State Board that the County is also requesting exceptions for other discharges to the ASBS, if any, as to which a County government entity is the "discharger."

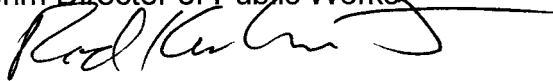
We wish to respectfully note in this letter that our request for exceptions is subject to any and all objections and defenses that may be raised to the applicability of the Ocean Plan, the Porter-Cologne Act, or the Public Resources Code to such discharges. Such objections and defenses include, without limitation, that the Ocean Plan should not be applied to stormwater discharges in the absence of a statewide stormwater policy and also that the Board is obligated, pursuant to Water Code Sections 13241 and 13242, to conduct an analysis of the impacts of the application of the Ocean Plan to stormwater discharges, which it has not done. Moreover, we wish to note that we reserve the right to challenge a determination by State Water Board staff that any particular point source is discharging to the ASBS.

We plan on attending the workshop to be held at the Scripps Institute in La Jolla on January 13 and look forward to discussing these issues further with staff at that time.

If in the interim, you have any questions for Public Works, please contact Mr. Dan Lafferty of my staff at (626) 458-4325.

Very truly yours,

DONALD L. WOLFE  
Interim Director of Public Works



ROD H. KUBOMOTO  
Assistant Deputy Director  
Watershed Management Division

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cc: Los Angeles Regional Water Resources Control Board (John Bishop)