

1 J.G. ANDRE MONETTE, Bar No. 248245
Best Best & Krieger LLP
2 2000 Pennsylvania Avenue, N.W.
Suite 5300
3 Washington, D.C. 20006
Telephone: (202) 785-0600
4 Facsimile: (202) 785-1234

5 Attorneys for Petitioners:

6 City of Arcadia
City of Claremont
7 City of Covina

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STATE OF CALIFORNIA

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STATE WATER RESOURCES CONTROL BOARD

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In the Matter of the Petitions for Review of
the California Regional Water Quality
Control Board, Los Angeles Region, in
Adopting the Los Angeles County
Municipal Separate Storm Sewer System
National Pollutant Discharge Elimination
System (NPDES) Permit; Order No. R4-
2012-0175; NPDES Permit No.
CAS004001.

SWRCB/OCC File No. A-2236(a) through (kk)

THE CITIES OF ARCADIA, CLAREMONT
AND COVINA'S JOINDER IN CITIES OF
HUNTINGTON PARK AND DUARTE'S
JOINT OPPOSITION OF 23 MUNICIPAL
PETITIONERS TO REQUEST FOR
JUDICIAL NOTICE FILED BY
ENVIRONMENTAL PETITIONERS AS
PART OF THEIR "COMMENT LETTER" ON
STATE BOARD'S DRAFT ORDER

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Petitioners Cities of Arcadia, Claremont, and Covina (“Cities”) hereby join in all arguments submitted in Petitioners Cities of Huntington Park and Duarte’s Joint Opposition of twenty-three Municipal Petitioners to the Request for Judicial Notice filed by Environmental Petitioners Natural Resources Defense Council, Inc., Heal the Bay, and Los Angeles Waterkeeper, as part of their “Comment Letter” on State Board’s Draft Order.

State Water Resources Control Board Regulations at 23 Cal. Code Regulations § 2050.6 are clear. Section 2050.6 governs the introduction of “supplemental evidence” that was “not previously provided to the regional board.” Section 2050.6(a)(2) requires that any person who requests that such evidence be considered “provide a detailed explanation of the reason why the evidence could not previously have been submitted.” The Environmental Petitioners’ Requests contain documents which were created years before the Regional Board’s hearings and the final adoption of the LA MS4 Permit, yet the Environmental Petitioners provide no written statement as to why this evidence was not presented to the Regional Board.

For that reason, and the reasons set out in the Joint Opposition to the Request for Judicial Notice, the Cities respectfully request that the Joint Opposition of twenty-three Municipal Petitioners be accepted, and that the Request for Judicial Notice submitted by the three Environmental Petitioners be rejected in its entirety.

Dated: January 28, 2015

BEST BEST & KRIEGER LLP

By: 

J.G. ANDRE MONETTE
Attorney for Petitioners
City of Arcadia
City of Claremont
City of Covina

3 **PROOF OF SERVICE**

4 At the time of service I was over 18 years of age and not a party to this action. My
5 business address is Best Best & Krieger LLP, 655 West Broadway, 15th Floor, San Diego,
6 California 92101. On January 29, 2015, I served the following document(s):

7 **THE CITIES OF ARCADIA, CLAREMONT AND COVINA'S**
8 **JOINDER IN CITIES OF HUNTINGTON PARK AND**
9 **DUARTE'S JOINT OPPOSITION OF 23 MUNICIPAL**
10 **PETITIONERS TO REQUEST FOR JUDICIAL NOTICE**
11 **FILED BY ENVIRONMENTAL PETITIONERS AS PART OF**
12 **THEIR "COMMENT LETTER" ON STATE BOARD'S**
13 **DRAFT ORDER**

14 **By fax transmission.** Based on an agreement of the parties to accept service by
15 fax transmission, I faxed the documents to the persons at the fax numbers listed
16 below. No error was reported by the fax machine that I used. A copy of the record
17 of the fax transmission, which I printed out, is attached.

18 **By United States mail.** I enclosed the documents in a sealed envelope or package
19 addressed to the persons at the addresses listed below (specify one):

20 Deposited the sealed envelope with the United States Postal Service, with
21 the postage fully prepaid.

22 Placed the envelope for collection and mailing, following our ordinary
23 business practices. I am readily familiar with this business's practice for
24 collecting and processing correspondence for mailing. On the same day that
25 correspondence is placed for collection and mailing, it is deposited in the
26 ordinary course of business with the United States Postal Service, in a
27 sealed envelope with postage fully prepaid.

28 I am a resident or employed in the county where the mailing occurred. The
envelope or package was placed in the mail at Washington, D.C.

By personal service. At ____ a.m./p.m., I personally delivered the documents to
the persons at the addresses listed below. (1) For a party represented by an
attorney, delivery was made to the attorney or at the attorney's office by leaving the
documents in an envelope or package clearly labeled to identify the attorney being
served with a receptionist or an Individual in charge of the office. (2) For a party,
delivery was made to the party or by leaving the documents at the party's residence
with some person not less than 18 years of age between the hours of eight in the
morning and six in the evening.

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By messenger service. I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a professional messenger service for service. A Declaration of Messenger is attached.

By overnight delivery. I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed below. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

By e-mail or electronic transmission. Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

SEE SERVICE LIST ATTACHED HERETO

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 29, 2015, at San Diego, California.



Lynn Clark

Exhibit 1

Board Staff Members – Contact List

[via U.S. mail and email]

Ms. Emel Wadhvani
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
ewadhvani@waterboards.ca.gov

[via email only]

Lori T. Okun, Esq.
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
lokun@waterboards.ca.gov

[via email only]

Ms. Deborah Smith
Assistant Executive Officer
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
dsmith@waterboards.ca.gov

[via email only]

Frances L. McChesney, Esq.
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
FMcChesney@waterboards.ca.gov

[via email only]

Ms. Paula Rasmussen
Assistant Executive Officer
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
prasmussen@waterboards.ca.gov

[via email only]

Jennifer L. Fordyce, Esq.
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
jfordyce@waterboards.ca.gov

[via email only]

Ms. Renee Purdy
Environmental Program Manager
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
rpurdy@waterboards.ca.gov

[via email only]

Nicole L. Johnson, Esq.
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
njohnson@waterboards.ca.gov

[via email only]

Mr. Ivar Ridgeway
Environmental Specialist
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
iridgeway@waterboards.ca.gov

[via email only]

Michael Lauffer, Esq.
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
mлаuffer@waterboards.ca.gov

Exhibit 1
Board Staff Members – Contact List

[via email only]

Phillip G. Wyels, Esq.
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
pwelys@waterboards.ca.gov

[via email only]

Bethany A. Pane, Esq.
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
bpane@waterboards.ca.gov

[via email only]

Joanne Griffin
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
jgriffin@waterboards.ca.gov

[via email only]

Mr. David W. Smith, Chief
Permits Office
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
Smith.davidw@epa.gov

Exhibit 2
SWRCB/OCC FILE NOS. A-2236(a) through (kk)
Petitioners And Their Counsel Of Record Contact List

City of San Marino [A-2236(a)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwglaw.com
clee@rwglaw.com
abrady@rwglaw.com

[via email only]

City of San Marino
c/o Mr. John Schaefer, City Manager
2200 Huntington Drive
San Marino, CA 91108
jschaefer@cityofsanmarino.org

City of Rancho Palos Verdes [A-2236(b)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwglaw.com
clee@rwglaw.com
abrady@rwglaw.com

[via U.S. mail only]

City of Rancho Palos Verdes
c/o City Manager
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

City of South El Monte [A-2236(c)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwglaw.com
clee@rwglaw.com
abrady@rwglaw.com

[via U.S. mail only]

City of South El Monte
c/o City Manager
1415 N. Santa Anita Avenue
South El Monte, CA 91733

City of Norwalk [A-2236(d)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwglaw.com
clee@rwglaw.com
abrady@rwglaw.com

[via U.S. Mail only]

City of Norwalk
c/o Mr. Michael J. Egan, City Manager
12700 Norwalk Boulevard
Norwalk, CA 90650

City of Artesia [A-2236(e)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwglaw.com
clee@rwglaw.com
abrady@rwglaw.com

[via U.S. Mail only]

City of Artesia
c/o Interim City Manager
18747 Clarkdale Avenue
Artesia, CA 90701

Exhibit 2
SWRCB/OCC FILE NOS. A-2236(a) through (kk)
Petitioners And Their Counsel Of Record Contact List

City of Torrance [A-2236(f)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwqlaw.com
clee@rwqlaw.com
abrady@rwqlaw.com

[via email only]

City of Torrance
c/o Mr. LeRoy J. Jackson, City Manager
3031 Torrance Boulevard, Third Floor
Torrance, CA 90503
ljackson@torranceca.gov

[via email only]

City of Torrance
c/o Mr. Robert J. Beste, Public Works Director
20500 Madrona Avenue
Torrance, CA 90503
rbeste@torranceca.gov

City of Beverly Hills [A-2236(g)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwqlaw.com
clee@rwqlaw.com
abrady@rwqlaw.com

[via email only]

City of Beverly Hills c/o City Manager
455 N. Rexford Drive
Beverly Hills, CA 90210
jkolin@beverlyhills.org

City of Hidden Hills [A-2236(h)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwqlaw.com
clee@rwqlaw.com
abrady@rwqlaw.com

[via email only]

City of Hidden Hills
c/o City Manager
6165 Spring Valley Road
Hidden Hills, CA 91302
staff@hiddenhillscity.org

City of Claremont [A-2236(i)]:

[via email only]

Shawn Hagerty, Esq.
J.G. Andre Monette, Esq.
Rebecca Andrews, Esq.
Best Best & Krieger, LLP
655 West Broadway, 15th Floor
San Diego, CA 92101
andre.monette@bbklaw.com

[via email only]

City of Claremont
c/o Mr. Brian Desatnik
Director of Community Development
207 Harvard Avenue
Claremont, CA 91711
bdesatnik@ci.claremont.ca.us

Exhibit 2
SWRCB/OCC FILE NOS. A-2236(a) through (kk)
Petitioners And Their Counsel Of Record Contact List

City of Arcadia [A-2236(l)]:

[via email only]

Shawn Hagerty, Esq.
J.G. Andre Monette, Esq.
Rebecca Andrews, Esq.
Best Best & Krieger, LLP
655 West Broadway, 15th Floor
San Diego, CA 92101
andre.monette@bbklaw.com

[via email only]

City of Arcadia
c/o Mr. Dominic Lazzaretto, City Manager
240 West Huntington Drive
P.O. Box 60021
Arcadia, CA 91066
dlazzaretto@ci.arcadia.ca.us

[via email only]

City of Arcadia c/o Mr. Tom Tait
Director of Public Works Services
240 West Huntington Drive
P.O. Box 60021
Arcadia, CA 91066
ttait@ci.arcadia.ca.us

Cities of Duarte and Huntington Beach [A-2236(k)]:

[via email only]

Richard Montevideo, Esq.
Joseph Larsen, Esq.
Rutan & Tucker, LLP
611 Anton Boulevard, Suite 1400
Costa Mesa, CA 92626
rmontevideo@rutan.com

[via email only]

City of Duarte
c/o Mr. Darrell George, City Manager
1600 Huntington Drive
Duarte, CA 91010
georged@accessduarte.com

[via U.S. Mail only]

City of Huntington Park
c/o Mr. René Bobadilla, City Manager
6550 Miles Avenue
Huntington Park, CA 90255

City of Glendora [A-2236(l)]:

[via email only]

D. Wayne Leech, Esq.
City Attorney, City of Glendora
Leech & Associates
11001 E. Valley Mall #200
El Monte, CA 91731
wayne@leechlaw.com

[via email only]

City of Glendora
c/o Mr. Chris Jeffers, City Manager, and
Mr. Dave Davies, Director of Public Works
116 East Foothill Boulevard
Glendora, CA 91741-3380
city_manager@ci.glendora.ca.us
ddavies@ci.glendora.ca.us

**NRDC, Heal the Bay and Los Angeles
Waterkeeper [A-2236(m)]:**

[via email only]

Steve Fleischli, Esq.
Noah Garrison, Esq.
Natural Resources Defense Council, Inc.
1314 Second Street
Santa Monica, CA 90401
sfleischli@nrdc.org
ngarrison@nrdc.org

[via email only]

Liz Crosson, Esq.
Tatiana Gaur, Esq.
Los Angeles Waterkeeper
120 Broadway, Suite 105
Santa Monica, CA 90401
liz@lawaterkeeper.org
tgaur@lawaterkeeper.org

[via email only]

Kirsten James, Esq.
Heal the Bay
1444 9th Street
Santa Monica, CA 90401
kjames@healthebay.org

Exhibit 2
SWRCB/OCC FILE NOS. A-2236(a) through (kk)
Petitioners And Their Counsel Of Record Contact List

City of Gardena [A-2236(n)]:

[via email only]

Cary S. Reisman, Esq.
Assistant City Attorney
City of Gardena
Wallin, Kress, Reisman & Kranitz, LLP
2800 28th Street, Suite 315
Santa Monica, CA 90405
cary@wkrklaw.com

[via email only]

City of Gardena
c/o Mr. Mitch Lansdell, City Manager
1700 West 162nd Street Gardena, CA 90247
mlansdell@ci.gardena.ca.us

City of Bradbury [A-2236(o)]:

[via email only]

Cary S. Reisman, Esq.
City Attorney
City of Bradbury
Wallin, Kress, Reisman & Kranitz, LLP
2800 28th Street, Suite 315
Santa Monica, CA 90405
cary@wkrklaw.com

[via email only]

City of Bradbury
c/o Ms. Michelle Keith, City Manager
600 Winston Avenue
Bradbury, CA 91008
mkeith@cityofbradbury.org

City of Westlake Village [A-2236(p)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwqlaw.com
clee@rwqlaw.com
abrady@rwqlaw.com

[via email only]

City of Westlake Village c/o City Manager
31200 Oak Crest Drive
Westlake Village, CA 91361
ray@wlv.org
beth@wlv.org

City of La Mirada [A-2236(q)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwqlaw.com
clee@rwqlaw.com
abrady@rwqlaw.com

[via email only]

City of la Mirada c/o City Manager
13700 La Mirada Boulevard
La Mirada, CA 90638
citycontact@cityoflamirada.org

City of Manhattan Beach [A-2236(r)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwqlaw.com
clee@rwqlaw.com
abrady@rwqlaw.com

[via email only]

City of Manhattan Beach c/o City Manager
1400 Highland Avenue
Manhattan Beach, CA 90266
cm@citymb.info

Exhibit 2
SWRCB/OCC FILE NOS. A-2236(a) through (kk)
Petitioners And Their Counsel Of Record Contact List

City of Covina [A-2236(s)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwqlaw.com
clee@rwqlaw.com
abrady@rwqlaw.com

[via email only]

City of Covina
c/o City Manager
125 East College Street
Covina, CA 91273
vcastro@covinaca.gov

City of Vernon [A-2236(t)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwqlaw.com
clee@rwqlaw.com
abrady@rwqlaw.com

[via email only]

City of Vernon
c/o City Manager
4305 South Santa Fe Avenue
Vernon, CA 90058
carellano@ci.vernon.ca.us

City of El Monte [A-2236(u)]:

[via email only]

Ricardo Olivarez, Esq.
City Attorney
City of El Monte
11333 Valley Boulevard
El Monte, CA 91734-2008
rolivarez@ogplaw.com

[via email only]

City of El Monte
c/o Mr. Dayle Keller,
Interim City Manager
11333 Valley Boulevard
El Monte, CA 91731
dkeller@ci.el-monte.ca.us

City of Monrovia [A-2236(v)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwqlaw.com
clee@rwqlaw.com
abrady@rwqlaw.com

[via email only]

City of Monrovia
c/o City Manager
415 South Ivy Avenue
Monrovia, CA 91016
cityhall@ci.monrovia.ca.us

City of Agoura Hills [A-2236(w)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwqlaw.com
clee@rwqlaw.com
abrady@rwqlaw.com

[via U.S. Mail only]

City of Agoura Hills
c/o City Manager
30001 Ladyface Court
Agoura Hills, CA 91301

Exhibit 2
SWRCB/OCC FILE NOS. A-2236(a) through (kk)
Petitioners And Their Counsel Of Record Contact List

City of Pico Rivera [A-2236(x)]:

[via email only]

Teresa Chen, Esq.
Alvarez-Glasman & Colvin
13181 Crossroads Parkway North
West Tower, Suite 400
City of Industry, CA 91746
tchen@agclawfirm.com

[via email only]

City of Pico Rivera
c/o Mr. Ron Bates, City Manager and
Mr. Arturo Cervantes, Director of Public Works
6615 Passons Boulevard
Pico Rivera, CA 90660
rbates@pico-rivera.org
acervantes@pico-rivera.org

City of Carson [A-2236(v)]:

[via email only]

William W. Wynder, Esq., City Attorney
Aleshire & Wynder, LLP
2361 Rosecrans Avenue, Suite 475
El Segundo, CA 90245
wwynder@awattorneys.com

[via email only]

David D. Boyer, Esq., Special Counsel
Wesley A. Miliband, Esq., Special Counsel
Aleshire & Wynder, LLP
18881 Von Karman Avenue, Suite 1700
Irvine, CA 92612
dboyer@awattorneys.com
wmiliband@awattorneys.com

[via email only]

City of Carson
c/o Mr. David C. Biggs, City Manager
701 E. Carson Street
Carson, CA 90745
dbiqqs@carson.ca.us

[via email only]

City of Carson
c/o Mr. Farrokh Abolfathi,
P.E. Principal Civil Engineer
701 E. Carson Street
Carson, CA 90745
fabolfathi@carson.ca.us

[via email only]

City of Carson
c/o Ms. Patricia Elkins
Storm Water Quality Programs Manager
701 E. Carson Street
Carson, CA 90745
pelkins@carson.ca.us

City of Lawndale [A-2236(z)]:

[via email only]

Tiffany J. Israel, Esq.
City Attorney, City of Lawndale
Aleshire & Wynder, LLP
18881 Von Karman Avenue, Suite 1700
Irvine, CA 92612
tisrael@awattorneys.com

[via email only]

David D. Boyer, Esq., Special Counsel
Wesley A. Miliband, Esq., Special Counsel
Aleshire & Wynder, LLP
18881 Von Karman Avenue, Suite 1700
Irvine, CA 92612
dboyer@awattorneys.com
wmiliband@awattorneys.com

[via email only]

City of Lawndale
c/o Mr. Stephen Mandoki, City Manager
14717 Burin Avenue
Lawndale, CA 90260
smandoki@lawndalecity.org

[via email only]

City of Lawndale
c/o Mr. Nasser Abbaszadeh
Director of Public Works
14717 Burin Avenue
Lawndale, CA 90260
nabbaszadeh@lawndalecity.org

Exhibit 2
SWRCB/OCC FILE NOS. A-2236(a) through (kk)
Petitioners And Their Counsel Of Record Contact List

City of Commerce [A-2236(aa)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwqlaw.com
clee@rwqlaw.com
abrady@rwqlaw.com

[via email only]

City of Commerce
c/o Mr. Jorge Rifa, City Administrator
2535 Commerce Way
Commerce, CA 90040
jorger@ci.commerce.ca.us

City of Pomona [A-2236(bb)]:

[via email only]

Andrew L. Jared, Esq.
Teresa Chen, Esq.
Alvarez-Glasman & Colvin
13181 Crossroads Parkway North
West Tower, Suite 400
City of Industry, CA 91746
tchen@agclawfirm.com
andrew@agclawfirm.com

[via U.S. Mail only]

City of Pomona
c/o Ms. Linda Lowry, City Manager
and Ms. Julie Carver, Environmental Programs
Coordinator
P.O. Box 660
505 S. Garey Avenue
Pomona, CA 91766

City of Sierra Madre [A-2236(cc)]:

[via email only]

Teresa L. Highsmith, Esq., City Attorney
Holly O. Whatley, Esq.
Colantuono & Levin, PC
300 South Grand Avenue, Suite 2700
Los Angeles, CA 90071-3137
thighsmith@cllaw.us
hwhatley@cllaw.us

[via U.S. Mail only]

City of Sierra Madre
c/o Ms. Elaine Aguilar, City Manager
232 West Sierra Madre Boulevard
Sierra Madre, CA 91024

City of Downey [A-2236(dd)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwqlaw.com
clee@rwqlaw.com
abrady@rwqlaw.com

[via email only]

City of Downey
c/o Yvette M. Abich Garcia, Esq.
City Attorney
11111 Brookshire Avenue
Downey, CA 90241
ygarciad@downeyca.org

[via email only]

City of Downey
c/o Mr. Jason Wen, Ph.D., P.E.
Utilities Superintendent
9252 Stewart and Gray Road
Downey, CA 90241
jwen@downeyca.org

Exhibit 2
SWRCB/OCC FILE NOS. A-2236(a) through (kk)
Petitioners And Their Counsel Of Record Contact List

City of Inglewood [A-2236(ee)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwqlaw.com
clee@rwqlaw.com
abrady@rwqlaw.com

[via email only]

City of Inglewood
c/o City Manager
One Manchester Boulevard
Inglewood, CA 90301
lamimoto@cityofinglewood.org
brai@cityofinglewood.org
latwell@cityofinglewood.org
jalewis@cityofinglewood.org
csaunders@cityofinglewood.org
afields@cityofinglewood.org

City of Lynwood [A-2236(ff)]:

[via email only]

Fred Galante, Esq., City Attorney
David D. Boyer, Esq., Special Counsel
Wesley A. Miliband, Esq., Special Counsel
Aleshire & Wynder, LLP
18881 Von Karman Avenue, Suite 1700
Irvine, CA 92612
dboyer@awattorneys.com
wmiliband@awattorneys.com
fgalante@awattorneys.com

[via email only]

City of Lynwood
c/o Mr. Josef Kekula and Mr. Elias Saikaly
Public Works Department
11330 Bullis Road
Lynwood, CA 90262
jkekula@lynwood.ca.us
esaikaly@lynwood.ca.us

City of Irwindale [A-2236(gg)]:

[via email only]

Fred Galante, Esq., City Attorney
David D. Boyer, Esq., Special Counsel
Wesley A. Miliband, Esq., Special Counsel
Aleshire & Wynder, LLP
18881 Von Karman Avenue, Suite 1700
Irvine, CA 92612
dboyer@awattorneys.com
wmiliband@awattorneys.com
fgalante@awattorneys.com

[via email only]

City of Irwindale
c/o Mr. Kwok Tam, City Engineer
Public Works Department
5050 North Irwindale Avenue
Irwindale, CA 91706
ktam@ci.irwindale.ca.us

City of Culver City [A-2236(hh)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwqlaw.com
clee@rwqlaw.com
abrady@rwqlaw.com

[via email only]

City of Culver City
c/o Mr. John Nachbar, City Manager
9770 Culver Boulevard
Culver City, CA 90232
john.nachbar@culvercity.org

Exhibit 2
SWRCB/OCC FILE NOS. A-2236(a) through (kk)
Petitioners And Their Counsel Of Record Contact List

City of Signal Hill [A-2236(ii)]:

[via email only]

David J. Aleshire, Esq., City Attorney
David D. Boyer, Esq., Special Counsel
Wesley A. Miliband, Esq., Special Counsel
Aleshire & Wynder, LLP
18881 Von Karman Avenue, Suite 1700
Irvine, CA 92612
daleshire@awattorneys.com
dboyer@awattorneys.com
wmiliband@awattorneys.com

[via email only]

City of Signal Hill
c/o Mr. Kenneth Farfsing, City Manager
2175 Cherry Avenue
Signal Hill, CA 90755
kfarfsing@cityofsignalhill.org

City of Redondo Beach [A-2236(iii)]:

[via email only]

Lisa Bond, Esq.
Candice K. Lee, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071
lbond@rwglaw.com
clee@rwglaw.com
abrady@rwglaw.com

[via U.S. Mail only]

City of Redondo Beach
c/o Mr. Bill Workman, City Manager
415 Diamond Street
Redondo Beach, CA 90277

City of West Covina [A-2236(kk)]:

[via email only]

Teresa Chen, Esq.
Alvarez-Glasman & Colvin
13181 Crossroads Parkway North
West Tower, Suite 400
City of Industry, CA 91746
tchen@agclawfirm.com

[via email only]

City of West Covina
c/o Mr. Andrew Pasmant, City Manager
1444 West Garvey Avenue, Room 305
West Covina, CA 91790
andrew.pasmant@westcovina.org

[via email only]

City of West Covina
c/o Ms. Shannon Yauchzee
Director of Public Works
1444 West Garvey Avenue
West Covina, CA 91790
shannon.yauchzee@westcovina.org

Additional Interested Party By Request:

[via email only]

Andrew R. Henderson, Esq.
General Counsel
Building Industry Legal Defense Foundation
17744 Sky Park Circle, Suite 170
Irvine, CA 92614
ahenderson@biasec.org

Exhibit 3
MS4 Dischargers – Contact List

[via email only]

City of Agoura Hills
c/o Ramiro S. Adeva III, Public Works
Director/City Engineer
30001 Ladyface Court
Agoura Hills, CA 91301
radeva@ci.agoura-hills.ca.us

[via email only]

City of Alhambra
c/o David Dolphin
111 South First Street
Alhambra, CA 91801-3796
ddolphin@cityofalhambra.org

[via email only]

City of Arcadia
c/o Vanessa Hevener
Environmental Services Officer
11800 Goldring Road
Arcadia, CA 91006-5879
vhevener@ci.arcadia.ca.us

[via email only]

City of Artesia
c/o Maria Dadian
c/o Chuck Burkhardt
Director of Public Works
18747 Clarkdale Avenue
Artesia, CA 90701-5899
mdadian@cityofartesia.ci.us
cburkhardt@cityofartesia.us

[via email only]

City of Azusa
c/o Carl Hassel, City Engineer
213 East Foothill Boulevard
Azusa, CA 91702
chassel@ci.azusa.ca.us

[via email only]

City of Baldwin Park
c/o David Lopez, Associate Engineer
14403 East Pacific Avenue
Baldwin Park, CA 91706-4297
dlopez@baldwinpark.com

[via email only]

City of Bell
c/o Terry Rodrigue, City Engineer
6330 Pine Avenue
Bell, CA 90201-1291
trodrigue@cityofbell.org

[via U.S. mail only]

City of Bell Gardens
c/o John Oropeza, Director of Public Works
7100 South Garfield Avenue
Bell Gardens, CA 90201-3293

[via email only]

City of Bellflower
c/o Bernie Iniguez
Environmental Services Manager
16600 Civic Center Drive
Bellflower, CA 90706-5494
biniguez@bellflower.org

[via email only]

City of Beverly Hills
c/o Vincent Chee, Project Civil Engineer
455 North Rexford Drive
Beverly Hills, CA 90210
kgettler@beverlyhills.org

[via email only]

City of Bradbury
c/o Elroy Kiepke, City Engineer
600 Winston Avenue
Bradbury, CA 91010-1199
mkeith@cityofbradbury.org

[via email only]

City of Burbank
c/o Bonnie Teaford, Public Works Director
P.O. Box 6459
Burbank, CA 91510
bteaford@ci.burbank.ca.us

[via email only]

City of Calabasas
c/o Alex Farassati, ESM
100 Civic Center Way
Calabasas, CA 91302-3172
afarassati@cityofcalabasas.com

[via email only]

City of Carson
c/o Patricia Elkins
Building Construction Manager
P.O. Box 6234
Carson, CA 90745
pelkins@carson.ca.us

Exhibit 3
MS4 Dischargers – Contact List

[via email only]

City of Cerritos
c/o Mike O'Grady, Environmental Services
P.O. Box 3130
Cerritos, CA 90703-3130
mogrady@cerritos.us

[via email only]

City of Claremont
c/o Brian Desatnik
Director of Community Development
207 Harvard Avenue
Claremont, CA 91711-4719
bdesatnik@ci.claremont.ca.us

[via email only]

City of Commerce
c/o Gina Nila
2535 Commerce Way
Commerce, CA 90040-1487
gnila@ci.commerce.ca.us
qinan@ci.commerce.ca.us

[via U.S. mail only]

City of Compton
c/o Hien Nguyen, Assistant City Engineer
25 South Willowbrook Avenue
Compton, CA 90220-3190

[via email only]

City of Covina
c/o Vivian Castro
Environmental Services Manager
125 East College Street
Covina, CA 91723-2199
vastro@covinaca.gov
vcastro@covinaca.gov

[via email only]

City of Cudahy
c/o Hector Rodriguez, City Manager
P.O. Box 1007
Cudahy, CA 90201-6097
hrodriguez@cityofcudahy.ca.us
hrodriguez@cityofcudahyca.gov

[via U.S. mail only]

City of Culver City
c/o Damian Skinner, Manager
9770 Culver Boulevard
Culver City, CA 90232-0507

[via email only]

City of Diamond Bar
c/o David Liu, Director of Public Works
21825 East Copley Drive
Diamond Bar, CA 91765-4177
dliu@diamondbarca.gov

[via email only]

City of Downey
c/o Jason Wen, Ph.D., P.E.
Utilities Superintendent
9252 Stewart and Gray Road
Downey, CA 90241
jwen@downeyca.org

[via U.S. mail only]

City of Duarte
c/o Steve Esbenshades
Engineering Division Manager
1600 Huntington Drive
Duarte, CA 91010-2592

[via U.S. mail only]

City of El Monte
c/o James A. Enriquez
Director of Public Works
P.O. Box 6008
El Monte, CA 91731

[via email only]

City of El Segundo
c/o Stephanie Katsouleas
Public Works Director
350 Main Street
El Segundo, CA 90245-3895
skatsouleas@elsegundo.org

[via email only]

City of Gardena
c/o Ron Jackson
Building Maintenance Supervisor
P.O. Box 47003
Gardena, CA 90247-3778
ifelix@ci.gardena.ca.us

[via email only]

City of Glendale
c/o Maurice Oillataguerre
Senior Environmental Program Scientist
Eng. Section, 633 East Broadway, Rm. 209
Glendale, CA 91206-4308
moillataguerre@ci.glendale.ca.us

Exhibit 3
MS4 Dischargers – Contact List

[via email only]

City of Glendora
c/o Dave Davies
Deputy Director of Public Works
116 East Foothill Boulevard
Glendora, CA 91741
ddavies@ci.glendora.ca.us

[via email only]

City of Hawaiian Gardens
c/o Joseph Colombo
Director of Community Development
21815 Pioneer Boulevard
Hawaiian Gardens, CA 90716
jcolombo@ghcity.org
jcolombo@hqcity.org

[via email only]

City of Hawthorne
c/o Arnold Shadbehrr
Chief General Service and Public Works
4455 West 126th Street
Hawthorne, CA 90250-4482
ashadbehrr@cityofhawthorne.org

[via email only]

City of Hermosa Beach
c/o Homayoun Behboodi
Associate Engineer
1315 Valley Drive
Hermosa Beach, CA 90254-3884
hbehboodi@hermosabch.org

[via U.S. mail only]

City of Hidden Hills
c/o Kimberly Colberts
Environmental Coordinator
6165 Spring Valley Road
Hidden Hills, CA 91302

[via U.S. mail only]

City of Huntington Park
c/o Craig Melich
City Engineer and City Official
6550 Miles Avenue
Huntington Park, CA 90255

[via U.S. mail only]

City of Industry
c/o Mike Nagaoka Director of
Public Safety
P.O. Box 3366
Industry, CA 91744-3995

[via email only]

City of Inglewood
c/o Lauren Amimoto
Senior Administrative Analyst
1 W. Manchester Boulevard, 3rd Floor
Inglewood, CA 90301-1750
lamimoto@cityofinglewood.org

[via email only]

City of Irwindale
c/o Kwok Tam
Director of Public Works
5050 North Irwindale Avenue
Irwindale, CA 91706
ktam@ci.irwindale.ca.us

[via email only]

City of La Canada Flintridge
c/o Edward G. Hitti
Director of Public Works
1327 Foothill Boulevard
La Canada Flintridge, CA 91011-2137
ehitti@lcf.ca.gov

[via email only]

City of La Habra Heights
c/o Shauna Clark, City Manager
1245 North Hacienda Boulevard
La Habra Heights, CA 90631-2570
shaunac@lhcity.org

[via email only]

City of La Mirada
c/o Gary Sanui
Public Works Manager
c/o Steve Forster
Public Works Director
13700 La Mirada Boulevard
La Mirada, CA 90638-0828
gsanui@cityoflamirada.org
sforster@cityoflamirada.org

[via email only]

City of La Puente
c/o John DiMario
Director of Development Services
15900 East Marin Street
La Puente, CA 91744-4788
jdimario@lapuente.org

Exhibit 3
MS4 Dischargers – Contact List

[via email only]

City of La Verne
c/o Daniel Keeseey
Director of Public Works
3660 "D" Street
La Verne, CA 91750-3599
dkeeseey@ci.la-verne.ca.us

[via email only]

City of Lakewood
c/o Konya Vivanti P.O.
Box 158
Lakewood, CA 90714-0158
kvivanti@lakewoodcity.org

[via U.S. mail only]

City of Lawndale
c/o Marlene Miyoshi
Senior Administrative Analyst
14717 Burin Avenue
Lawndale, CA 90260

[via email only]

City of Lomita
c/o Tom A. Odom, City Administrator
P.O. Box 339
Lomita, CA 90717-0098
d.tomita@lomitacity.com

[via U.S. mail only]

City of Los Angeles
c/o Shahram Kharanghani
Program Manager
1149 S. Broadway, 10th Floor
Los Angeles, CA 90015

[via U.S. mail only]

City of Lynwood
c/o Josef Kekula
11330 Bullis Road
Lynwood, CA 90262-3693

[via email only]

City of Malibu
c/o Jennifer Brown
Environmental Program Analyst
23825 Stuart Ranch Road
Malibu, CA 90265-4861
jbrown@malibucity.org

[via U.S. mail only]

City of Manhattan Beach
c/o Brian Wright, Water Supervisor
1400 Highland Avenue
Manhattan Beach, CA 90266-4795
bwright@citymb.info

[via U.S. mail only]

City of Maywood
c/o Andre Dupret, Project Manager
4319 East Slauson Avenue
Maywood, CA 90270-2897

[via email only]

City of Monrovia
c/o Heather Maloney
415 South Ivy Avenue
Monrovia, CA 91016-2888
hmaloney@ci.monrovia.ca.gov
hmaloney@ci.monrovia.ca.us

[via email only]

City of Montebello
c/o Cory Roberts
1600 West Beverly Boulevard
Montebello, CA 90640-3970
croberts@aaeinc.com

[via email only]

City of Monterey Park
c/o Amy Ho or John Hunter, Consultant
320 West Newmark Avenue
Monterey Park, CA 91754-2896
amho@montereypark.ca.gov
jhunter@lha.net

[via email only]

City of Norwalk
c/o Daniel R. Garcia, City Engineer
P.O. Box 1030
Norwalk, CA 90651-1030
dgarcia@norwalkca.gov

[via email only]

City of Palos Verdes Estates
c/o Allan Rigg, Director of Public Works
340 Palos Verdes Drive
West Palos Verdes Estates, CA 90274
arigg@pvestates.org

Exhibit 3
MS4 Dischargers – Contact List

[via email only]
City of Paramount
c/o Christopher S. Cash
Director of Public Works
16400 Colorado Avenue
Paramount, CA 90723-5091
ccash@paramountcity.com

[via email only]
City of Pasadena
c/o Stephen Walker
P.O. Box 7115
Pasadena, CA 91109-7215
swalker@cityofpasadena.net

[via email only]
City of Pico Rivera
c/o Art Cervantes
Director of Public Works P.O.
Box 1016
Pico Rivera, CA 90660-1016
acervantes@pico-rivera.org

[via email only]
City of Pomona
c/o Julie Carver
Environmental Programs Coordinator
P.O. Box 660
Pomona, CA 91769-0660
julie_carver@ci.pomona.ca.us

[via email only]
City of Rancho Palos Verdes
c/o Ray Holland
Interim Public Works Director
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275
clehr@rpv.com

[via email only]
City of Redondo Beach
c/o Mike Witzansky, Public Works
Director
c/o Mike Shay, Principal Civil Engineer
415 Diamond Street
P.O. Box 270
Redondo Beach, CA 90277
Mike.Witzansky@redondo.org
mshay@redondo.org

[via email only]
City of Rolling Hills
c/o Greg Grammer
Assistant City Manager
2 Portuguese Bend Road
Rolling Hills, CA 90274-5199
ggrammer@rollinghillsestatesca.gov
GregG@ci.Rolling-Hills-Estates.ca.us

[via email only]
City of Rolling Hills Estates
c/o Greg Grammer
Assistant City Manager
4045 Palos Verdes Drive North
Rolling Hills Estates, CA 90274
ggrammer@rollinghillsestatesca.gov
GregG@ci.Rolling-Hills-Estates.ca.us

[via U.S. mail only]
City of Rosemead
c/o Chris Marcarello
Director of Public Works
8838 East Valley Boulevard
Rosemead, CA 91770-1787

[via email only]
City of San Dimas
c/o Latoya Cyrus
Environmental Services Coordinator
245 East Bonita Avenue
San Dimas, CA 91773-3002
lcyrus@ci.san-dimas.ca.us

[via email only]
City of San Fernando
c/o Ron Ruiz
Director of Public Works
117 Macneil Street
San Fernando, CA 91340
rruiz@sfcity.org

[via U.S. mail only]
City of San Gabriel
c/o Daren T. Grilley, City Engineer
425 South Mission Drive
San Gabriel, CA 91775

[via email only]
City of San Marino
c/o Chuck Richey
Director of Parks and Public Works
2200 Huntington Drive
San Marino, CA 91108-2691
criche@cityofsanmarino.org
pubwks@cityofsanmarino.org

Exhibit 3
MS4 Dischargers – Contact List

[via U.S. mail only]
City of Santa Clarita
c/o Travis Lange
Environmental Services Manager
23920 West Valencia Boulevard, Suite 300
Santa Clarita, CA 91355

[via email only]
City of Santa Fe Springs
c/o Sarina Morales-Choate
Civil Engineer Assistant
P.O. Box 2120
Santa Fe Springs, CA 90670-2120
smorales-choate@santafesprings.org

[via email only]
City of Santa Monica
c/o Neal Shapiro
Urban Runoff Coordinator
1685 Main Street
Santa Monica, CA 90401-3295
Nshapiro@smgov.net
neal.shapiro@smgov.net

[via U.S. mail only]
City of Sierra Madre
c/o James Carlson, Management Analyst
232 West Sierra Madre Boulevard
Sierra Madre, CA 91024-2312

[via email only]
City of Signal Hill
c/o John Hunter
2175 Cherry Avenue
Signal Hill, CA 90755
jhunter@ilha.net

[via U.S. mail only]
City of South El Monte
c/o Anthony Ybarra, City Manager
1415 North Santa Anita Avenue
South El Monte, CA 91733-3389

[via email only]
City of South Gate
c/o John Hunter
8650 California Avenue
South Gate, CA 90280
jhunter@ilha.net

[via email only]
City of South Pasadena
c/o John Hunter
1414 Mission Street
South Pasadena, CA 91030-3298
jhunter@ilha.net

[via email only]
City of Temple City
c/o Joe Lambert or John Hunter
9701 Las Tunas Drive
Temple City, CA 91780-2249
jhunter@ilha.net

[via U.S. mail only]
City of Torrance
c/o Leslie Cortez
Senior Administrative Assistant
3031 Torrance Boulevard
Torrance, CA 90503-5059

[via U.S. mail only]
City of Vernon
c/o Claudia Arellano
4305 Santa Fe Avenue
Vernon, CA 90058-1786

[via U.S. mail only]
City of Walnut
c/o Jack Yoshino
Senior Management Assistant
P.O. Box 682
Walnut, CA 91788

[via email only]
City of West Covina
c/o Samuel Gutierrez
Engineering Technician
P.O. Box 1440
West Covina, CA 91793-1440
sam.gutierrez@westcovina.org

[via email only]
City of West Hollywood
c/o Sharon Perlstein, City Engineer
8300 Santa Monica Boulevard
West Hollywood, CA 90069-4314
sperlstein@weho.org

Exhibit 3
MS4 Dischargers – Contact List

[via email only]

City of Westlake Village
c/o Joe Bellomo
Stormwater Program Manager
31200 Oak Crest Drive
Westlake Village, CA 91361
jbello@willdan.com

[via email only]

City of Whittier
c/o David Mochizuki
Director of Public Works
13230 Penn Street
Whittier, CA 90602-1772
dmochizuki@cityofwhittier.org

[via email only]

County of Los Angeles
c/o Gary Hildebrand, Assistant Deputy
Director, Division Engineer
900 South Fremont Avenue
Alhambra, CA 91803
ghildeb@dpw.lacounty.gov

[via email only]

Los Angeles County Flood Control District
c/o Gary Hildebrand, Assistant Deputy
Director, Division Engineer
900 South Fremont Avenue
Alhambra, CA 91803
ghildeb@dpw.lacounty.gov