



Legislation Text

File #: 2023-0516, Version: 1

Report to Mayor and City Council

Tuesday, September 05, 2023

Consent

SUBJECT:

CONSIDER AN INFORMATIONAL UPDATE ON A RESOLUTION OF THE LOS ANGELES WATER BOARD TO AUTHORIZE REFERRAL OF THE ALLEGED VIOLATIONS RELATED TO THE DOMINGUEZ CHANNEL ODOR INCIDENT OF 2021 TO THE OFFICE OF THE ATTORNEY GENERAL FOR JUDICIAL CIVIL ENFORCEMENT (CITY COUNCIL)

I. SUMMARY

This item is on the agenda at the request of Mayor Davis-Holmes and transmits an informational update on the referral of alleged violations related to the Dominguez Channel Odor Incident of 2021 by the Los Angeles Water Board to the State Attorney General's Office for judicial civil enforcement.

At its meeting on August 16, 2023, the Los Angeles Water Board considered Resolution R23-004, which is summarized below and included as Exhibit 1 for reference.

The Resolution authorizes the Executive Officer of the Los Angeles Water Board to refer to the Office of the Attorney General for judicial civil enforcement the matters described in the Resolution against the Dischargers and further authorizes the Executive Officer to request that the Office of the Attorney General seek all appropriate relief, which may include civil liabilities or injunctive relief against any or all of the Dischargers, pursuant to Water Code sections 13268, 13350, and 13385.

As stated in the Resolution, "the referral of a matter to the Attorney General for judicial enforcement is not an adjudicative proceeding. An adjudicative proceeding is an evidentiary hearing for determination of facts pursuant to which an agency formulates and issues a decision. The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) is not determining facts or issuing a decision that determines a legal right, duty, privilege, immunity, or other legal interest of a particular person. The Los Angeles Water Board has made no determination as to the legitimacy of or liability for the alleged violations described herein. Rather, if referral of the matters described herein result in one or more judicial complaints being filed and they proceed to hearing, the superior court

would be the trier-of-fact and issue a decision on the merits of the alleged violations.”

II. **RECOMMENDATION**

RECEIVE and FILE a copy of Los Angeles Water Board Resolution R23-004 included as Exhibit 1.

III. **ALTERNATIVES**

TAKE another action the City Council deems appropriate and that is consistent with applicable laws.

IV. **BACKGROUND**

See Los Angeles Water Board Resolution R23-004 included as Exhibit 1.

Further information can be found at the Los Angeles Water Board website regarding the Dominguez Channel Odor Incident of 2021:

https://www.waterboards.ca.gov/losangeles/DominguezChannel_OdorIncident/index.html

V. **FISCAL IMPACT**

There is no fiscal impact implied by this staff report as it is for informational purposes only.

VI. **EXHIBITS**

Resolution R23-004 (pgs. 3 - 9)

Prepared by: City Manager's Office