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CITY OF REDONDO BEACH and  
14 CITY OF HERMOSA BEACH

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
16 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

18 CITY OF REDONDO BEACH, a municipal  
corporation; CITY OF HERMOSA  
19 BEACH, a municipal corporation,

20 Petitioners,  
21 v.

22 CALIFORNIA STATE WATER  
RESOURCES CONTROL BOARD,

23 Respondent;

24 AES SOUTHLAND ENERGY, LLC, a  
Delaware limited liability company; AES  
25 SOUTHLAND ENERGY HOLDINGS II,  
LLC, a Delaware limited liability company;  
26 AES REDONDO BEACH, LLC, a  
Delaware limited liability company; AES  
27 HUNTINGTON BEACH, LLC, a Delaware  
limited liability company; AES  
28 ALAMITOS, LLC, a Delaware limited  
liability company; THE AES

Case No.  
**PETITION FOR WRIT OF MANDATE**  
**(California Environmental Quality Act**  
**[CEQA] Pub. Res. Code § 21000, et seq.;**  
**Code of Civ. Proc. § 1085)**

[Exempt from filing fees pursuant to Govt. Code § 6103]

1 CORPORATION WHICH WILL DO  
2 BUSINESS IN CALIFORNIA AS THE  
3 DELAWARE AES CORPORATION, a  
4 Delaware corporation; SLH FUND, LLC, a  
5 California limited liability company; BH  
6 KARKA, LLC, a California limited liability  
7 company; DAVID DROMY, an individual;  
8 9300 WILSHIRE, LLC, a Delaware limited  
9 liability company; 1112 INVESTMENT  
10 COMPANY, LLC, a California limited  
11 liability company; ED FLORES, LLC, a  
12 California limited liability company; 9300  
13 WILSHIRE FEE, LLC, a Delaware limited  
14 liability company; 1650 VETERAN, LLC, a  
15 California limited liability company;  
16 OUTDOOR BILLBOARD COMPANY,  
17 LLC, a California limited liability company;  
18 5TH STREET INVESTMENT COMPANY,  
19 LLC, a California limited liability company;  
20 505 INVESTMENT COMPANY, LLC, a  
21 California limited liability company; PEAK  
22 ALCOTT, LLC, a California limited  
23 liability company; NEW COMMUNE  
24 DTLA, LLC, a California limited liability  
25 company; LÉONID PUSTILNIKOV, an  
26 individual; GENON CALIFORNIA  
27 SOUTH GP, LLC, a Delaware limited  
28 liability company; and DOES 1-50,

Real Parties in Interest.

18 Petitioners City of Redondo Beach (“Redondo Beach”) and City of Hermosa Beach  
19 (“Hermosa Beach”) (collectively, the “Cities” or “Petitioners”) allege as follows:

21 **INTRODUCTION**

22 1. This lawsuit challenges the discretionary action of the California State Water  
23 Resources Control Board (“Water Board”) to approve an amendment to the Water Quality  
24 Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (“OTC  
25 Policy”) without fully analyzing, disclosing, or mitigating the adverse environmental  
26 impacts of the OTC Policy amendment (“OTC Policy Amendment”). As a result of the  
27 Water Board’s action and extension of deadlines, multiple power plants will be allowed to  
28 continue operating without achieving full compliance under the OTC Policy, which is

1 intended to protect marine life from the harmful effects of cooling water intake structures at  
2 coastal power plants.

3         2.         Petitioners allege that the Water Board’s September 1, 2020 reliance on an  
4 un-adopted Addendum to its previously prepared substitute environmental document  
5 violates multiple provisions of the California Environmental Quality Act (Pub. Resources  
6 Code § 21000, *et seq.*) (“CEQA”) and the CEQA Guidelines (14 Cal. Code Regs. § 15000,  
7 *et seq.*) (“CEQA Guidelines”), including but not limited to the following:

- 8             •         The Water Board improperly relied on a 10-year old substitute environmental  
9 document as its baseline environmental document and analysis, and failed to  
10 consider new information and substantial evidence showing that there are  
11 changed circumstances and significant, adverse environmental impacts that  
12 preclude the use of an Addendum;
- 13             •         The Water Board ignored substantial evidence demonstrating that the OTC  
14 Policy Amendment and the extended operation of numerous power plants will  
15 result in substantial adverse environmental impacts to air quality and marine  
16 life, among other environmental impacts;
- 17             •         As a result of the Water Board’s failure to sufficiently analyze and disclose  
18 impacts, the Water Board also failed to impose effective, feasible, and  
19 necessary mitigation measures to reduce such environmental impacts;
- 20             •         The Water Board failed to find that the Addendum, which was included in the  
21 staff report prepared for the Water Board, reflected the Water Board’s  
22 independent judgment.
- 23             •         The Water Board failed to actually adopt or approve the Addendum to the  
24 substitute environmental document, thereby resulting in the OTC Policy  
25 Amendment being adopted without any environmental review.

26             As a result, the Water Board abused its discretion in that it failed to proceed as  
27 required by law, and its purported reliance on the Addendum is not supported by substantial  
28 evidence.

**THE PARTIES**

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3. Petitioner City of Redondo Beach is a charter city and a municipal corporation located in the County of Los Angeles. Redondo Beach alone and its constituents and residents have a beneficial interest in the Water Board’s lawful performance of its duties, particularly with respect to approval and adoption of an Addendum for a project (the OTC Policy Amendment) that applies expressly to a power plant directly located in part within Redondo Beach’s boundaries.

4. Petitioner City of Hermosa Beach is a general law city and a municipal corporation located in the County of Los Angeles. Hermosa Beach alone and its constituents and residents have a beneficial interest in the Water Board’s lawful performance of its duties, particularly with respect to approval and adoption of an Addendum for a project (the OTC Policy Amendment) that applies expressly to a power plant directly adjacent in part to Hermosa Beach’s boundaries.

5. Respondent California State Water Resources Control Board is a California state agency that is designated as the state water pollution control agency for all purposes stated in the Clean Water Act, including water quality control planning and waste discharge regulation. The Water Board is responsible for adopting state policy for water quality control, which may consist of water quality principles, guidelines, and objectives deemed essential for water quality control. The Water Board is the public entity that served as the lead agency under CEQA in connection with the supposed approval and adoption of the Addendum challenged herein.

6. Petitioners are informed and believe and based thereon allege that Real Party in Interest AES Southland Energy, LLC, is a Delaware limited liability company and is the current or former owner and/or operator of one or more of the following: the AES Redondo Beach Generating Station (“AES Redondo Beach”) in the City of Redondo Beach, the AES Alamitos Generating Station in Alamitos, and the AES Huntington Beach Generating Station in the City of Huntington Beach.

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1           7.       Petitioners are informed and believe and based thereon allege that Real Party  
2 in Interest AES Southland Energy Holdings II, LLC, is a Delaware limited liability  
3 company and is the current or former owner and/or operator of one or more of the  
4 following: the AES Redondo Beach, the AES Alamitos Generating Station, and/or the AES  
5 Huntington Beach Generating Station.

6           8.       Petitioners are informed and believe and based thereon allege that Real Party  
7 in Interest AES Redondo Beach, LLC, is a Delaware limited liability company and is the  
8 current or former owner and/or operator of AES Redondo Beach or the property on which it  
9 is located.

10          9.       Petitioners are informed and believe and based thereon allege that Real Party  
11 in Interest AES Huntington Beach, LLC, is a Delaware limited liability company and is the  
12 current or former owner and/or operator of the AES Huntington Beach Generating Station  
13 or the property on which it is located.

14          10.      Petitioners are informed and believe and based thereon allege that Real Party  
15 in Interest AES Alamitos, LLC, is a Delaware limited liability company and is the current  
16 or former owner and/or operator of the AES Alamitos Generating Station or the property on  
17 which it is located.

18          11.      Petitioners are informed and believe and based thereon allege that Real Party  
19 in Interest The AES Corporation Which Will Do Business in California as the Delaware  
20 AES Corporation is a Delaware corporation and is the current or former owner and/or  
21 operator or the parent company of the owners and/or operators of one or more of the  
22 following: AES Redondo Beach, the AES Alamitos Generating Station, and/or the AES  
23 Huntington Beach Generating Station.

24          12.      Petitioners are informed and believe and based thereon allege that Real  
25 Parties in Interest SLH Fund, LLC, a California limited liability company; BH Karka, LLC,  
26 a California limited liability company; David Dromy, an individual; 9300 Wilshire, LLC, a  
27 Delaware limited liability company; 1112 Investment Company, LLC, a California limited  
28 liability company; Ed Flores, LLC, a California limited liability company; 9300 Wilshire

1 Fee, LLC, a Delaware limited liability company; 1650 Veteran, LLC, a California limited  
2 liability company; Outdoor Billboard Company, LLC, a California limited liability  
3 company; 5th Street Investment Company, LLC, a California limited liability company;  
4 505 Investment Company, LLC, a California limited liability company; Peak Alcott, LLC, a  
5 California limited liability company; New Commune DTLA, LLC, a California limited  
6 liability company; and Leonid Pustilnikov, an individual, are the current and/or former  
7 owners of the real property located at 1100 North Harbor Drive in the City of Redondo  
8 Beach, Los Angeles County, on which AES Redondo Beach is located.

9 13. Petitioners are informed and believe and based thereon allege that GenOn  
10 California South GP, LLC, is a Delaware limited liability company and is the operator of  
11 the Ormond Beach Generating Station in the City of Oxnard.

12 14. Petitioners are ignorant of the true names and capacities, whether individual,  
13 corporate, or otherwise, of the real parties in interest named herein as DOES 1 through 50,  
14 inclusive, and therefore sue these parties by their fictitious names. Petitioners will amend  
15 this petition to state the true names and capacities of each such fictitiously named real party  
16 in interest when ascertained.

17 15. Petitioners are informed and believe, and thereon allege, that at all times  
18 material hereto, real parties in interest DOES 1 through 50, inclusive, were and now are  
19 either the agents or principals of the other real parties in interest, and of each other, or were  
20 and now are either the owners, interest holders, or co-obligees of the other real parties in  
21 interest and, in such capacity or capacities, stand to be directly affected by this litigation.

22 **JURISDICTION AND VENUE**

23 16. This Court has jurisdiction over this action pursuant to Code of Civil  
24 Procedure section 1085 and Public Resources Code sections 21168, 21168.5, and 21080.5.

25 17. Venue is proper in this Court pursuant to Code of Civil Procedure sections  
26 393 and/or 395 because the OTC Policy amendment applies expressly to a power plant  
27 directly located in Los Angeles County and the environmental effects of the OTC Policy  
28 amendment will be felt in Los Angeles County, and pursuant to Code of Civil Procedure

1 section 401 and Government Code section 955.3, in that the Water Board is an agency of  
2 the State of California, and the Attorney General of the State of California has an office  
3 located in the County of Los Angeles.

4 **GENERAL ALLEGATIONS AND BACKGROUND**

5 **The OTC Policy**

6 18. On May 4, 2010, the Water Board adopted the OTC Policy which became  
7 effective on October 1, 2010. The OTC Policy establishes uniform, technology-based  
8 standards to implement Clean Water Act section 316(b), which requires that the location,  
9 design, construction, and capacity of cooling water intake structures reflect the best  
10 technology available for minimizing adverse environmental impacts. Put simply, the OTC  
11 Policy was adopted with the explicit purpose of minimizing adverse environmental impacts  
12 to marine life resulting from use of coastal and estuarine waters for power plant cooling.

13 19. The OTC Policy was necessary because, as stated in the Water Board’s staff  
14 report prepared in connection with the OTC Policy Amendment, “Cooling water  
15 withdrawals cause adverse impacts when larger aquatic organisms, such as fish and  
16 mammals, are trapped against a facility’s intake screens (impingement) and when smaller  
17 marine life, such as larvae and eggs, are killed by being drawn through the cooling system  
18 and exposed to high pressures and temperatures (entrainment).”

19 20. The OTC Policy applies to certain existing power plants located along the  
20 California coast, including AES Redondo Beach, and is implemented through National  
21 Pollutant Discharge Elimination System (“NPDES”) permits, issued pursuant to Clean  
22 Water Act section 402, which authorize the point source discharge of pollutants to  
23 navigable waters.

24 21. The OTC Policy establishes a schedule that provides the latest compliance  
25 date for the replacement, repowering, or retirement of each remaining power plant still  
26 utilizing once-through cooling operations while accounting for potential impacts to  
27 California’s electrical supply.

28 ///

1           22.    The OTC Policy initially required AES Redondo Beach and other coastal  
2 power plants to effectively eliminate their once-through-cooling systems, or take other  
3 measures to achieve compliance, by December 31, 2020.

4           23.    Petitioners have long awaited the final compliance deadline when the AES  
5 Redondo Beach power plant would cease emitting harmful air pollutants through its black,  
6 billowing smoke which contaminates the surrounding environment and adversely affects  
7 the health and well-being of residents, employees, and visitors in Redondo Beach and  
8 Hermosa Beach.

9           24.    The OTC Policy Amendment considered and ultimately adopted by the Water  
10 Board on September 1, 2020, extended the current OTC Policy compliance deadline of  
11 December 31, 2020 for three years until December 31, 2023 for three coastal power plants,  
12 as follows: the Alamitos Generating Station, the Huntington Beach Generating Station, and  
13 the Ormond Beach Generating Station. The December 31, 2020 compliance deadline was  
14 extended for one year until December 31, 2021 for AES Redondo Beach.

15                   **Purported Environmental Review**

16           25.    The California Natural Resources Agency approved the Water Board’s water  
17 quality control planning process as a certified regulatory program that adequately satisfies  
18 CEQA requirements for preparing environmental documents, pursuant to 23 C.C.R. section  
19 3777. Consequently, a substitute environmental document (“SED”) was used in place of an  
20 environmental impact report as the required environmental documentation for the original  
21 OTC Policy, and a Final SED was adopted on May 4, 2010.

22           26.    While claiming that the OTC Policy Amendment does not constitute a project  
23 under CEQA, the Water Board nonetheless purported to rely on an Addendum to the Final  
24 SED as the environmental review for the OTC Policy Amendment.

25           27.    The Addendum was contained in the Water Board staff report prepared for  
26 the September 1, 2020 public hearing and included only one paragraph of purported  
27 analysis of the impacts of the OTC Policy Amendment.

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1           35.     The Water Board is required to conduct adequate environmental review prior  
2 to making any formal decision regarding projects subject to CEQA, including the OTP  
3 Policy Amendment. CEQA imposes upon the Water Board a clear, present, and  
4 mandatory duty to adequately analyze and mitigate adverse environmental impacts  
5 resulting from the OTC Policy Amendment and the extension of time for compliance by  
6 power plants such as AES Redondo Beach.

7           36.     The Water Board violated CEQA by failing to recognize the OTC Policy  
8 Amendment as a project subject to CEQA, instead stating in its Resolution, without any  
9 support, that “[t]he changes in compliance dates do not constitute a project within the  
10 meaning of CEQA.”

11          37.     The OTC Policy Amendment meets the definition of a project under CEQA  
12 (CEQA Guidelines § 15378) because it is an activity directly undertaken by a public  
13 agency that has a potential for resulting in a direct physical change in the environment or a  
14 reasonably foreseeable indirect physical change in the environment.

15          38.     Notwithstanding the Water Board’s statement in its Resolution, the Water  
16 Board nonetheless purported to prepare an Addendum under CEQA (CEQA Guidelines  
17 § 15164) to the Final SED as the environmental review for the OTC Policy Amendment,  
18 thereby implicitly treating the OTC Policy Amendment as a project to some extent.

19          39.     CEQA provides that an Addendum to a previously certified environmental  
20 document may be used only where some changes or additions are necessary to the prior  
21 environmental document but none of the conditions set forth in CEQA Guidelines § 15162  
22 have been met.

23          40.     CEQA Guidelines section 15162 provides that a subsequent environmental  
24 document must be prepared when:

25               (1) Substantial changes are proposed in the project which will require major  
26 revisions of the previous [environmental document] due to the involvement of  
27 new significant environmental effects or a substantial increase in the severity  
of previously identified significant effects;

28               (2) Substantial changes occur with respect to the circumstances under which  
the project is undertaken which will require major revisions of the previous  
[environmental document] due to the involvement of new significant

1 environmental effects or a substantial increase in the severity of previously  
2 identified significant effects; or

3 (3) New information of substantial importance, which was not known and  
4 could not have been known with the exercise of reasonable diligence at the  
5 time the previous [environmental document was certified or adopted], shows  
6 any of the following:

7 (A) The project will have one or more significant effects not discussed  
8 in the previous [environmental document];

9 (B) Significant effects previously examined will be substantially more  
10 severe than shown in the previous [environmental document];

11 (C) Mitigation measures or alternatives previously found not to be  
12 feasible would in fact be feasible and would substantially reduce one  
13 or more significant effects of the project, but the project proponents  
14 decline to adopt the mitigation measure or alternative; or

15 (D) Mitigation measures or alternatives which are considerably  
16 different from those analyzed in the previous [environmental  
17 document] would substantially reduce one or more significant effects  
18 on the environment, but the project proponents decline to adopt the  
19 mitigation measure or alternative.

20 41. Here, substantial changes with respect to the circumstances under which the  
21 project (the OTC Policy Amendment) is undertaken have occurred since the Final SED  
22 was adopted, and new information of substantial importance, which was not known and  
23 could not have been known with the exercise of reasonable diligence at the time the  
24 previous Final SED was adopted, shows that the OTC Policy Amendment will have  
25 impacts not previously analyzed, more significant than previously analyzed, and that new  
26 and different mitigation measures would substantially reduce significant effects on the  
27 environment.

28 42. For example, the Final SED states: “State Water Board staff cannot  
accurately assess air quality impacts related to criteria pollutants because it is difficult to  
estimate the method of compliance for each facility.” Yet, at the time of the September 1,  
2020 meeting, the Water Board had more than 10 years’ worth of data to consider since it  
adopted the Final SED in 2010. New evidence about air quality impacts from the OTC  
facilities, which was not known in 2010, reveals previously unanalyzed environmental  
impacts that were required to be evaluated.

1           43.     Furthermore, greenhouse gas emissions (“GHGs”) resulting directly from the  
2 continued operation of the power plants have not been analyzed or disclosed. California’s  
3 clear statutory mandates require the reduction of GHGs now and on a go-forward basis;  
4 the Water Board not only has failed to demonstrate how the OTC Policy Amendment  
5 complies with these obligations, it failed to conduct any analysis of the issue at all, in  
6 violation of CEQA.

7           44.     The Water Board also failed to analyze and disclose other changes in  
8 conditions at the AES Redondo Beach site since 2010, including but not limited to the  
9 determination that approximately 5.93 acres of jurisdictional wetlands exists at the site and  
10 serves as habitat for wildlife. In fact, on May 26, 2020, the California Coastal  
11 Commission issued a Notice of Violation to AES Redondo Beach for violations of the  
12 California Coastal Act (Pub. Resources Code § 30000, *et seq.*) and the Redondo Beach  
13 Local Coastal Program. The Notice of Violation identified the following violations:  
14 “Unpermitted development including but not limited to the unpermitted installation and  
15 operation of water pumps for the purpose of groundwater dewatering affecting  
16 approximately 5.93 acres of wetlands at the former tank portion of the site; unpermitted  
17 installation and operation of water pumps in the vault area.”

18           45.     In short, the Water Board failed to consider new information and substantial  
19 evidence showing that there are significant environmental impacts resulting from the  
20 extended operation of these power plants beyond their anticipated compliance date, and  
21 more effective mitigation measures to reduce such environmental impacts.

22           46.     As a result, more marine life will be killed and harmful air pollution emitted  
23 into the densely populated South Bay communities of Redondo Beach, Hermosa Beach,  
24 and other surrounding cities.

25           47.     In addition to its failure to comply with CEQA by not properly analyzing,  
26 disclosing, and mitigating impacts resulting from the OTC Policy Amendment, the Water  
27 Board violated CEQA by failing to adopt a finding (including as required by CEQA  
28 Guidelines section 15090) stating that the Addendum reflected the Water Board’s

1 independent judgment.

2 48. The Water Board further violated CEQA by failing to approve or adopt the  
3 Addendum **at all**, thus adopting the OTC Policy Amendment without any CEQA review.  
4 Instead, the Water Board’s Resolution stated only that “Consistent with CEQA, the State  
5 Water Board finds the Staff Report [which contained the Addendum] does not engage in  
6 speculation, but rather analyzes the project and the alternatives to the project, and  
7 concludes that the project will not result in any additional environmental impacts.” The  
8 Water Board did not formally adopt or approve the Addendum.

9 49. As a result of all of the foregoing, the Water Board has violated its duties  
10 under law, engaged in a prejudicial abuse of discretion, failed to proceed in the manner  
11 required by law, and decided the matters complained of without the support of any  
12 substantial evidence.

13 50. Petitioners have incurred attorneys’ fees in preparing and filing this lawsuit  
14 and will incur attorneys’ fees in an amount not yet known in prosecuting this lawsuit and  
15 this cause of action.

16  
17 **PRAYER FOR RELIEF**

18 WHEREFORE, Petitioners City of Redondo Beach and City of Hermosa Beach pray  
19 for judgment against the Water Board as follows:

20 1. For a peremptory writ of mandate, issued under the seal of this Court,  
21 commanding respondent, California State Water Resources Control Board, forthwith, to  
22 vacate, annul, and set aside its adoption of the OTC Policy Amendment as set forth in its  
23 Resolution adopted on September 1, 2020, and its purported adoption of an Addendum  
24 under CEQA related thereto.

25 2. For a peremptory writ of mandate, issued under the seal of this Court,  
26 commanding respondent, California State Water Resources Control Board, to set aside any  
27 and all decisions approving any project or discretionary action ostensibly reliant upon the  
28 adoption of the OTC Policy Amendment as set forth in the Water Board’s Resolution

1 adopted on September 1, 2020, and its purported adoption of an Addendum under CEQA,  
2 or in furtherance of the OTC Policy Amendment.

3 3. For a peremptory writ of mandate, issued under the seal of this Court,  
4 commanding respondent, California State Water Resources Control Board, to fully comply  
5 with CEQA and conduct legally adequate environmental review prior to approving any  
6 OTC Policy Amendment.

7 4. For a stay and/or temporary restraining order, preliminary injunction and/or  
8 permanent injunction restraining, enjoining, and preventing the Water Board from taking  
9 any action, including extending the deadlines for compliance with the OTC Policy, in  
10 reliance upon the Addendum or in furtherance of the OTC Policy Amendment unless and  
11 until the Water Board prepares and considers a legally adequate environmental document,  
12 and lawfully approves any amendment to the OTC Policy.


13 5. For its costs of suit herein.

14 6. For its attorneys' fees, pursuant to Code of Civil Procedure section 1021.5.

15 7. For such other relief as the Court may deem just and proper.

16  
17 Dated: October 1, 2020

MICHAEL W. WEBB  
CITY ATTORNEY  
CITY OF REDONDO BEACH

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20 By:   
21 \_\_\_\_\_  
22 MICHAEL W. WEBB  
23 Attorneys for Petitioner  
24 CITY OF REDONDO BEACH  
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28

1 Dated: October 1, 2020

RICHARDS, WATSON & GERSHON  
A Professional Corporation  
LISA BOND  
GINETTA L. GIOVINCO  
MARVIN E. BONILLA



By: \_\_\_\_\_

LISA BOND  
Attorneys for Petitioners  
CITY OF REDONDO BEACH and  
CITY OF HERMOSA BEACH

9 **[PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 446, THIS PETITION**  
10 **IS DEEMED VERIFIED BY OPERATION OF LAW.]**

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# **EXHIBIT A**





Lisa Bond

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September 25, 2020

VIA ELECTRONIC MAIL & U.S. MAIL

E. Joaquin Esquivel, Chair of the Board  
Jeanine Townsend, Clerk of the Board  
California State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100  
[OCC-Service-Of-Process@waterboards.ca.gov](mailto:OCC-Service-Of-Process@waterboards.ca.gov)

Re: Notice of Intent to Commence Lawsuit re: Failure to Comply with the  
California Environmental Quality Act ("CEQA")

**To the Chair and Clerk of the California State Water Resources Control Board:**

PLEASE TAKE NOTICE, under Public Resources Code Section 21167.5, that petitioner, City of Redondo Beach (the "City"), intends to file a petition for writ of mandate against respondent, California State Water Resources Control Board ("Board"), challenging its failure to comply with the California Environmental Quality Act ("CEQA"), Public Resources Code Sections 21000, *et seq.*, in connection with the Amendment to the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling for Extension of Compliance Schedules of Alamitos, Huntington Beach, Ormond Beach, and Redondo Beach Generating Stations ("OTC Policy Amendment"). The Board approved the OTC Policy Amendment at its meeting on September 1, 2020, without conducting the necessary environmental review as required under CEQA.

Richards, Watson & Gershon  
A Professional Corporation

A handwritten signature in blue ink that reads 'Lisa Bond'.

By: Lisa Bond  
Attorneys for Petitioner,  
City of Redondo Beach



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September 30, 2020

VIA ELECTRONIC MAIL & U.S. MAIL

E. Joaquin Esquivel, Chair of the Board  
Jeanine Townsend, Clerk of the Board  
California State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100  
[OCC-Service-Of-Process@waterboards.ca.gov](mailto:OCC-Service-Of-Process@waterboards.ca.gov)

Re: Notice of Intent to Commence Lawsuit re: Failure to Comply with the  
California Environmental Quality Act ("CEQA")

**To the Chair and Clerk of the California State Water Resources Control Board:**

PLEASE TAKE NOTICE, under Public Resources Code Section 21167.5, that petitioner, City of Hermosa Beach (the "City"), intends to file a petition for writ of mandate against respondent, California State Water Resources Control Board ("Board"), challenging its failure to comply with the California Environmental Quality Act ("CEQA"), Public Resources Code Sections 21000, *et seq.*, in connection with the Amendment to the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling for Extension of Compliance Schedules of Alamitos, Huntington Beach, Ormond Beach, and Redondo Beach Generating Stations ("OTC Policy Amendment"). The Board approved the OTC Policy Amendment at its meeting on September 1, 2020, without conducting the necessary environmental review as required under CEQA.

Richards, Watson & Gershon  
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A handwritten signature in blue ink that reads 'Lisa Bond'.

By: Lisa Bond  
Attorneys for Petitioner,  
City of Hermosa Beach