

Beach pollution protections voided; building permits stalled

An O.C. judge strikes down pollution rules designed to protect beaches from storm water pollution.

By David Pierson, Los Angeles Times Staff Writer
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Hundreds of construction permits in Los Angeles and Ventura counties have been halted after a judge struck down landmark water quality standards designed to protect the region's beaches from storm water pollution, the Los Angeles Regional Water Quality Control Board announced Thursday.

Orange County Superior Court Judge Thierry Patrick Colaw ruled this month in favor of a consortium of cities and a building industry association that filed a lawsuit against the state Water Resources Control Board and the L.A. board in an effort to overturn the regulations.

The lawsuit targeted a 2005 law that imposed new regulations on cities and builders aimed at reducing pollutants emitted into storm water, which are a major cause of ocean pollution.

The lawsuit contended that the L.A. water board failed to consider whether the standards could be reasonably met and the economic effect they would have, according to the water board.

The legal debate centers around a plan that sets guidelines for the types and amounts of substances allowed in runoff.

Colaw agreed with the plaintiffs and suspended that portion of the law until changes are made.

The plaintiffs in the case are 21 cities, including Whittier, Claremont, Vernon, Arcadia, Bellflower, West Covina, Carson and Cerritos.

But officials at the L.A. water quality board said the judge's ruling applies to all cities in Los Angeles and Ventura counties. They said it leaves regulators without a major tool to deal with storm water runoff into the ocean.

Builders need a permit to use storm drainage and can receive one only after review by the L.A. water board. The board has not been able to approve the permits since it received the writ July 3 because the standards have been frozen.

"The ruling didn't say no more construction, it was a consequence of the order," said Francine Diamond, chairwoman of the Los Angeles water board. "We have basically had to halt all our efforts in regards to storm water protection."

Officials expect it to take at least six months to settle on new standards and say thousands of permits could be held up. "This is the most significant thing the board has faced in my eight years," Diamond said.

A spokeswoman representing the plaintiffs did not return phone calls Thursday.

David Beckman, a senior attorney with the Natural Resources Defense Council representing

environmentalists, said he planned to file a motion today to block Colaw's ruling.

"We respect the judge's decision, but we strongly disagree with it," he said.

Officials have been struggling for decades to reduce the amount of polluted water that flows into oceans.

The latest Heal the Bay report on the water quality of the region's beaches found that this year's dry weather has resulted in relatively cleaner beaches.

But the environmental group found Los Angeles County is home to the most bacteria-laden seawater in California for the third straight year. Half of the 10 most polluted shorelines in the state are in L.A. County, with the dirtiest water at Avalon Harbor Beach on Santa Catalina Island.

In recent years, water regulators have imposed tougher enforcement laws regarding bacterial contamination of the beaches by inland cities.

Pathogens flowing from storm drains to surf can cause skin rashes, earaches and gastrointestinal illness, among other health problems. The pollution comes from a wide range of sources, including fertilizer and leaks from septic tanks and sewers. The worst contamination occurs during winter when rains flush waste into the ocean.

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