
Los Angeles Regional Water Quality Control Board

April 11, 2022

VIA EMAIL ONLY

Jeff Ruch
PEER Pacific Director
248 3rd Street #331
Oakland, CA 94607
jruch@peer.org

Dear Mr. Ruch,

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) received your Public Records Act (PRA) request on April 1, 2022,¹ whereby Public Employees for Environmental Responsibility (PEER) requests various records related to The Boeing Company (Boeing), Los Angeles Water Board Member Irma Muñoz, and/or Board Member Muñoz's non-profit organization, Mujeres de la Tierra.

The Los Angeles Water Board has some disclosable records that are responsive to your request, but needs additional time to (a) search for, collect, and examine any records it finds for responsiveness; and (b) to determine whether any responsive records will be disclosed or withheld based on one or more PRA exemptions. These exemptions include, but are not limited to, the Attorney-Client Privilege Exception, Attorney Work Product Exception, and the Deliberative Process Privilege Exception. I will be asserting any relevant privilege/PRA exemption upon completing the Board's response to this PRA request, and in this regard, the Board is not waiving any applicable privileges. At this time, the Board estimates requiring until the end of the month to complete your request, although we will make efforts to complete it sooner if possible.

In the meantime, please be advised that the Board does not anticipate having very many disclosable records, either because such records never existed or because the records that do exist are privileged records. It is important to note here that the categories of records requested by PEER appear to be premised on false or incorrect information, and based on the same or similar allegations that PEER lodged against Board Member Muñoz to the Attorney General's Office on February 7, 2022. While Board Member Muñoz personally addressed PEER's allegations at the Los Angeles

¹ The request, while dated and submitted on March 31, 2022, was not received until April 1, 2022 due to March 31, 2022 being a state holiday (César Chávez Day). The Los Angeles Water Board therefore received the request on the next business day, April 1, 2022.

Water Board's February 10, 2022 meeting, I wish to further attempt to set the record straight given this PRA request.

The Los Angeles Water Board has been aware of Boeing's contributions to Mujeres de la Tierra since being reported by Board Member Muñoz herself on or before January 2015. Board Member Muñoz has indicated that Boeing's contributions were made during Mujeres de la Tierra's fundraising activities and that such contributions are separately accounted for and used exclusively to support various programs, such as programs on water quality education. Board Member Muñoz has indicated that none of the money donated has ever been used to pay for her salary and she personally does not receive a financial benefit.

However, to avoid even a perception of a conflict of interest, Board Member Muñoz voluntarily recused herself from the then-upcoming February 2015 proceeding concerning renewal of Boeing's NPDES permit for the Santa Susana Field Laboratory (SSFL) site. As such, Board Member Muñoz did not participate in the hearing on the permit renewal nor did she discuss the matter with other Board members or staff.

Since 2015, Board Member Muñoz has continued to recuse herself from all Boeing matters and has not participated in *any* action or decision concerning Boeing matters or discussed Boeing matters with Board members or staff. This includes any matters related to Boeing's NPDES permit for the SSFL site and any enforcement-related actions or decisions.

Specifically concerning the decision to partially waive penalties for permit exceedances resulting from the 2018 Woolsey Fire under Water Code section 13385(j)(1)(B), let me be clear, Board Member Muñoz was not involved in that decision in any way. In fact, none of the Board members were involved in that decision. And that decision was not a decision that was required to be made by the Board itself. Instead, the decision was made by the Board's enforcement staff who determined that an appropriate affirmative defense under the Water Code for a subset of penalties existed and, based on the affirmative defense and the facts, declined to pursue the full penalty. That is consistent with prosecutorial discretion and the enforcement staff had that authority. *After* the decision was made by enforcement staff and immediately before the letter was sent, the Board's Executive Officer informed then-Chair Muñoz and then-Vice Chair Larry Yee of the decision, which is customary for matters that may result in high public or media interest. Neither Board Member Muñoz nor Board Member Yee provided any input on the decision before or after it was made.

Further, Board Member Muñoz was not required to disclose contributions from Boeing to Mujeres de la Tierra on her annual Statement of Economic Interests (Form 700). The State Water Resources Control Board's Office of Chief Counsel has also previously evaluated Boeing's contributions and concluded that they did not disqualify Board Member Muñoz from serving on the Board under applicable law.

If you have any questions or would like to further discuss this matter, you may reach me at Sophie.Froelich@waterboards.ca.gov.

Sincerely,

Sophie Froelich

Sophie Froelich
Attorney IV

cc: Renee Purdy, Executive Officer,
California Regional Water Quality Control Board, Los Angeles Region
Jennifer Fordyce, Assistant Chief Counsel