

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

**ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R4-2023-0007
IN THE MATTER OF
CITY OF LOS ANGELES
HYPERION TREATMENT PLANT
CITY OF EL SEGUNDO**

This Administrative Civil Liability Complaint (Complaint) is issued by the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) Assistant Executive Officer to City of Los Angeles, LA Sanitation and Environment (LASAN, City, or Discharger) pursuant to California Water Code (Water Code or CWC) Section 13385, which authorizes the imposition of administrative civil liability; Water Code Section 13323, which authorizes the Executive Officer to issue this Complaint; and Water Code Division 7, which authorizes the delegation of the Executive Officer's authority to a deputy; in this case, the Assistant Executive Officer. This Complaint is based on evidence that LASAN discharged raw sewage (also referred to as untreated wastewater) from the Hyperion Treatment Plant (HTP or Facility) into the Pacific Ocean, a water of the United States and of the State, on July 11 and 12, 2021, and LASAN's failure to comply with the requirements of National Pollutant Discharge Elimination System (NPDES) Permit No. CA0109991, Order No. R4-2017-0045 (NPDES Permit) and a Water Code Section 13383 Order.

The Assistant Executive Officer of the Los Angeles Water Board alleges the following:

BACKGROUND

1. LASAN is the owner and operator of the HTP, a Publicly-Owned Treatment Works (POTW) located at 12000 Vista del Mar Boulevard, Playa del Rey, California.
2. The HTP is regulated under the NPDES Permit, for its discharge of secondary treated wastewater into the Pacific Ocean, within the Santa Monica Bay through two outfalls: a 12-foot diameter 1-mile outfall (Discharge Point 001) and a 12-foot diameter 5-mile outfall (Discharge Point 002). Discharge Point 002 terminates approximately 5 miles west-southwest of the HTP and is the only outfall permitted for the routine discharge of secondary treated effluent. Discharge Point 001 is approximately one mile west-southwest of the HTP and is permitted for discharge of disinfected secondary effluent and/or storm water under limited conditions as stated in Section III.A of the NPDES Permit, or with prior approval from the Los Angeles Water Board Executive Officer.
3. At 8:15 p.m. on July 11, 2021, the Los Angeles Water Board received a California Office of Emergency Services (Cal-OES) Hazardous Material Spill Report of a mechanical failure at the HTP which caused a release of raw sewage to the Pacific Ocean via the 1-mile outfall. On July 12, 2021, at 8:50 a.m., Los Angeles Water Board staff received an

updated spill report estimating a release of 17 million gallons (MG) of raw sewage to the Pacific Ocean ending at approximately 7:00 a.m. on July 12, 2021.

4. On July 12, 2021, Los Angeles Water Board staff inspected the HTP and observed evidence of a raw sewage spill within the HTP. Multiple areas, including the HTP's effluent pumping plant and pipe galleries, were flooded with raw sewage. Multiple pieces of equipment were rendered non-operational as a result of the flooding.
5. LASAN's 5-Day Preliminary Report and the 30-Day Report, submitted on July 16, 2021 and August 14, 2021, respectively, to the Los Angeles Water Board regarding the spill event on July 11 and 12, 2021 (July 2021 Incident), initially estimated that 16.874 MG of raw sewage was discharged into the Pacific Ocean within the Santa Monica Bay through Discharge Point 001 and that an additional 80,000 gallons of raw sewage was discharged through Discharge Point 002 after blending with the HTP's normal effluent during the incident. The 30-Day Report indicated that approximately 4.46 MG of raw sewage was retained inside Discharge Point 001's discharge pipe and was subsequently pumped back to the HTP for treatment. However, LASAN's reporting concedes the remaining 12.494 MG was discharged to the Pacific Ocean. The 30-Day Report also provided an updated end time of the release of raw sewage into the Pacific Ocean of approximately 8:41 a.m. on July 12, 2021.
6. As a result of the incident, the Los Angeles County Department of Public Health (LACDPH) closed Dockweiler and El Segundo Beaches on July 12, 2021. LACDPH lifted the beach closures after two (2) days of shoreline sampling results that were within State Water Resources Control Board's bacteriological standards.
7. At the end of July 2021, LACDPH provided an update regarding their efforts to visit residential neighborhoods upwind and downwind of the HTP on July 20, 24, and August 2, 2021; heavy, sewage-type odors were detected and noted to decrease in intensity with greater distance from the Facility. LACDPH staff spoke with over sixty (60) residents and many reported experiencing symptoms including headaches and nausea.
8. On July 29, 2021, the Los Angeles Water Board issued LASAN a requirement for daily monitoring and status reports pursuant to Water Code Section 13383 Order No. R4-2021-0107 (CWC Section 13383 Order). The required monitoring was necessary to assess impacts on the receiving water due to the July 2021 Incident and effluent limit exceedances caused by the HTP's reduced operational abilities. On August 2, 2021, the Los Angeles Water Board issued Amended Order No. R4-2021-0107-A01 to include four (4) additional offshore stations based on elevated total coliform, Escherichia coli (E. coli), and Enterococcus results observed in the July 29, 2021, offshore sampling data. On August 26, 2021, LASAN submitted a request for a reduction from daily offshore sampling. On September 17, 2021, the Los Angeles Water Board issued Amended Order R4-2021-0107-A02 to reduce the frequency of sampling to three (3) times per week on every Monday, Wednesday, and Friday until all the conditions enumerated in

the CWC Section 13383 Order, and its amendments, were satisfied and upon approval by the Los Angeles Water Board Executive Officer. On October 26, 2021, the Los Angeles Water Board issued the approval of request to cease offshore monitoring.

9. On November 30, 2021, the Los Angeles Water Board issued LASAN a Notice of Violation (NOV) for its failure to perform offshore sampling in September and October as required by the CWC Section 13383 Order and its amendments.
10. On October 8, 2021, the Los Angeles Water Board issued LASAN a NOV for the unauthorized discharge of raw sewage into the Pacific Ocean and Investigative Order No. R4-2021-0118, which required LASAN to submit a technical report by November 8, 2021, pursuant to Water Code Section 13267 (CWC Section 13267 Order). On November 8, 2021, the Los Angeles Water Board approved a request to extend the due date to submit the technical report to December 17, 2021. The technical report was received by the Los Angeles Water Board on December 16, 2021.
11. From July 2021 through May 2022, LASAN reported sixty (60) effluent limit violations and one hundred and eight (108) monitoring and reporting violations of the HTP's NPDES Permit that were directly related to or caused by the July 2021 Incident.
12. In August 2022, the South Coast Air Quality Management District (South Coast AQMD) issued a press release, stating they had received over 3,000 complaints of odors from the HTP since the July 2021 Incident. South Coast AQMD has also issued multiple NOV's to LASAN for violations of the agency's public nuisance rules since the July 2021 Incident.
13. On September 8, 2022, the City of El Segundo declared a local state of emergency due to the ongoing emission of noxious gases and foul odors from the HTP. According to the City of El Segundo, there have been 1,100 odor-related complaints from community members who reported suffering from headaches and nausea.

LEGAL AND REGULATORY CONSIDERATIONS

Water Code and Clean Water Act

14. An administrative civil liability may be imposed pursuant to the procedures in Water Code Section 13323.
15. Water Code Sections 13267 and 13383 authorize the Los Angeles Water Board to establish monitoring, inspection, entry, reporting, and record keeping requirements. The HTP's NPDES Permit includes a Monitoring and Reporting Program (MRP) that establishes monitoring, reporting, and recordkeeping requirements to implement federal and state laws and/or regulations.
16. Pursuant to the relevant portions of Water Code Section 13385, subdivision (a):

Administrative Civil Liability Complaint No. R4-2023-0007
City of Los Angeles

A person who violates any of the following shall be liable civilly in accordance with this section:

- (1) Section 13375 or 13376.
- (2) A waste discharge requirement or dredged or fill material permit issued pursuant to this chapter or any water quality certification issued pursuant to Section 13160.
- (3) A requirement established pursuant to Section 13383.
- (4) An order or prohibition issued pursuant to Section 13243 or Article 1 (commencing with Section 13300) of Chapter 5, if the activity subject to the order or prohibition is subject to regulation of this chapter.
- (5) A requirement of Sections 301, 302, 306, 307, 308, 318, 401, or 405 of the federal Clean Water Act (33 U.S.C. Sec. 1311, 1312, 1316, 1317, 1318, 1341, or 1345), as amended.

17. Water Code Section 13385, subdivision (c), states, in relevant part:

Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following:

- (1) Ten thousand dollars (\$10,000) for each day in which the violation occurs.
- (2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

18. Pursuant to Water Code Section 13385, subdivision (e), in determining the amount of civil liability, the Los Angeles Water Board shall consider the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.

19. Water Code Section 13385, subdivisions (h) and (i), require assessment of mandatory penalties and state, in part, the following:

- a. Water Code Section 13385, subdivision (h)(1), states: Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation.

- b. Water Code Section 13385, subdivision (h)(2), states: For the purposes of this section, a “serious violation” means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.
 - c. Water Code Section 13385, subdivision (i)(1), states, in part: Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:
 - (A) Violates a waste discharge requirement effluent limitation.
 - (B) Fails to file a report pursuant to Section 13260.
 - (C) Files an incomplete report pursuant to Section 13260.
 - (D) Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.
20. Section 301 of the Clean Water Act (33 U.S.C. § 1311) prohibits the discharge of pollutants from the HTP to waters of the United States except in compliance with the NPDES permit.

Water Quality Enforcement Policy

21. On April 4, 2017, the State Water Resources Control Board adopted Resolution No. 2017-0020, which adopted the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on October 5, 2017. The Enforcement Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing an administrative civil liability as outlined in Water Code Section 13385, subdivision (e).

NPDES Permit

22. Section III.A of the NPDES Permit prohibits discharges to Discharge Point 001, except during certain situations when Discharge Point 002 is maximized and that the Los Angeles Water Board and United States Environmental Protection Agency (USEPA) are notified.

23. Section III.G prohibits a bypass or overflow of untreated wastewater or wastes to surface waters or surface water drainage courses, except as allowed in Section I.G. of Attachment D, Standard Provisions.
24. Section IV includes the effluent limitations and performance goals for discharges through Discharge Points 001 and 002.
25. Section VII.A.2.b prohibits odors, vectors, and other nuisances of sewage or sludge origin beyond the limits of the treatment plant site or the sewage collection system due to improper operation of facilities, as determined by the Los Angeles Water Board and USEPA.
26. Pursuant to Section III of Attachment E, influent monitoring is required to determine compliance with permit conditions, to assess treatment plant performance, and to assess the effectiveness of the HTP's pretreatment program.
27. Pursuant to Section IV of Attachment E, effluent monitoring is required to determine compliance with permit conditions and water quality standards; assess and improve plant performance and identify operational problems; provide information on wastewater characteristics and flows for use in interpreting water quality and biological data; and conduct reasonable potential analyses for toxic pollutants.
28. Pursuant to Section V.C.1 of Attachment D, monitoring results shall be reported at the intervals specified in Attachment E.

California Environmental Quality Act

29. Issuance of this Complaint to enforce Water Code, Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.), in accordance with California Code of Regulations, Title 14, Section 15321, subdivision (a)(2).

ALLEGED VIOLATIONS

30. **Violation 1:** LASAN discharged 12.494 MG of raw sewage into the Pacific Ocean within the Santa Monica Bay through Discharge Points 001 and 002 in violation of the HTP's NPDES Permit. The unauthorized discharge was also in violation of Section 301 of the Clean Water Act which prohibits the discharge of pollutants to waters of the United States except in compliance with the NPDES Permit. This violation is subject to administrative civil liability under Water Code Section 13385 (a)(2).
31. **Violation 2:** LASAN failed to perform offshore sampling as required by the CWC Section 13383 Order and its amendments resulting in fourteen (14) days of violation. This violation is subject to administrative civil liability under Water Code Section 13385 (a)(3).

32. **Violation 3:** LASAN failed to comply with the NPDES Permit which prohibits objectionable odors beyond the limit of the HTP resulting in eighty (80) days of violation. This violation is subject to administrative civil liability under Water Code Section 13385 (a)(2).
33. **Violation 4:** LASAN failed to comply with the monitoring and reporting requirements included in its NPDES Permit for one hundred and eight (108) days. This violation is subject to administrative civil liability under Water Code Section 13268(b).
34. **Violation 5:** LASAN committed thirty-eight (38) serious violations and twenty-two (22) non-serious, or chronic, violations of the effluent limitations contained in the NPDES Permit from July 17, 2021, through May 31, 2022. This violation is subject to administrative civil liability under Water Code Section 13385 (a)(2).

MAXIMUM LIABILITY

35. The statutory maximum for Violation 1, for the discharge of 12.494 MG of raw sewage into the Pacific Ocean within the Santa Monica Bay in violation of the NPDES Permit an Section 301 of the Clean Water Act, is \$124,950,000, pursuant to Water Code Section 13385, subdivision (c), which authorizes the Los Angeles Water Board to assess an administrative civil liability of up to \$10,000 for each day in which a violation occurs plus \$10 multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons for this violation. The statutory maximum for Violation 1 was calculated based on two (2) days of violation and a discharge of 12,494,000 gallons.
36. The statutory maximum for Violation 2, for the failure to comply with a requirement of the CWC Section 13383 Order and its amendments, is \$140,000, pursuant to Water Code Section 13385, subdivision (c), which authorizes the Los Angeles Water Board to assess an administrative civil liability of up to \$10,000 for each day in which a violation occurs. The statutory maximum for Violation 2 was calculated based on fourteen (14) days of violation.
37. The statutory maximum for Violation 3, for violation of the provision of the NPDES Permit which prohibits objectionable odors beyond the limit of the HTP, is \$800,000, pursuant to Water Code Section 13385, subdivision (c), which authorizes the Los Angeles Water Board to assess an administrative civil liability of up to \$10,000 for each day in which a violation occurs. The statutory maximum for Violation 3 was based on eighty (80) days of violation.
38. The statutory maximum for Violation 4, for the failure to comply with the monitoring and reporting requirements included in its NPDES Permit, is \$108,000, pursuant to Water Code Section 13268, subdivision (b), which authorizes the Los Angeles Water Board to assess an administrative civil liability of up to \$1,000 for each day in which a violation occurs. The statutory maximum for Violation 4 was based on one hundred and eight (108) days of violation.

39. The statutory maximum for Violation 5, for violations of the effluent limitations contained in the NPDES Permit from July 17, 2021, through May 31, 2022, is \$503,647,850,000 pursuant to Water Code Section 13385, subdivision (c), which authorizes the Los Angeles Water Board to assess an administrative civil liability of up to \$10,000 for each day in which a violation occurs plus \$10 multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons. The statutory maximum for Violation 5 was based on two hundred and seventeen (217) days of violation and a discharge of 50,364,785,000 gallons of treated effluent from the HTP on the days of violation.
40. The combined statutory maximum for Violations 1 to 5 is \$503,773,848,000.
41. The proposed administrative civil liability accounts for the statutory maximums for each violation.

MINIMUM LIABILITY

42. The Enforcement Policy further requires the Los Angeles Water Board to recover, at a minimum, the economic benefit plus 10%. The minimum liability that may be imposed is the economic benefit plus 10%, which is equal to \$1,536,267.

PROPOSED ADMINISTRATIVE CIVIL LIABILITY

43. The Prosecution Team proposes an administrative civil liability of \$21,731,209 for Violations 1 through 5, as detailed in Attachment A to this Complaint. This proposed administrative civil liability was derived using the penalty methodology in the Enforcement Policy and takes into account the factors cited in Water Code Section 13385, subdivision (e), such as LASAN's culpability, history of violation, ability to pay and continue in business, and other factors as justice may require.
44. The Prosecution Team has elected to assess Mandatory Minimum Penalties (MMPs) for Violation 5. If the Prosecution Team sought discretionary penalties for this violation under the present enforcement action, it would have resulted in an inappropriately high administrative civil liability in the billions of dollars. Therefore, the Prosecution Team determined that it is appropriate to assess MMPs to address the effluent limit exceedances.
45. Notwithstanding the issuance of this Complaint, the Los Angeles Water Board retains the authority to assess additional civil liabilities for violations which have not yet been assessed or for violations that may subsequently occur.

LASAN IS HEREBY GIVEN NOTICE THAT:

- 46. The Assistant Executive Officer of the Los Angeles Water Board proposes an administrative civil liability in the amount of \$21,731,209. The amount of the proposed administrative civil liability is based upon a review of the factors cited in Water Code Section 13385, subdivision (e), and the Enforcement Policy.
- 47. A hearing on this matter will be conducted by the Los Angeles Water Board on a date to be determined.
- 48. The hearing on this Complaint will be governed by Hearing Procedures which will be issued by the Los Angeles Water Board Advisory Team. During the hearing, the Los Angeles Water Board will hear testimony and arguments and affirm, reject, or modify the proposed administrative civil liability, or determine whether to refer the matter to the Attorney General for recovery of judicial civil liability.

The Assistant Executive Officer reserves the right to amend the proposed amount of administrative civil liability to conform to the evidence presented.

 Digitally signed by
Hugh Marley
Date: 2023.03.29
15:47:42 -07'00'

Hugh Marley
Assistant Executive Officer

Enclosures:

Attachment A to ACL Complaint No. R4-2023-0007: Penalty Calculation Methodology

Attachment B to ACL Complaint No. R4-2023-0007: Effluent Limit Violations of the NPDES Permit

Attachment A
Administrative Civil Liability Complaint No. R4-2023-0007
for
City of Los Angeles
LA Sanitation and Environment
Hyperion Treatment Plant

Noncompliance with
Waste Discharge Requirements (WDRs)
and
National Pollutant Discharge Elimination System (NPDES) Permit
Order No. R4-2017-0045
NPDES No. CA0109991

This Attachment A is prepared pursuant to the State Water Resources Control Board's (State Water Board's) 2017 Water Quality Enforcement Policy (Enforcement Policy), designed to consider the factors in California Water Code (Water Code or CWC) Section 13385, subdivision (e). The liability calculation methodology enables the Regional Water Quality Control Boards (Regional Water Boards) to fairly and consistently implement liability provisions of the Water Code for maximum enforcement impact to address, correct, and deter water quality violations. This Attachment A summarizes the factors used by the Prosecution Team of the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) to determine the recommended assessment of civil liability pursuant to the Water Code for the violations alleged herein.

BACKGROUND

The City of Los Angeles, LA Sanitation and Environment (City, LASAN, or Discharger) owns and operates the Hyperion Treatment Plant (HTP). The HTP is regulated under National Pollutant Discharge Elimination System (NPDES) Permit No. CA0109991, Order No. R4-2017-0045 (NPDES Permit), for its discharge of secondary treated wastewater into the Pacific Ocean within the Santa Monica Bay Watershed through two outfalls: Discharge Point 001, 1-mile outfall; Discharge Point 002, 5-mile outfall. Discharge Point 002 terminates approximately 5 miles west-southwest of the HTP and is the only outfall permitted for the routine discharge of secondary treated effluent. Discharge Point 001 is approximately one mile west-southwest of the HTP and is permitted to discharge disinfected secondary effluent and/or storm water under limited conditions as stated in Section III.A of the NPDES Permit, or with prior approval from the Los Angeles Water Board Executive Officer. Pursuant to Section III.G of the NPDES Permit, the HTP is prohibited from a bypass or overflow of untreated wastewater or wastes to surface waters or surface water drainage courses.

On July 11, 2021, the Los Angeles Water Board was notified by the California Office of Emergency Services (Cal OES) of a mechanical failure at the HTP which might have caused a release of raw sewage (sometimes referred to as untreated wastewater) to the Pacific Ocean via Discharge Point 001. On July 12, 2021, Los Angeles Water Board staff received an updated spill report estimating a release volume of nearly 17 million gallons (MG) to the Pacific Ocean ending at approximately 7:00 a.m. on July 12, 2021. On July

12, 2021, Los Angeles Water Board staff inspected the HTP and observed evidence of a raw sewage spill within the plant. Multiple areas, including the HTP's effluent pumping plant and pipe galleries, were flooded with raw sewage. Multiple pieces of equipment were rendered non-operational as a result. The raw sewage spill on July 11 and 12, 2021 from the HTP (July 2021 Incident) caused interruptions and negatively impacted the HTP's treatment system and operational capabilities, resulting in subsequent odor complaints from neighboring residents and multiple violations of effluent limitations and monitoring requirements included in the NPDES Permit.

As a result of the July 2021 Incident, the Los Angeles County Department of Public Health (LACDPH) closed Dockweiler and El Segundo Beaches from July 12 through 14, 2021.

LASAN submitted a 5-Day Preliminary Report and a 30-Day Report to the Los Angeles Water Board on July 16, 2021 and August 14, 2021, respectively. According to the reports, an initial estimate of 16.874 MG of raw sewage were discharged into the Pacific Ocean within the Santa Monica Bay Watershed through Discharge Point 001 during the July 2021 Incident; an additional 80,000 gallons of raw sewage were estimated to have been discharged through Discharge Point 002 after blending with the HTP's normal effluent. However, based on the 30-Day Report, approximately 4.46 MG of the initial estimated raw sewage discharge amount was retained inside Discharge Point 001's discharge pipe and subsequently pumped back to the HTP for treatment. The 30-Day Report also provided an updated end time of approximately 8:41 a.m. on July 12, 2021 for the release of raw sewage into the Pacific Ocean from Discharge Point 001.

On July 29, 2021, the Los Angeles Water Board issued Order No. R4-2021-0107 to LASAN pursuant to Water Code Section 13383 (CWC Section 13383 Order), including a requirement to submit monitoring and status reports. The required monitoring was necessary to assess impacts on the receiving water due to the spill event and effluent limit exceedances caused by the HTP's reduced operational capabilities. On August 2, 2021, the Los Angeles Water Board issued Amended Order No. R4-2021-0107-A01 to include four additional offshore sampling stations based on elevated Total Coliform, *Escherichia coli* (*E. coli*), and Enterococcus results observed in the July 29, 2021, offshore sampling data. On August 26, 2021, LASAN submitted a request for a reduction in the frequency of offshore sampling. On September 17, 2021, the Los Angeles Water Board issued Amended Order R4-2021-0107-A02 to reduce the frequency of sampling to three times per week every Monday, Wednesday, and Friday until all conditions enumerated in the CWC Section 13383 Order, and its amendments were satisfied and upon approval by the Los Angeles Water Board Executive Officer. On October 12, 2021, LASAN submitted a request to cease offshore monitoring per the CWC Section 13383 Order and its amendments. The Los Angeles Water Board issued an approval to cease offshore monitoring on October 26, 2021.

On October 8, 2021, the Los Angeles Water Board issued LASAN a Notice of Violation (NOV) for an unauthorized discharge of raw sewage into the Pacific Ocean and Investigative Order No. R4-2021-0118, which required LASAN to submit a technical report by November 8, 2021, pursuant to Water Code Section 13267 (CWC Section 13267 Order). On October 29, 2021, the Los Angeles Water Board received LASAN's

request to extend the technical report submittal deadline. On November 8, 2021, the Los Angeles Water Board approved a time extension for the due date to submit the technical report to December 17, 2021. The technical report was received by the Los Angeles Water Board on December 16, 2021.

On November 30, 2021, the Los Angeles Water Board issued LASAN an NOV for its failure to perform offshore sampling on 14 days in September and October as required by the CWC 13383 Order and its amendments.

This Attachment A addresses violations related to the July 2021 Incident as described above, including the unauthorized discharge of raw sewage from July 11, 2021 through July 12, 2021, from the HTP, and the resulting odor violations, monitoring and reporting violations, and effluent limit violations of the HTP's NPDES Permit.

DETERMINATION OF ADMINISTRATIVE CIVIL LIABILITY

An administrative civil liability may be imposed pursuant to the procedures in Water Code Section 13323.

Pursuant to the relevant portions of Water Code Section 13385, subdivision (a):

A person who violates any of the following shall be liable civilly in accordance with this section:

- (1) Section 13375 or 13376.*
- (2) A waste discharge requirement or dredged or fill material permit issued pursuant to this chapter or any water quality certification issued pursuant to Section 13160.*
- (3) A requirement established pursuant to Section 13383*

Water Code Section 13385, subdivision (c), provides that:

Civil liability may be imposed administratively by the state board or a regional water board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following:

- (1) Ten thousand dollars (\$10,000) for each day in which the violation occurs.*
- (2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.*

Water Code Section 13385, subdivision (e), requires the consideration of several factors when determining the amount of civil liability to impose. These factors include:

the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.

VIOLATIONS

The following allegations against the Discharger are the basis for assessing administrative civil liability pursuant to Water Code Section 13385.

The Enforcement Policy establishes a methodology for assessing administrative civil liability. Use of the methodology addresses the factors required by Water Code Section 13385, subdivision (e). Each factor and its corresponding category, adjustment, and amount for the alleged violation is presented below. The Enforcement Policy should be used as a companion document in conjunction with this administrative civil liability assessment since the penalty methodology and definition of terms are not replicated herein. The Enforcement Policy is available online at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/040417_9_final%20adopted%20policy.pdf

Violation 1: Unauthorized discharge of raw sewage in violation of the NPDES Permit.

The unauthorized discharge of raw sewage from the HTP into the Pacific Ocean started at approximately 7:00 p.m. on July 11, 2021, and ended at approximately 8:40 a.m. on July 12, 2021. The unauthorized discharge of raw sewage through Discharge Points 001 and 002 was in violation of the HTP's NPDES Permit. Section III.A of the NPDES Permit prohibits discharges through Discharge Point 001 unless certain conditions are met; these conditions were not met when the unauthorized discharge occurred. In addition, Section III.G of the NPDES Permit prohibits the bypass or overflow of untreated wastewater or wastes to surface waters or surface water drainage courses except as allowed in certain conditions; these conditions were not met when the unauthorized discharge occurred.

Based on LASAN's 5-Day Preliminary Report submitted on July 16, 2021, an estimated 17 MG of raw sewage was discharged into the Pacific Ocean within the Santa Monica Bay Watershed. Of that amount, 16.874 MG left the HTP via Discharge Point 001. An additional 80,000 gallons of raw sewage was discharged through Discharge Point 002. LASAN subsequently submitted a 30-Day Report on August 13, 2021. Based on the 30-Day Report, approximately 4.46 MG of raw sewage was retained inside Discharge Point 001's discharge pipe and was pumped back to the HTP's influent for treatment. Based on the information provided, and considering the volume subsequently pumped back to the

HTP's treatment system from Discharge Point 001's discharge pipe, the Prosecution Team determined the total volume of raw sewage discharged from the HTP during the July 2021 Incident that reached surface water to be 12.494 MG.

Below are the steps set forth by the Enforcement Policy for calculating the penalty for this violation.

Step 1: Actual or Potential for Harm for Discharge Violations

a) Factor 1- Degree of Toxicity of the Discharge: Above Moderate (3)

A score between 0 (negligible) and 4 (significant) is assigned based on a determination of the risk and threat of the discharged material.

Raw sewage can cause environmental impacts such as a loss of recreation and can be detrimental to aquatic life support, result in organic enrichment, and result in exposure to floatable inorganic objects. Raw sewage includes solids that may settle or stay suspended in the receiving water, affecting aquatic wildlife through ingestion and impacting aesthetic uses throughout the water column; oil and grease may also be present in raw sewage and float in the receiving water surface, resulting in negative aesthetic impacts, negative impacts to wildlife habitat, and toxicity to aquatic and other kinds of wildlife.

Raw sewage also typically contains microbial pathogens known to be harmful to human health through direct contact, ingestion, or via foodborne pathways such as fish consumption. Pathogenic microorganisms present in raw sewage typically include bacteria (such as *E. coli*, *Vibrio Cholerae*, *Salmonella* spp., *Shigella* spp., and *Yersinia* spp.), parasites (such as *Cryptosporidium*, *Entamoeba*, and *Giardia*), and viruses (such as Adenovirus, Astrovirus, Norovirus, Echovirus, Enterovirus, Reovirus, and Rotavirus). Consumption or accidental ingestion of water contaminated with raw sewage can cause illness including abdominal cramps, vomiting, diarrhea, high fever, and dehydration. Additionally, it can cause diseases such as Gastroenteritis, Salmonellosis, Typhoid Fever, Pneumonia, Shigellosis, Cholera, Bronchitis, Hepatitis, Aseptic Meningitis, Cryptosporidiosis, Amoebic Dysentery, Giardiasis, and even death.

Sewage typically contains ammonia and toxic pollutants (such as metals, hydrocarbons, and synthetic organics) from industrial wastewater sources; these pollutants can cause both chronic and acute toxicity to aquatic life. Excess nutrients, such as nitrogen, phosphorus, and organic matter, are present in untreated wastewater and can cause nutrient over-enrichment in the receiving water. The over-enrichment can result in rapid growth of algae and nuisance plants as well as eutrophic conditions that can lead to oxygen depletion, negatively affecting plant and aquatic life.

Based on the physical, chemical, and biological characteristics of raw sewage, the Prosecution Team determined the risks or threats raw sewage posed to

potential receptors and beneficial uses of the receiving water for the violation were “Above Moderate” (3).

b) Factor 2- Actual Harm or Potential Harm to Beneficial Uses: Major (5)

This factor considers the actual harm or potential harm to beneficial uses that may result from exposure to the pollutants or contaminants in the discharge. A score between 0 (Negligible) and 5 (Major) is assigned. Actual harm as used in this section means harm that is documented and/or observed. Potential harm should be evaluated in the context of the specific characteristics of the waste discharged and the specific beneficial uses of the impacted waters. The Los Angeles Water Board may consider actual harm or potential harm to human health, in addition to harm to beneficial uses. The score evaluates direct or indirect actual harm or potential for harm from the violation.

During the July 2021 Incident, the HTP discharged approximately 12.494 MG of raw sewage into the Pacific Ocean within the Santa Monica Bay Watershed. The watershed is home to unique wetlands, sand dunes, and open ocean ecosystems that support a rich diversity of wildlife and serve as migration stopovers for marine mammals and birds. The Santa Monica Bay (the Bay) and its beaches are invaluable recreational resources and important sources of revenue for the region. The Bay is heavily used for fishing, swimming, surfing, diving, and other activities classified as water contact and noncontact recreation.

The existing and potential beneficial uses designated in the *Basin Plan for Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) for the Pacific Ocean (Nearshore and Offshore Zone) include: industrial service supply; navigation; water contact recreation; non-contact water recreation; commercial and sport fishing; marine habitat; wildlife habitat; preservation of biological habitats; migration of aquatic organisms; spawning, reproduction, and/or early development; shellfish harvesting; and rare, threatened, or endangered species.

The existing and potential beneficial uses of the Dockweiler and El Segundo Beaches include industrial service supply; navigation; water contact recreation; non-contact water recreation; commercial and sport fishing; marine habitat; wildlife habitat; and spawning, reproduction, and/or early development. The Basin Plan is available online at:

https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/

In general, raw sewage is known to contain solids and organic materials, ammonia, and excessive nutrients, all of which are potentially harmful to habitat-related beneficial uses due to solids deposition, oxygen depletion, and toxicity. Pathogenic organisms harmful to human health (such as *Campylobacter*, *Salmonella*, *Shigella*, *Vibrio Cholera*, and *Yersinia*, etc. as described in the discussion for Factor 1 above) have the potential to impact other beneficial uses such as contact recreation and sport fishing due to direct contact with or ingestion of impacted waters, or indirect contact via foodborne pathways such as fish

consumption. Oil, grease, and floatable or suspended materials may harm non-contact water recreation due to aesthetic impacts.

As a result of the July 2021 Incident, LACDPH closed Dockweiler and El Segundo Beaches on July 12, 2021. From July 12, 2021 through July 16, 2021, LASAN collected bacteriological samples and conducted visual monitoring of the shoreline between Santa Monica State Beach and Redondo Beach and offshore around both Discharge Point 001 and Discharge Point 002. LACDPH also conducted daily bacteriological sampling along the shoreline between Will Rogers State Beach and Redondo Beach. On July 14, 2021, LACDPH lifted the beach closures after two (2) days of shoreline sampling results that were within State Water Board bacteriological standards. However, actual or potential impacts to beneficial uses to beaches surrounding the HTP continued. LACDPH issued advisories on July 28 and 29, 2021, stating “Beach water use warning continues for several Los Angeles County beaches.” These advisories referenced special ocean water sampling conducted by LACDPH on July 27 and 28, 2021, which indicated that several beach areas near the HTP exceeded State bacteriological standards. The advisory cautioned residents to be careful when swimming, surfing, and playing in impacted ocean waters. LACDPH lifted the bacteria warnings on August 2, 2021.

Beginning August 2, 2021, LASAN was required to conduct daily offshore monitoring at multiple locations surrounding Discharge Point 002 pursuant to requirements set forth in the CWC Section 13383 Order and its amendments. According to the daily reports submitted by LASAN, multiple exceedances of water quality standards for *Enterococcus*, *E.coli* and Total Coliforms were observed in August through October 2021 at multiple offshore sampling locations and depths as summarized in Table 1.

Table 1: Offshore Monitoring Water Quality Standard Exceedances

Sample Date	Sample Location	Total Coliform (MPN/100 mL) Single Sample Maximum Limit: 10,000/100 mL	<i>E. Coli</i> (MPN/100 mL) Fecal Coliform Single Sample Maximum Limit: 400/100 mL	<i>Enterococcus</i> (MPN/100 mL) Single Sample Maximum Limit: 104/100 mL
8/2/21	3605-15 Meters	3,400	590	240
8/2/21	3605- Terminus	3,600	490	280
8/3/21	3505-1 Meter	4,100	1,100	260
8/3/21	3605- Terminus	3,400	500	230
8/4/21	3505- Terminus	1,500	410	41
8/4/21	3505B- Terminus	>24,000	>24,000	3,400
8/5/21	3605-15 Meters	2,500	680	41
8/5/21	3605- Terminus	3,400	1,200	280
8/6/21	3505- Terminus	24,000	5,500	600
8/7/21	3505- Terminus	13,000	2,600	360

Attachment A
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 City of Los Angeles

Sample Date	Sample Location	Total Coliform (MPN/100 mL) Single Sample Maximum Limit: 10,000/100 mL	<i>E. Coli</i> (MPN/100 mL) Fecal Coliform Single Sample Maximum Limit: 400/100 mL	<i>Enterococcus</i> (MPN/100 mL) Single Sample Maximum Limit: 104/100 mL
8/7/21	3505B- Terminus	4,600	910	130
8/7/21	3605- Terminus	5,500	2,100	300
8/8/21	3505- Terminus	12,000	4,400	330
8/8/21	3605- Terminus	4,900	1,100	200
8/9/21	3505- Terminus	>24,000	5,800	700
8/9/21	3505B- Terminus	14,000	5,200	340
8/9/21	3605- Terminus	2,600	700	140
8/10/21	3505- Terminus	24,000	10,000	890
8/10/21	3505B- Terminus	>24,000	>24,000	5,800
8/10/21	3605- Terminus	8,700	2,600	480
8/11/21	3504- Terminus	10,000	2,400	240
8/11/21	3505B- Terminus	>24,000	>24,000	5,800
8/11/21	3605- Terminus	2,900	910	170
8/12/21	3405- Terminus	3,900	1,000	160
8/12/21	3504- Terminus	6,100	1,200	240
8/12/21	3505- Terminus	16,000	5,200	810
8/12/21	3505B- Terminus	>24,000	>24,000	4,900
8/12/21	3604- Terminus	5,500	1,200	340
8/13/21	3405- Terminus	3,200	730	84
8/13/21	3504-1 Meter	2,100	460	63
8/13/21	3505- Terminus	8,700	3,100	730
8/13/21	3505B- Terminus	>24,000	5,500	1,200
8/13/21	3604- Terminus	2,800	810	130
8/14/21	3505- Terminus	1,600	280	150
8/14/21	3505B- Terminus	16,000	4,100	1,000
8/14/21	3604- Terminus	2,100	780	130
8/14/21	3605- Terminus	3,000	690	220
8/15/21	3505B- Terminus	24,000	9,800	1,400
8/16/21	3505B- Terminus	1,700	530	120
8/16/21	3605- Terminus	1,300	370	120
8/17/21	3505B- Terminus	17,000	4,600	770
8/18/21	3505B- Terminus	2,900	910	320
8/19/21	3505B- Terminus	2,100	590	160
8/20/21	3505B- Terminus	3,900	1200	320
8/21/21	3505- Terminus	960	340	120
8/21/21	3505B- Terminus	>24,000	8700	2,500
8/22/21	3505- Terminus	1,900	560	190

Attachment A
 ACL Complaint No. R4-2023-0007
 City of Los Angeles

Sample Date	Sample Location	Total Coliform (MPN/100 mL) Single Sample Maximum Limit: 10,000/100 mL	<i>E. Coli</i> (MPN/100 mL) Fecal Coliform Single Sample Maximum Limit: 400/100 mL	<i>Enterococcus</i> (MPN/100 mL) Single Sample Maximum Limit: 104/100 mL
8/22/21	3505B- Terminus	>24,000	11,000	3,100
8/23/21	3505- Terminus	1,100	290	110
8/23/21	3505B- Terminus	8,700	2,600	570
8/24/21	3505-15 Meters	2,400	1,100	200
8/24/21	3505- Terminus	2,800	760	180
8/24/21	3505B- Terminus	>24,000	6,500	1,700
8/24/21	3605-15 Meters	1,400	600	170
8/24/21	3605- Terminus	1,400	460	86
8/25/21	3505B- Terminus	3,400	1,300	200
8/26/21	3505- Terminus	2,700	800	170
8/26/21	3505B- Terminus	3,400	820	290
8/27/21	3505- Terminus	1,500	740	180
8/27/21	3505B-15 Meters	2,200	1,000	130
8/28/21	3505- Terminus	2,900	530	130
8/28/21	3505B- Terminus	>24,000	12000	1,700
8/28/21	3604- Terminus	390	150	130
8/29/21	3405- Terminus	2,200	610	250
8/30/21	3505B- Terminus	12,000	2,900	520
8/31/21	3405-15 Meters	6,900	1,600	270
9/1/21	3505B- Terminus	17,000	7,300	1,300
9/1/21	3605- Terminus	3,200	1,000	230
9/13/21	3405- Terminus	1,900	590	96
9/13/21	3505B- Terminus	24,000	8,700	750
9/15/21	3405- Terminus	1,800	370	130
9/15/21	3505- Terminus	2,000	720	73
9/15/21	3505B- Terminus	24,000	5500	640
9/16/21	3505- Terminus	2,600	680	120
9/16/21	3505B- Terminus	5,200	1,500	130
9/16/21	3506- Terminus	1,700	740	140
9/24/21	3405- Terminus	4,400	910	160
9/24/21	3505- Terminus	3,900	1,700	400
9/24/21	3505B- Terminus	4,100	2,600	420
9/27/21	3505- Terminus	5,500	1,700	130
9/27/21	3604- Terminus	2,800	980	200
10/1/21	3504- Terminus	1,400	510	270
10/4/21	3505B- Terminus	1,600	450	41
10/8/21	3505- Terminus	6,500	2,200	130

Sample Date	Sample Location	Total Coliform (MPN/100 mL) Single Sample Maximum Limit: 10,000/100 mL	<i>E. Coli</i> (MPN/100 mL) Fecal Coliform Single Sample Maximum Limit: 400/100 mL	<i>Enterococcus</i> (MPN/100 mL) Single Sample Maximum Limit: 104/100 mL
10/13/21	3405- Terminus	8,200	2,500	520
10/13/21	3505B- Terminus	3,600	2,000	280

*Results over the Water Quality Standards are in bold.

Between August 6 and 16, 2021, LASAN also reported oil sheen, grease balls, tar, plastic debris, and other floating materials visible at the surface at the offshore sampling locations, as summarized in Table 2 below.

Table 2: Offshore Monitoring Visual Observations

Date	Location	Summary of Visual Observation
8/6/21	3504-1	Material floating: rubber or tar
8/7/21	3604-1	Oil sheen observed
8/9/21	3505B	Oil sheen observed
8/10/21	3405	Oil sheen observed
8/12/21	3504	Floating material with some oil and grease observed
8/14/21	3505B	Small amount of seeds and grease observed floating on surface
8/16/21	3505B	Small amount of grease balls, tar, plastic debris observed floating on surface
8/16/21	3605	Small amount of grease balls observed floating on surface

Also, as a result of the July 2021 Incident, flooding within the plant disrupted the HTP’s treatment system and operational capabilities, resulting in subsequent odor complaints from neighboring residents. The City of El Segundo declared a local state of emergency in September 2022. The City of El Segundo issued a press release on September 12, 2022, regarding the declaration; in the press release, the mayor of the City of El Segundo stated “It has been over a year since the initial sewer spill at the Hyperion Plant. There have been 1,100 odor-related complaints from community members who report suffering from headaches and nausea from the smell. We declared a state of emergency to emphasize the urgency of this health crisis, draw attention and resources to this catastrophe and protect the safety and health of our people.” Since the July 2021 Incident to present, the City of El Segundo held multiple City Council meetings, in which residents express their concerns over the odors from the HTP. Residents reported

The odors leaving the HTP have significantly and negatively impacted human health for residents of the City of El Segundo who live near the HTP.

In consideration of the facts presented above on the potential and actual harm to beneficial uses and human health due to the violation, the Prosecution Team

determined a Potential for Harm score of “Major” (5) is appropriate.

c) Factor 3- Susceptibility to Cleanup or Abatement: 1

A score of 1 is assigned for this factor if less than 50 percent of the discharge is susceptible to cleanup or abatement, or if 50 percent or more of the discharge is susceptible to cleanup or abatement, but the discharger failed to clean up 50 percent or more of the discharge within a reasonable time.

In the 30-Day Report, LASAN reported an estimate of 16.954 MG of raw sewage was discharged from the HTP during the July 2021 Incident (16.874 MG through the 1-mile outfall and 0.08 MG through the 5-mile outfall). Of that amount, LASAN estimated that it subsequently pumped back 4.5 MG of raw sewage that was retained inside the 1-Mile outfall pipe for secondary treatment. The capacity of the 1-mile outfall structure is approximately 4.46 MG. Pumping operations continued until measured conductivity of collected wastewater was approximately the same as seawater. Based on information provided in the 30-Day Report, approximately 12.494 MG out of the approximately 16.954 MG of raw sewage originally discharged entered the Pacific Ocean. Adopting LASAN's own calculations, less than 50 percent of the discharge was susceptible to cleanup or abatement and a score of 1 is appropriate.

d) Final Score- Potential for Harm: 9

The scores of the three above factors are added to provide a Potential for Harm score of 9, which is then used in Step 2 below.

Step 2: Assessment for Discharge Violations

The Enforcement Policy specifies when there is a discharge, an initial liability amount based on a per gallon and/or a per day basis is determined using the sum of the Potential for Harm scores from Step 1 and a determination of Deviation from Requirement. In general, violations are addressed on a per day basis, however, the Enforcement Policy gives the Prosecution Team the discretion to assess violations on a per gallon and per day basis where appropriate, such as violations involving effluent spills. Because this violation involved the discharge of raw sewage, the Prosecution Team determines it is appropriate to assess administrative civil liabilities for the spill based on both a per gallon and a per day basis.

Per Gallon Assessment

To calculate the initial liability amount on a per gallon basis, a Per Gallon Factor is determined from Table 1 of the Enforcement Policy by using the Potential for Harm score from Step 1 and the extent of Deviation from Requirement (Minor, Moderate, or Major) of the violation. The Per Gallon Factor is then multiplied by the number of gallons subject to administrative civil liability multiplied by the

maximum per gallon liability amount.

a) Deviation from Requirement: Major

The Deviation from Requirement reflects the extent to which a violation deviates from the specific requirement violated. This violation is characterized as a “Major” Deviation from the Requirement. A “Major” Deviation from the Requirement is assigned when “[t]he requirement has been rendered ineffective (e.g., the requirement was rendered ineffective in its essential functions).”

Section 301 of the Clean Water Act (33 U.S.C. § 1311) prohibits the discharge of pollutants to waters of the United States except in compliance with a NPDES permit.

Discharge from the HTP is regulated under the NPDES Permit. Section III.A of the NPDES Permit prohibits discharges to Discharge Point 001, except during the following situations and provided that the use of Discharge Point 002 is maximized and that the Los Angeles Water Board and United States Environmental Protection Agency (USEPA) are notified as specified in the NPDES Permit:

1. Emergency discharge of disinfected secondary effluent when the flow rate exceeds the hydraulic capacity of Discharge Point 002 (720 MGD) and/or the hydraulic capacity of the effluent pumping plant;
2. Emergency discharge of disinfected secondary effluent and/or storm water during power outages in which back-up power supplies are inoperable or insufficient to pump all the secondary effluent through Discharge Point 002 and/or to pump stormwater from the North, South, or Central stormwater pump stations;
3. Discharge of disinfected secondary effluent during planned preventative maintenance such as routine opening and closing of the outfall gate valves for exercising and lubrication;
4. Discharge of stormwater flow during wet weather if the runoff rate of stormwater exceeds the capacity of the pumps at the North, South, or Central Stormwater Pump Stations; or
5. Discharge of disinfected secondary effluent, stormwater, and/or brine during major planned capital improvement projects when there is no other feasible alternative. Projects warranting such a diversion will be considered on a case-by-case basis and must be approved by the Executive Officer of the Los Angeles Water Board prior to diverting flow to the 1-Mile Outfall.

The unauthorized discharge during the July 2021 Incident did not meet any of the exceptions provided Section III.A of the NPDES Permit.

In addition, Section III.G of the NPDES Permit prohibits bypass or overflow of

untreated wastewater or wastes to surface waters or surface water drainage courses, except as allowed in Standard Provisions I.G. of Attachment D. In the case of the unauthorized discharge during the July 2021 Incident, the conditions under which bypass would be allowed under Standard Provisions I.G. of Attachment D were not met: the unauthorized discharge of raw sewage through Discharge Point 001 resulted in effluent limit exceedances; also, the bypass to Discharge Point 001 was avoidable as there were feasible alternatives and if adequate back-up equipment or preventative measures were implemented, including and not limited to: timely acknowledgement of alarms, proper operator staffing and training, timely activation of the current bar screen bypass to divert flow to the rest of the treatment process and the 5-mile outfall, ability to remotely control bypass and the bar screens and availability of a passive bar screen bypass system.

Based on the above, the discharge of raw sewage through Discharge Point 001 on July 11 and 12, 2021 is a major deviation from the NPDES Permit prohibitions, rendering the requirements ineffective in their essential function. Therefore, the Deviation from Requirement is major.

b) Per Gallon Factor: 0.8

Using a Potential for Harm score of 9 and a “Major” Deviation from Requirement, Table 1 of the Enforcement Policy prescribes a factor of 0.8 as the Per Gallon Factor for the discharge.

c) Gallons Discharged to Surface Water:

Water Code Section 13385, subdivision (c), provides that a civil liability of up to \$10 per gallon may be applied administratively by the Los Angeles Water Board to volumes of waste discharged but not cleaned up in excess of 1,000 gallons (i.e., the first 1,000 gallons is not included), plus up to \$10,000 per day of violation.

In most cases, the Water Boards shall apply the above per gallon factor to the maximum per gallon amounts allowed under the Water Code for the violations involved. For discharges in excess of 2 MG, the Enforcement Policy allows for use of \$1 per gallon in the penalty calculation instead of the statutory maximum of \$10 per gallon. It also states that where electing to use a maximum of \$1 per gallon would result in an inappropriately small civil liability based on the severity of impacts to beneficial uses, the discharger’s degree of culpability, and/or other considerations, a higher amount, up to the statutory maximum, should be used. For this case, using \$1 per gallon would result in an inappropriately small civil liability for this violation and the Prosecution Team has elected to use \$1.25 per gallon due to the nature and volume of the discharge.

In its 30-Day Report, LASAN indicated that 16.874 MG of raw sewage was discharged to Discharge Point 001 and 0.08 MG of raw sewage was discharged from Discharge Point 002 (a total of 16.974 MG). Of this amount, the HTP was

able to pump back 4.46 MG from its 1-mile outfall pipe. For this reason, the Prosecution Team used a total discharge volume of 12.494 MG in this calculation.

$$\text{Per Gallon Assessment} = \$1.25 \text{ (penalty per gallon)} \times 0.8 \text{ (per gallon factor)} \\ \times (12,494,000 - 1,000) \text{ gallons} = \$12,493,000$$

Per Day Assessment

When there is a discharge, the Water Board is to also determine an initial liability amount on a per day basis using the Potential for Harm score and the extent of Deviation from Requirement.

- a) Deviation from Requirement: The Deviation from Requirement is “Major”, as discussed above in the per gallon assessment.
- b) Per Day Factor: A Per Day Factor of 0.8 is selected from Table 2 of the Enforcement Policy.
- c) Days of Violation: The event took place over two (2) days: July 11 and 12, 2021.

Using the information above, the per day assessment is calculated:

$$0.8 \text{ (Per Day Factor)} \times 2 \text{ days} \times \$10,000 \text{ per day (statutory maximum per day liability amount)} = \$16,000$$

Initial Liability Amount

The Per Gallon Assessment and the Per Day Assessment are added together to become the initial liability amount for Violation 1:

$$\$12,493,000 + \$16,000 = \$12,509,000$$

Step 3: Per Day Assessment for Non-Discharge Violations

Not applicable because Violation 1 is a discharge violation.

Step 4: Adjustment Factors

Adjustment factors are considered in accordance with the Enforcement Policy for potential modification of the liability amount: (a) the Discharger’s degree of culpability, (b) the Discharger’s prior history of violations, and (c) the Discharger’s voluntary efforts to cleanup, or their cooperation with regulatory authorities after the violation.

- a) Degree of Culpability: 1.4

The culpability multiplier ranges between 0.75 and 1.5, with the lower multiplier for accidental incidents, and the higher multiplier for intentional or negligent behavior.

In response to the July 2021 Incident, the Discharger formed the Hyperion Ad-

Hoc Committee (Ad-Hoc Committee) and hired two consultants, Brown and Caldwell and CDM Smith, to perform an independent assessment of the cause of the July 2021 Incident. Brown and Caldwell was hired to evaluate potential contributing factors from the sewer collection system, including evidence of debris accumulation that may have caused overloading of the headworks and blinding of the bar screens; CDM Smith was hired to evaluate the bar screens and other equipment including alarms and controls. The Ad-Hoc Committee published the *Report of the Ad Hoc Advisory Committee Advisors on the July 11, 2021, Flooding at the Hyperion Water Reclamation Plant and Recommendations for Future Improvements* (Ad-Hoc Committee Report), dated February 11, 2022. CDM Smith published a report *Hyperion Wastewater Reclamation Plant Headworks* in August 2022 (CDM Smith Report). Brown and Caldwell published a *Final Third-Party Review of Conveyance System for Hyperion Event* dated November 12, 2021 (B&C Conveyance System Report) and a *Final Third-party Review of Plant Influent Piping, Influent Channel, and Bar Screen Channels for Hyperion Event* dated January 11, 2022 (B&C Influent and Bar Screen Report).

Based on findings of the independent assessments, observations made during Los Angeles Water Board's inspection at the HTP, and information submitted by the Discharger, the following facts support a conclusion that LASAN's gross negligence directly or indirectly led to a series of events that contributed to the violation:

- 1) LASAN failed to sufficiently staff the HTP on the day of the incident, causing a delay in recognizing and responding to the emergency:

The HTP was operating at a reduced weekend staffing level on the day of the incident. As noted in the CDM Smith Report, a single operator was overseeing the headworks area on July 11, 2021, and was scheduled to work a double shift from 6:30 a.m. to 10:30 p.m. According to the 30-Day Report, the first bar screen (Bar Screen #2) was tripped offline at 2:00 pm on July 11, 2021. However, the headworks area operator did not realize Bar Screen #2 was offline until approximately 3:13 p.m. (exact time unknown) while troubleshooting problems with the chopper pumps. While working on getting Bar Screen #2 back online, the operator realized that all four duty screens were nonfunctional around 3:40 p.m. (time based on CDM Smith's report), at which time the overflow had already started at a maintenance hole outside the Headworks Building. Had the HTP been sufficiently staffed, it is reasonable to conclude that the problem with Bar Screen #2 would have been recognized much sooner, which would have given a reasonable opportunity to take actions to address the problem.

- 2) LASAN failed to properly train its staff in emergency operations. Lack of training inhibited staff's response time to the emergency, which was critical and limited. Staff had to figure out how to implement the bypass during the emergency itself:

Based on LASAN's response to the Los Angeles Water Board's CWC

Section 13267 Order dated December 16, 2021, there were no applicable standard operating procedures (SOPs) in effect between July 10 and July 12, 2021, for the operation of the emergency bypass channel and valving, or for the control room operator regarding alarms at headworks and bar screens. The CDM Smith Report as well as the Ad-Hoc Committee Report also identified a lack of an emergency response plan specifically for bar screen operational/catastrophic failures and flood mitigation.

- 3) LASAN staff failed to timely acknowledge or recognize an urgent high-level alarm, which would have alerted plant operators of the severity of the situation sooner and given plant operators additional and critically needed response time and mitigate its effects.

As referenced in the 30-Day Report, Ad-Hoc Committee Report, and CDM Smith's assessment, the Barscreen Influent Channel High Level Alarm and a low priority alarm for Influent Channel Level at 36.51 feet were triggered at 2:10 p.m. However, these alarms were not formerly acknowledged until the next day. The Ad-Hoc Committee Report attributed the delay to several factors, including: "chaos of an unprecedented set of urgent circumstances, a lack of technology that could have resulted in quicker response (e.g., process/equipment sensors tied into the plant's distributed control system [(DCS)], strategically located video cameras, and audible alarms), inadequate internal communications and protocols, and insufficient staffing and emergency training for this type of incident." As noted in the CDM Smith Report, it took LASAN 20 minutes to remove the bulkhead on July 12, 2021; page ES-10 of the CDM Smith Report indicated "LASAN's local area operators told CDM Smith that they were not aware of the high-level alarm or continued rising trend between 2:11 p.m. and 3:40 p.m., so operators did not act to mitigate the overflow during this window". After four bar screens were observed offline at 3:40 p.m., operators focused on getting the bar screens back online until 4:30 p.m. when the effort was concluded as unsuccessful and a flow bypass was urgently needed. However, the condition at that time were determined to be unsafe to lift the bulkhead to initiate bypass. The failure to timely acknowledge critical alarms and lack of proper staff training to operate the bypass channel increased the time necessary to implement the bypass, which already had a narrow corrective action window as indicated in the CDM Smith Report. The delay in response and implementing the bypass led to significant flooding of the Headworks Building, which then prevented LASAN staff from safely implementing the bypass until approximately fourteen hours after the alarm was first triggered. As a result, sewage also overflowed and flooded other areas of the HTP, causing failures of electrical systems and pumps and subsequently reduced treatment capability for weeks after the July 2021 Incident. The reduced treatment capability affected the quality of effluent discharged to the Pacific Ocean resulting in odor issues reported in multiple complaints from neighboring communities, and negatively impacted the advanced treatment systems at

the West Basin Municipal Water District downstream of the HTP.

4) LASAN failed to properly operate and maintain its equipment:

LASAN failed to properly install some automated components of the bar screen system during its construction phase; LASAN also failed to properly maintain the bar screen system. As noted in CDM Smith Report, the lack of automated components resulted in the inability for operators to monitor the bar screen and its alarm status remotely and eliminated the ability for the equipment to automatically respond to instantaneous surges of flow and load. The lack of automation also reduced the functionality of the bar screen as designed and increases the time staff needed to recognize a failure had occurred. It also resulted in a heavy dependency on the local operator on duty to maintain, operate, troubleshoot, and respond to emergencies—which, in combination with the reduced staffing as noted earlier, contributed to delays in recognizing the emergency and deprived the HTP staff of significant time to take action to prevent the incident. CDM Smith also noted a repeated pattern of unexpected bar screen outages since installation in 2018 and that “if all screens were energized and functioning as intended and operated as recommended by the manufacturer, the quantity of raw influent flow and screenings materials received on July 11, 2021, appear to have been well within the design process mechanical capacity of the four duty screens.” CDM Smith also noted that LASAN’s configuration of the influent and effluent motor-actuated gates resulted in portions of all the bar screens being constantly immersed in raw sewage and screen inspections conducted by CDM Smith indicated that significant material was collecting in the channels in front of the screens, partially blinding the screens and reducing their capacity and increasing the need for higher starting motor torque. During inspections conducted in February 2022, CDM Smith found the bar screens were partially blinded by material matting behind the screens and the bar screen channels and contained a significant amount of grit and trash in front of the screens.

Additionally, during normal operations and prior to the July 2021 Incident, the bulkhead was left in place in the emergency bypass channel; this practice was unnecessary and resulted in additional time and resources needed to implement the emergency bypass and was a critical element that prevented LASAN staff from successfully establishing the emergency bypass on July 11, 2021. If the emergency bypass of the bar screens could have been established earlier, the amount of raw sewage discharged through Discharge Points 001 and 002 into the Pacific Ocean could have been reduced.

5) LASAN failed to exercise precautionary measures that could potentially have prevented or mitigated the incident:

LASAN failed to inspect and maintain its influent channel preceding the headworks, resulting in debris buildup that potentially contributed to the

July 2021 Incident. LASAN asserted in the 30-Day Report that the July 2021 Incident was caused by “inundation of the Headworks bar screens with quantities of unexpected debris”. The B&C Conveyance System Report concluded “there was no evidence of significant accumulated debris, obstructions, holes in pipes, or collapsed pipes that would have contributed to the July 11, 2021, event.” The B&C Influent and Bar Screen Report also indicated they did not find any major structural defects or deterioration, evidence of significant masses of floating debris accumulation, blockages, or major flow obstructions based on inspections of the five major sewer pipelines, influent channel, and bar screen channels, and there were no observations of large quantities of floating debris that originated from the conveyance system and was transported to headworks that could have caused the July 2021 Incident. Although Brown and Caldwell did not find evidence to support LASAN’s initial theory that a large influx of debris suddenly overloaded the bar screens, they did maintain it was possible the screens were experiencing an instantaneous surge that might have initiated the overloading and tripping. Brown and Caldwell identified debris buildup in the underground channels leading to the bar screens which, though it was not the principal source of blinding material, may have contributed to the problem. Based on information provided by LASAN’s response to the Los Angeles Water Board CWC Section 13267 Order, Brown and Caldwell conducted a CCTV inspection on August 23, 2021, which noted “heavy debris” in the Coastal Interceptor Sewer (CIS) approximately 240 feet from Manhole 58401014 upstream of the HTP. The August 2021 CCTV results as well as other findings by Brown and Caldwell indicate there was debris buildup at locations preceding the Headworks. Moreover, in 2015, material of sewage origin (MOSO) was discharged from the HTP into the Pacific Ocean when a planned diversion to the 1-mile outfall dislodged debris buildup at the 1-mile outfall and the connected in-plant storm drain system. LASAN should have learned from the 2015 MOSO unauthorized discharge event that a buildup of debris could be possible and likely in their system that can result in a catastrophic failure at the HTP; LASAN should have exercised precautionary and comprehensive measures to fully inspect and maintain the entire system at the HTP, including influent channels leading to the headworks, preventing debris buildup that can potentially contribute to a failure of the HTP’s equipment.

Concerns were raised by LASAN staff during a Los Angeles Water Board inspection at the HTP regarding the significant increased use of flushable wipes during the COVID-19 pandemic which, LASAN staff contended, may have contributed to blinding of the bar screens. The available information does not support the conclusion that flushable wipes had a significant and sudden impact on the headworks causing the July 2021 Incident, as the July 2021 Incident happened well over a year after the onset of the COVID-19 pandemic and years after flushable wipes became commonly used. Also, based on accounts from LASAN staff as well as photographs and as

noted in the Ad-Hoc Committee Report and the CDM Smith Report, the type of blinding materials appeared to be typical rags and sanitary appliances associated with raw sewage, although LASAN staff did not keep material from the July 2021 Incident to allow it to be tested.

Additionally, the CDM Smith Report noted a lack of passive gravity overflow capability at headworks prior to the July 2021 Incident. The passive overflow capability would have provided additional time for operators to respond to an emergency.

Given the above, the Prosecution Team believes a multiplier of 1.4 for this violation is appropriate.

b) History of Violations: 1.0

Where the discharger has prior violations within the last five years, the Water Boards should use a multiplier of 1.0.

LASAN does not have a history of similar violations within the last five years. Therefore, a multiplier of 1.0 was selected.

c) Cleanup and Cooperation: 1.2

This is the extent to which the discharger voluntarily cooperated in returning to compliance and correcting environmental damage. The multiplier for this factor ranges between 0.75 to 1.5, with the lower multiplier being applied where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent.

Following the July 2021 Incident, there was a delay in response, recovery, and cleanup. The delays led to additional compliance issues which then prolonged the amount of time it took for the HTP to come back into compliance. According to the HTP's daily reports submitted per the CWC Section 13383 Order, the HTP was not deemed to be back to normal operations until October 22, 2021, more than three months after the July 2021 Incident. Though LASAN reported the HTP to be back to normal operations in October 2021, NPDES effluent limit exceedances related to the July 2021 Incident were reported until May 2022, seven months after the July 2021 Incident. The emergency bypass channel remained open for approximately three (3) days until July 16, 2021, during which time a large amount of trash and debris entered the rest of the plant treatment processes. Most of the trash and debris that entered the treatment processes accumulated in the grit basins and primary treatment tanks, reducing the treatment capabilities of those units. The extended time needed to remove the trash and debris in the HTP's treatment system resulted in a prolonged reduction in treatment efficiency, as was reflected in the multiple NPDES effluent limit exceedances reported by LASAN following the July 2021 Incident. Monitoring and reporting violations of the NPDES Permit took over three months to address and rectify. From July 2021 through May 2022, LASAN reported sixty (60) effluent violations and one hundred and eight (108) monitoring and reporting violations that were related to or caused by the

July 2021 Incident. Additionally, instances of odor nuisance extending beyond the plant boundary are still ongoing nearly two years after the July 2021 Incident.

The Prosecution Team recognizes LASAN's cleanup effort. LASAN reported in its 30-Day Report that it was able to recover approximately 4.5 MG of raw sewage remaining in the 1-Mile Outfall after the July 2021 Incident. The Prosecution Team also recognizes LASAN's effort to be cooperative with the Water Board's follow-up questions and requests, including interviews with the operators. LASAN is also undertaking several capital improvement projects (CIP) to prevent similar incidents in the future, including: a headworks project to install additional overflow bypass channels and a project to clean the sewer lines leading to the HTP. Throughout the July 2021 Incident, the HTP submitted regular updates of the cleanup progress to the Los Angeles Water Board, as required by CWC Section 13383 Order. LASAN also complied with a CWC Section 13267 Order that the Los Angeles Water Board issued on October 8, 2011, as part of the investigation. However, LASAN's cooperation and efforts as described above do not negate the impacts of the delay in cleanup, some of which are still ongoing.

The Prosecution Team determined a cleanup and cooperation factor of 1.2 is appropriate due to LASAN's delay and prolonged recovery process and in consideration of efforts LASAN has implemented for cleanup and recovery since the July 2021 Incident.

Step 5: Total Base Liability Amount: \$21,015,120

The Total Base Liability is determined by multiplying the following: the Initial Liability, the degree of culpability factor, the history of violations factor, and the cleanup and cooperation factor.

$$\begin{aligned} \text{Total Base Liability Amount: } & (\$12,493,000 + \$16,000) \times 1.4 \times 1.0 \times 1.2 \\ & = \$21,015,120 \end{aligned}$$

Violation 2: Deficient Daily Offshore Sampling in Violation of the CWC Section 13383 Order

On July 29, 2021, the Los Angeles Water Board issued Order No. R4-2021-0107 pursuant to CWC Section 13383, in response to the unauthorized discharge of raw sewage that occurred from July 11 to 12, 2021, from the HTP. The CWC Section 13383 Order required LASAN to conduct daily offshore monitoring and submit monitoring and status reports to assess impacts on the receiving water due to the spill event and subsequent effluent permit limit exceedances caused by the HTP's temporary reduced operational capabilities. On August 2, 2021, the Los Angeles Water Board issued Amended Order No. R4-2021-0107-A01 to add four additional stations to the Daily Offshore Sampling requirement. On September 17, 2021, the Los Angeles Water Board issued Amended Order No. R4-2021-0107-A02 to reduce the frequency of the Daily Offshore Sampling requirement to three times a week on Monday, Wednesday, and Friday. On October 12, 2021, LASAN submitted a request to cease offshore monitoring per the CWC Section

13383 Order and its amendments. The Los Angeles Water Board issued the approval of request to cease offshore monitoring on October 26, 2021.

Pursuant to CWC Section 13385, failure to comply with any requirement of the CWC Section 13383 Order and its amendments may result in the imposition of administrative civil liability by the Los Angeles Water Board of up to \$10,000 for each day in which a violation occurs. LASAN failed to perform offshore sampling as required by the CWC Section 13383 Order and its amendments on the following dates:

- Daily from September 3 to 9, 2021
- September 11, 2021
- September 12, 2021
- September 17, 2021
- September 20, 2021
- September 22, 2021
- October 6, 2021
- October 18, 2021

Below are the steps set forth by the Enforcement Policy for calculating the penalty for this violation.

Step 1: Potential for Harm for Discharge Violations

Not applicable because Violation 2 is a non-discharge violation.

Step 2: Assessment for Discharge Violations

Not applicable because Violation 2 is a non-discharge violation.

Step 3: Per Day Assessments for Non-Discharge Violations

For non-discharge violations, the Enforcement Policy specifies that an initial liability is to be determined from the maximum per day liability multiplied by the number of days in violation and a per day factor using a matrix that ranges from 0.1 to 1.0 depending on scoring for Potential for Harm and Deviation from Requirement. The Potential for Harm reflects the characteristics and/or the circumstances of the violation and its potential to impair the Los Angeles Water Board's ability to perform its statutory and regulatory functions, its threat to beneficial uses, and its potential for harm. The Deviation from Requirement reflects the extent to which a violation deviates from the specific requirement violated.

a) Potential for Harm: Moderate

The Enforcement Policy requires that the Potential for Harm for each violation be scored as "Minor," "Moderate," or "Major." The Enforcement Policy specifies that a "Moderate" Potential for Harm applies when the characteristics of the violation have substantially impaired the Los Angeles Water Board's ability to perform its statutory and regulatory functions, present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial Potential for

Harm. The Enforcement Policy also specifies that most non-discharge violations should be considered to present a "Moderate" Potential for Harm.

The information required in the CWC Section 13383 Order and its amendments was necessary to determine impacts to the receiving water due to the July 2021 Incident and effluent permit limit exceedances caused by the HTP's reduced operational capabilities during the plant recovery process. This information included the ability to gauge past and continuing impacts on human health, and on the health of aquatic and benthic life; and to evaluate water quality and ensure that beneficial uses are being protected. This violation has substantially impaired the Los Angeles Water Board's ability to perform its statutory and regulatory functions, as the failure to sample prevents the Los Angeles Water Board from assessing the impacts on the receiving water during the days of violation. Therefore, the Potential for Harm was characterized as "Moderate".

b) Deviation from Requirement: Moderate

The evaluation of the Deviation from Requirement considers whether the characteristics of the violation present a "Minor", "Moderate", or "Major" impact to the effectiveness of the requirement. The Enforcement Policy specifies that a "Moderate Deviation from Requirement is one where the intended effectiveness of the requirement was partially compromised.

As discussed above, LASAN failed to perform offshore sampling as required by the CWC Section 13383 Order and its amendments on fourteen (14) days from September 3 through October 18, 2021. The intended effectiveness of the requirement was compromised on the days of violation as the Los Angeles Water Board could not determine the potential effects on human health and aquatic life without the offshore monitoring data required. However, given that LASAN did perform offshore sampling on all other days during the required monitoring period from July 29, 2021 through October 26, 2021 as required by the CWC Section 13383 Order and its amendments, the overall intended effectiveness of the requirement was partially compromised, and the Prosecution Team determined a "Moderate" Deviation from requirement is appropriate.

c) Per Day Factor: 0.35

In accordance with Table 3 of the Enforcement Policy, the per day factor is 0.35.

Initial Liability Factor for Non-Discharge Violations

Using the information above, the Initial Liability assessed per day is:

$0.35 \text{ (Per Day Factor)} \times 14 \text{ days (days subject to penalty)} \times \$10,000 / \text{day (statutory maximum per day liability amount)} = \$49,000$

Step 4: Adjustment Factors

Additional factors are considered and can modify the amount of initial liability: culpability; cleanup and cooperation; and history of violations.

a) Culpability: 1.1

The culpability multiplier ranges between 0.75 and 1.5, with a lower multiplier for accidental incidents, and a higher multiplier for intentional or negligent behavior.

LASAN failed to perform the required offshore monitoring on fourteen (14) days. The following explanations were given by LASAN for the missed sampling events:

- September 3-9, 2021: Monitoring of offshore stations was halted due to the Conductivity-Temperature-Depth (CTD) unit malfunctioning. Without a working unit, no samples could be collected from September 3-9, 2021.
- September 11-12, 2021: No offshore sampling was taken, and no reports were submitted, due to technical issues.
- September 17, 2021: Offshore monitoring was halted due to injuries and safety concerns.
- September 20, 2021: Offshore monitoring did not take place. The boat crew was deployed to conduct the quarterly monitoring of the Santa Monica Bay and there was not enough time to take the samples required.
- September 22, 2021: A scheduling conflict occurred with the offshore sampling requirements and the NPDES quarterly sampling. A contract lab was found to cover the offshore sampling but there was not enough time to prepare and organize in time for the September 22 samples.
- October 6, 2021: Offshore monitoring was not conducted because one of the two boat captains could not work. For safety reasons, two captains are required.
- October 18, 2021: Offshore sampling had to be halted due to strong winds.

The HTP was aware of the requirements of the CWC Section 13383 Order and its amendments. While LASAN made efforts to repair and replace parts to continue sampling after instances of equipment failure, the response could have been implemented sooner. For instance, the daily status report submitted for September 3, 2021, indicated that after a CTD sampling unit malfunctioned and LASAN had to set up a recently purchased new unit. The new unit needed to be field tested prior to use, but LASAN did not perform the field test until September 7, 2021. On September 7, 2021, LASAN staff discovered that the new unit did not work. The delay in testing the new unit caused additional days of missed sampling. Spare parts were not delivered until September 9, 2021 and sampling did not resume until September 10, 2021.

In addition, LASAN only had two boat captains available. LASAN should have had a contingency plan in place to avoid missed offshore sampling in the event one of their only two boat captains may be unavailable, and to prepare for additional and sufficient resources to meet their regular NPDES monitoring commitments, which were reasons for multiple days of missed sampling.

Therefore, the Prosecution Team determines a culpability multiplier of 1.1 for this violation is appropriate.

b) History of Violations: 1.0

Where the discharger has no prior history of violations, this factor should be neutral, or 1.0.

LASAN does not have a history of similar violations. Therefore, a multiplier of 1.0 was selected.

c) Cleanup and Cooperation: 1.0

This is the extent to which the discharger voluntarily cooperated in returning to compliance and correcting environmental damage. The multiplier for this factor ranges between 0.75 to 1.5, with the lower multiplier being applied where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. A reasonable and prudent response to a non-discharge violation or timely response to a Los Angeles Water Board order should receive a neutral adjustment as it is assumed a reasonable amount of cooperation is the warranted baseline.

LASAN was aware of the requirements listed in CWC Section 13383 Order and its amendments. One of those requirements was to continue sampling until all the HTP's treatment processes were online and the plant resumed normal operation. LASAN was aware of their own timeline to bring the HTP back into normal operation, with an estimation of up to three months. However, despite knowing that offshore sampling could continue for up to three months, LASAN did not have any contingency plans in place; it was not until issues arose that LASAN began to search for solutions. LASAN failed to perform the required offshore sampling for multiple reasons. There were instances where LASAN could have done more to return to compliance sooner. For example, LASAN was aware of other regulatory requirements and their need for two captains to be present on the boat for safety reasons, and still it was not until one of their boat captains was unable to work that they began searching for another captain to take his place. A reasonable and prudent response would have been to have a contingency plan in place for such a situation, knowing the likelihood of its occurrence if there were only two captains available. However, in consideration that LASAN performed the offshore sampling for an extended period while trying to rehabilitate the treatment plant, made attempts to repair and replace failed equipment, and made attempts to find a contract lab for assistance, the Prosecution Team determines a cleanup and cooperation multiplier of 1.0 is appropriate.

Step 5: Total Base Liability Amount: \$53,900

The Total Base Liability is determined by multiplying the following: the Initial

Liability, the degree of culpability factor, the history of violations factor, and the cleanup and cooperation factor.

Total Base Liability Amount: \$49,000 x 1.1 x 1.0 x 1.0 = \$53,900

Violation 3: Odor Resulting in Nuisance in Violation of the NPDES Permit

As reported by LASAN, the HTP was deemed to be back to normal operations on October 22, 2021, more than three months after the July 2021 Incident. The decreased efficiency of the treatment system and inoperable equipment during the rehabilitation process resulted in observable odors beyond the boundary of the HTP. Following the July 2021 Incident, multiple odor and nuisance complaints were received by the South Coast Air Quality Management District (South Coast AQMD) and Los Angeles Water Board from the public and neighboring communities surrounding the HTP. The City of El Segundo declared a local state of emergency in September 2022 due to the objectionable odors observed by nearby residents. Since the beginning of the July 2021 Incident to present, the City of El Segundo held multiple City Council meetings, in which residents attended to express their concerns over the odors from the HTP. Residents reported odor-related health effects including nausea, headaches, congestion, and discomfort. The odors leaving the HTP significantly and negatively impacted human health for residents of the City of El Segundo who live near the HTP.

Section VII.A.2.b of the HTP’s NPDES Permit prohibits odors, vectors, and other nuisances of sewage or sludge origin beyond the limits of the treatment plant site or the sewage collection system due to improper operation of facilities, as determined by the Los Angeles Water Board and USEPA. Instances of odors and other nuisance observed beyond the limits of the HTP are therefore a violation of the NPDES Permit. The number of days used for this violation is based on the number of days in which either a Los Angeles Water Board staff or South Coast AQMD inspector documented objectionable odors originating from the HTP that were perceivable off LASAN’s property since the July 2021 Incident. Between July 12, 2021, and January 10, 2023, odors were detected outside of the HTP on eighty (80) separate days, as summarized in Table 3 below.

Table 3: Days of Violation for Violation 3

#	Date Odors Were Observed	Agency*
1	7/22/2021	South Coast AQMD
2	7/23/2021	South Coast AQMD
3	7/24/2021	South Coast AQMD
4	7/25/2021	South Coast AQMD
5	7/26/2021	South Coast AQMD
6	7/27/2021	South Coast AQMD
7	7/28/2021	South Coast AQMD
8	7/29/2021	South Coast AQMD
9	7/30/2021	South Coast AQMD
10	7/31/2021	South Coast AQMD
11	8/1/2021	South Coast AQMD

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#	Date Odors Were Observed	Agency*
12	8/2/2021	South Coast AQMD
13	8/3/2021	South Coast AQMD
14	8/5/2021	South Coast AQMD
15	8/6/2021	South Coast AQMD
16	8/7/2021	South Coast AQMD
17	8/8/2021	South Coast AQMD
18	8/10/2021	South Coast AQMD
19	8/15/2021	South Coast AQMD
20	8/22/2021	South Coast AQMD
21	8/23/2021	South Coast AQMD
22	8/24/2021	South Coast AQMD
23	8/25/2021	South Coast AQMD
24	8/27/2021	South Coast AQMD
25	8/28/2021	South Coast AQMD
26	8/29/2021	South Coast AQMD
27	8/31/2021	South Coast AQMD
28	9/1/2021	South Coast AQMD
29	9/2/2021	South Coast AQMD
30	9/3/2021	South Coast AQMD
31	9/4/2021	South Coast AQMD
32	9/7/2021	South Coast AQMD
33	9/8/2021	South Coast AQMD
34	9/9/2021	South Coast AQMD
35	9/14/2021	South Coast AQMD
36	9/21/2021	South Coast AQMD
37	9/24/2021	South Coast AQMD
38	10/2/2021	South Coast AQMD
39	10/6/2021	South Coast AQMD
40	10/17/2021	South Coast AQMD
41	6/22/2022	South Coast AQMD
42	7/3/2022	South Coast AQMD
43	7/8/2022	South Coast AQMD
44	7/17/2022	South Coast AQMD
45	7/18/2022	South Coast AQMD
46	7/19/2022	South Coast AQMD
47	7/30/2022	LARWQCB
48	7/31/2022	LARWQCB
49	8/1/2022	South Coast AQMD
50	8/2/2022	LARWQCB
51	8/5/2022	LARWQCB
52	8/9/2022	LARWQCB
53	8/13/2022	LARWQCB
54	8/16/2022	LARWQCB
55	8/22/2022	LARWQCB, South Coast AQMD
56	8/26/2022	LARWQCB

#	Date Odors Were Observed	Agency*
57	8/27/2022	South Coast AQMD
58	8/29/2022	South Coast AQMD
59	9/1/2022	LARWQCB
60	9/3/2022	LARWQCB
61	9/4/2022	South Coast AQMD
62	9/6/2022	South Coast AQMD
63	9/8/2022	South Coast AQMD
64	9/9/2022	LARWQCB
65	9/10/2022	South Coast AQMD
66	9/11/2022	LARWQCB, South Coast AQMD
67	9/12/2022	South Coast AQMD
68	9/14/2022	South Coast AQMD
69	9/19/2022	South Coast AQMD
70	9/20/2022	South Coast AQMD
71	9/23/2022	South Coast AQMD
72	9/24/2022	South Coast AQMD
73	9/29/2022	South Coast AQMD
74	10/11/2022	South Coast AQMD
75	10/12/2022	South Coast AQMD
76	10/15/2022	South Coast AQMD
77	10/31/2022	South Coast AQMD
78	11/21/2022	South Coast AQMD
79	12/26/2022	South Coast AQMD
80	1/10/2023	South Coast AQMD

* LARWQCB stands for Los Angeles Regional Water Quality Control Board

During the same period, Los Angeles Water Board staff and South Coast AQMD staff also received objectionable odor complaints from residents near the HTP on dates other than those listed in Table 3. However, no inspectors from either agency were able to investigate and/or confirm objectionable odors on those dates. Therefore, those dates were not included for this violation.

Below are the steps set forth by the Enforcement Policy for calculating the penalty for this violation.

Step 1: Potential for Harm for Discharge Violations

Not applicable because Violation 3 is a non-discharge violation.

Step 2: Assessment for Discharge Violations

Not applicable because Violation 3 is a non-discharge violation.

Step 3: Per Day Factor for Non-Discharge Violations: 0.35

For non-discharge violations, the Enforcement Policy specifies that an initial liability is to be determined from the maximum per day liability multiplied by the number of days in violation and a per day factor using a matrix that ranges from 0.1 to 1.0 depending on scoring for Potential for Harm and Deviation from Requirement. The Potential for Harm reflects the characteristics and/or the circumstances of the violation and its potential to impair the Water Boards' ability to perform their statutory and regulatory functions, its threat to beneficial uses, and its potential for harm. The Deviation from Requirement reflects the extent to which a violation deviates from the specific requirement violated.

a) Potential for Harm: Moderate

The Enforcement Policy requires that the Potential for Harm for each violation be scored as "Minor," "Moderate," or "Major." The Enforcement Policy specifies that a "Moderate" Potential for Harm applies when the characteristics of the violation have substantially impaired the Los Angeles Water Boards' ability to perform its statutory and regulatory functions, present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial Potential for Harm. The Enforcement Policy also specifies that most non-discharge violations should be considered to present a "Moderate" Potential for Harm.

The release of sewage, accumulated debris and trash, subsequent decreased efficiency of the treatment system, and inoperable equipment during the rehabilitation process, are believed to be the primary causes of odors. Odors of sewage and/or sludge origin can cause temporary symptoms such as headaches and nausea. According to the City of El Segundo's website, LACDPH provided an update on July 27, 2021, regarding the agency's efforts to visit residential neighborhoods upwind and downwind of the HTP on July 20, 24, and 28, 2021. Heavy, sewage-type odors were detected and noted to decrease in intensity with greater distance from the plant. LACDPH staff spoke with over sixty (60) residents and many reported experiencing symptoms including headaches and nausea.

On September 8, 2022, more than a year after the July 2021 Incident, the City of El Segundo declared a local state of emergency due to the ongoing emission of noxious gases and foul odors from the HTP. According to the City of El Segundo, there have been 1,100 odor-related complaints from community members who reported suffering from headaches and nausea.

The Prosecution Team determined that LASAN failed to comply with the NPDES Permit which prohibits objectionable odors beyond the limit of the HTP. The extended period of noncompliance impaired the Los Angeles Water Board's ability to perform its regulatory functions and presented a substantial potential for harm to human health. Therefore, the Potential for Harm was characterized as "Moderate".

b) Deviation from Requirement: Moderate

The evaluation of the Deviation from Requirement considers whether the characteristics of the violation present a “Minor”, “Moderate”, or “Major” impact to the effectiveness of the requirement. The Enforcement Policy specifies that a “Moderate” Deviation from Requirement is one where the intended effectiveness of the requirement was partially compromised.

The NPDES Permit prohibits odor vectors, and other nuisances of sewage or sludge origin beyond the limits of the treatment plant site or the sewage collection system due to improper operation of facilities. As listed above in Table 3, multiple instances of odor and nuisance were observed beyond the boundaries of the HTP since the July 2021 Incident, which were confirmed by South Coast AQMD or Los Angeles Water Board staff. As such, following the July 2021 Incident, LASAN repeatedly violated the NPDES Permit prohibition. Hence, the requirement of the NPDES Permit was partially compromised and therefore, a “Moderate” deviation from the requirement is appropriate.

c) Per Day Factor: 0.35

In accordance with Table 3 of the Enforcement Policy, the per day factor for Violation 3 is 0.35.

The per day assessment and initial liability for this violation is calculated below:

(Per Day Factor) x (days of violation) x (statutory maximum per day liability amount based on CWC Section 13385) = (0.35) x (80 days) x (\$10,000 /day) = \$280,000

Step 4: Adjustment Factors

Additional factors are considered and can modify the amount of initial liability: culpability; cleanup and cooperation; and history of violations.

a) Culpability: 1.2

The culpability multiplier ranges between 0.75 and 1.5, with a lower multiplier for accidental incidents, and a higher multiplier for intentional or negligent behavior.

Critical plant equipment was damaged due to the July 2021 Incident, causing a prolonged interruption in the treatment process. The release of sewage, accumulated debris and trash, subsequent decreased efficiency of the treatment system, and inoperable equipment during the rehabilitation process is believed to be the primary causes of odors that resulted in significant complaints. As of October 2021, the treatment plant was deemed back in normal operation. However, as discussed in the above sections, objectionable odors originating from the HTP were still observed well over a year after the July 2021 Incident. According to South Coast AQMD’s press release in August 2022, South Coast AQMD has received over 3,000 odor complaints related to the HTP since the July 2021 Incident. South Coast AQMD also expanded the scope of an Abatement Order for the HTP to address the odor issue on January 25, 2022. In

the Abatement Order, it was cited that South Coast AQMD received 350 odor complaints in August 2022 alone. An NOV was most recently issued by the South Coast AQMD on January 10, 2023, for a violation that occurred on January 10, 2023.

LASAN is aware of the ongoing odor issues originating from the HTP. South Coast AQMD issued multiple NOVs and the City of El Segundo also sent LASAN multiple letters detailing their concerns of odors and gases originating from the HTP. Yet odor complaints from nearby residents continued. On September 12, 2022, the City of El Segundo issued a press release declaring a local state of emergency in response to the ongoing noxious gases and odors originating from the plant. A reasonable and prudent person would have had adequate odor control measures in place prior to the incident to comply with requirements of the NPDES Permit and would have implemented adequate corrective measures after the incident to prevent and mitigate foul odors beyond the boundaries of the HTP well over a year after the July 2021 Incident. Therefore, a culpability multiplier of 1.2 is appropriate.

b) History of Violations: 1.0

Where the discharger has no prior history of violations, this factor should be neutral, or 1.0.

LASAN does not have a history of similar violations. Therefore, a multiplier of 1.0 was selected.

c) Cleanup and Cooperation: 1.1

This is the extent to which the discharger voluntarily cooperated in returning to compliance and correcting environmental damage. The multiplier for this factor ranges between 0.75 and 1.5, with the lower multiplier being applied where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent.

The 30-Day Report dated August 31, 2021 indicated that the HTP began taking instantaneous fence line monitoring measurements for hydrogen sulfide twice each day starting July 26, 2021, in order to address odor complaints. Fence line monitoring data for hydrogen sulfide conducted from July 26, 2021 through August 3, 2021, indicated odor emissions were largely from overloaded primary tanks and secondary clarifiers. Following the July 2021 Incident, there were no viable outlets for sludge handling for nearly three weeks because of damaged equipment. the HTP was able to process sludge normally by August 1, 2021. However, odor complaints continued to be reported following that date.

In response to the odor complaints, LASAN began a reimbursement program to residents, including reimbursement for the purchase of air conditioning units or the reimbursement for hotel rooms (including meals and incidentals), until September 23, 2021. LASAN also created a Hyperion Odor Control page on its

website, with updates on odor control improvement projects to address and minimize odor emissions from the HTP. A few completed projects include: completion of the Headworks Biotrickling Filter (BFT) Odor Control Facility and the Intermediate Pumping Station BFT in April 2022, and installation of tarps over primary sedimentation tanks as a temporary measure to minimize odor emissions until ongoing work to install new primary sedimentation tank covers is completed. Several odor control improvement projects are still ongoing, including implementation of a continuous fence line monitoring system, replacement of primary treatment sedimentation tanks covers, refurbishment of primary treatment chemical scrubbers, refurbishment of primary treatment sedimentation tanks, completion of the truck loading facility odor control system, and replacement of primary treatment BFTs. The Los Angeles Water Board recognizes LASAN's efforts to mitigate odor issues. However, despite the steps taken, according to the City of El Segundo's website, the HTP reported instantaneous spikes in hydrogen sulfide readings from the HTP's fence line monitoring data as recently as December 2022. Even though LASAN has made significant efforts to mitigate odor, ultimately, the provisions of the NPDES Permit were not met and odor issues continue over a year and a half after the July 2021 Incident. Therefore, the Prosecution Team determines that a cleanup and cooperation multiplier of 1.1 is appropriate.

Step 5: Total Base Liability Amount: \$369,600

The Total Base Liability is determined by multiplying the following: the Initial Liability, the degree of culpability factor, the history of violations factor, and the cleanup and cooperation factor:

$$\$280,000 \times 1.2 \times 1.0 \times 1.1 = \$369,600$$

Violation 4: Deficient Monitoring and Reporting in Violation of NPDES Permit Monitoring Requirements

CWC Sections 13267 and 13383 authorize the Los Angeles Water Board to establish monitoring, inspection, entry, reporting, and record keeping requirements. The HTP's NPDES Permit includes a Monitoring and Reporting Program (MRP) that establishes monitoring, reporting, and recordkeeping requirements to implement federal and state laws and/or regulations.

Pursuant to the NPDES Permit Attachment E.III, influent monitoring is required to determine compliance with permit conditions, to assess treatment plant performance, and to assess effectiveness of the HTP's pretreatment program.

Pursuant to the NPDES Permit Attachment E.IV, effluent monitoring is required to determine compliance with permit conditions and water quality standards; assess and improve plant performance and identify operational problems; provide information on wastewater characteristics and flows for use in interpreting water quality and biological data; and conduct reasonable potential analyses for toxic pollutants.

Pursuant to the NPDES Permit Attachment D Section V.C.1, monitoring results shall be reported at the intervals specified in the MRP.

LASAN failed to comply with the monitoring and reporting requirements included in the NPDES Permit for one hundred and eight (108) days in relation to the July 2021 Incident, as listed in Table 4 below. Table 4 lists violations which were reported by LASAN to be related to the July 2021 Incident and listed on the State Water Board’s California Integrated Water Quality System (CIWQS) database:

Table 4: NPDES Monitoring and Reporting Violations

#	Violation Date	Summary of Violation Description Reported by LASAN
1	7/11/2021	Average and maximum flows are not representative
		No sample could be collected at the legally mandated sampling point EFF-001 during the discharge
		The average and maximum daily flows through Discharge Point 002 cannot be calculated, therefore mass loadings for biological oxygen demand (BOD) and total suspended solids (TSS) cannot be reported
		INF-004 samples were not sent to the lab
2	7/12/2021	No sample could be collected at the legally mandated sampling point for INF-001
		No sample could be collected at the legally mandated sampling point for INF-002
		No sample could be collected at the legally mandated sampling point for INF-003
		No sample could be collected at the legally mandated sampling point for INF-004
		No sample could be collected at the legally mandated sampling point for INF-005
		Average and maximum flows are not representative
		The average and maximum daily flows through Discharge Point 002 cannot be calculated, therefore mass loadings for BOD and TSS cannot be reported
3-18	7/14/2021	Effluent temperature was not monitored due to equipment damage
	7/15/2021	Effluent temperature was not monitored due to equipment damage
	7/16/2021	Effluent temperature was not monitored due to equipment damage
	7/17/2021	Effluent temperature was not monitored due to equipment damage
	7/18/2021	Effluent temperature was not monitored due to equipment damage
	7/19/2021	Effluent temperature was not monitored due to equipment damage
	7/20/2021	Effluent temperature was not monitored due to equipment damage
	7/21/2021	Effluent temperature was not monitored due to equipment damage
	7/22/2021	Effluent temperature was not monitored due to equipment damage
	7/23/2021	Effluent temperature was not monitored due to equipment damage
	7/24/2021	Effluent temperature was not monitored due to equipment damage
	7/25/2021	Effluent temperature was not monitored due to equipment damage
	7/26/2021	Effluent temperature was not monitored due to equipment damage
	7/27/2021	Effluent temperature was not monitored due to equipment damage
	7/28/2021	Effluent temperature was not monitored due to equipment damage
	7/29/2021	Effluent temperature was not monitored due to equipment damage

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#	Violation Date	Summary of Violation Description Reported by LASAN
19	7/30/2021	Effluent temperature was not monitored due to equipment damage
20	7/31/2021	Effluent temperature was not monitored due to equipment damage
21	8/1/2021	Effluent temperature was not monitored due to equipment damage
22	8/2/2021	Effluent temperature was not monitored due to equipment damage
23	8/3/2021	Effluent temperature was not monitored due to equipment damage
24	8/4/2021	Effluent temperature was not monitored due to equipment damage
25	8/5/2021	Effluent temperature was not monitored due to equipment damage
26	8/6/2021	Effluent temperature was not monitored due to equipment damage
27	8/7/2021	Effluent temperature was not monitored due to equipment damage
28	8/8/2021	Effluent temperature was not monitored due to equipment damage
29	8/9/2021	Effluent temperature was not monitored due to equipment damage
30	8/10/2021	Effluent temperature was not monitored due to equipment damage
31	8/11/2021	Effluent temperature was not monitored due to equipment damage
32	8/12/2021	Effluent temperature was not monitored due to equipment damage
33	8/13/2021	Effluent temperature was not monitored due to equipment damage
34	8/14/2021	Effluent temperature was not monitored due to equipment damage
35	8/15/2021	Effluent temperature was not monitored due to equipment damage
36	8/16/2021	Effluent temperature was not monitored due to equipment damage
37	8/17/2021	Effluent temperature was not monitored due to equipment damage
38	8/18/2021	Effluent temperature was not monitored due to equipment damage
39	8/19/2021	Effluent temperature was not monitored due to equipment damage
40	8/20/2021	Effluent temperature was not monitored due to equipment damage
41	8/21/2021	Effluent temperature was not monitored due to equipment damage
42	8/22/2021	Effluent temperature was not monitored due to equipment damage
43	8/23/2021	Effluent temperature was not monitored due to equipment damage
44	8/24/2021	Effluent temperature was not monitored due to equipment damage
45	8/25/2021	Effluent temperature was not monitored due to equipment damage
46	8/26/2021	Effluent temperature was not monitored due to equipment damage
47	8/27/2021	Effluent temperature was not monitored due to equipment damage
48	8/28/2021	Effluent temperature was not monitored due to equipment damage
49	8/29/2021	Effluent temperature was not monitored due to equipment damage
50	8/30/2021	Effluent temperature was not monitored due to equipment damage
51	8/31/2021	Effluent temperature was not monitored due to equipment damage
52	9/1/2021	Effluent temperature was not monitored due to equipment damage
53	9/2/2021	Effluent temperature was not monitored due to equipment damage
54	9/3/2021	Effluent temperature was not monitored due to equipment damage
55	9/4/2021	Effluent temperature was not monitored due to equipment damage
56	9/5/2021	Effluent temperature was not monitored due to equipment damage
57	9/6/2021	Effluent temperature was not monitored due to equipment damage
58	9/7/2021	Effluent temperature was not monitored due to equipment damage
59	9/8/2021	Effluent temperature was not monitored due to equipment damage
60	9/9/2021	Effluent temperature was not monitored due to equipment damage
61	9/10/2021	Effluent temperature was not monitored due to equipment damage
62	9/11/2021	Effluent temperature was not monitored due to equipment damage
63	9/12/2021	Effluent temperature was not monitored due to equipment damage
64	9/13/2021	Effluent temperature was not monitored due to equipment damage

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#	Violation Date	Summary of Violation Description Reported by LASAN
65	9/14/2021	Effluent temperature was not monitored due to equipment damage
66	9/15/2021	Effluent temperature was not monitored due to equipment damage
67	9/16/2021	Effluent temperature was not monitored due to equipment damage
68	9/17/2021	Effluent temperature was not monitored due to equipment damage
69	9/18/2021	Effluent temperature was not monitored due to equipment damage
70	9/19/2021	Effluent temperature was not monitored due to equipment damage
71	9/20/2021	Effluent temperature was not monitored due to equipment damage
72	9/21/2021	Effluent temperature was not monitored due to equipment damage
73	9/22/2021	Effluent temperature was not monitored due to equipment damage
74	9/23/2021	Effluent temperature was not monitored due to equipment damage
75	9/24/2021	Effluent temperature was not monitored due to equipment damage
76	9/25/2021	Effluent temperature was not monitored due to equipment damage
77	9/26/2021	Effluent temperature was not monitored due to equipment damage
78	9/27/2021	Effluent temperature was not monitored due to equipment damage
79	9/28/2021	Effluent temperature was not monitored due to equipment damage
80	9/29/2021	Effluent temperature was not monitored due to equipment damage
81	9/30/2021	Effluent temperature was not monitored due to equipment damage
82	10/1/2021	Effluent temperature was not monitored due to equipment damage
83	10/2/2021	Effluent temperature was not monitored due to equipment damage
84	10/3/2021	Effluent temperature was not monitored due to equipment damage
85	10/4/2021	Effluent temperature was not monitored due to equipment damage
86	10/5/2021	Effluent temperature was not monitored due to equipment damage
87	10/6/2021	Effluent temperature was not monitored due to equipment damage
88	10/7/2021	Effluent temperature was not monitored due to equipment damage
89	10/8/2021	Effluent temperature was not monitored due to equipment damage
90	10/9/2021	Effluent temperature was not monitored due to equipment damage
91	10/10/2021	Effluent temperature was not monitored due to equipment damage
92	10/11/2021	Effluent temperature was not monitored due to equipment damage
93	10/12/2021	Effluent temperature was not monitored due to equipment damage
94	10/13/2021	Effluent temperature was not monitored due to equipment damage
95	10/14/2021	Effluent temperature was not monitored due to equipment damage
96	10/15/2021	Effluent temperature was not monitored due to equipment damage
97	10/16/2021	Effluent temperature was not monitored due to equipment damage
98	10/17/2021	Effluent temperature was not monitored due to equipment damage
99	10/18/2021	Effluent temperature was not monitored due to equipment damage
100	10/19/2021	Effluent temperature was not monitored due to equipment damage
101	10/20/2021	Effluent temperature was not monitored due to equipment damage
102	10/21/2021	Effluent temperature was not monitored due to equipment damage
103	10/22/2021	Effluent temperature was not monitored due to equipment damage
104	10/23/2021	Effluent temperature was not monitored due to equipment damage
105	10/24/2021	Effluent temperature was not monitored due to equipment damage
106	10/25/2021	Effluent temperature was not monitored due to equipment damage
107	10/26/2021	Effluent temperature was not monitored due to equipment damage
108	10/27/2021	Effluent temperature was not monitored due to equipment damage

Below are the steps set forth by the Enforcement Policy for calculating the penalty for this

violation.

Step 1: Potential for Harm for Discharge Violations

Not applicable because Violation 4 is a non-discharge violation.

Step 2: Assessment for Discharge Violations

Not applicable because Violation 4 is a non-discharge violation.

Step 3: Per Day Assessments for Non-Discharge Violations

For non-discharge violations, the Enforcement Policy specifies that an initial liability is to be determined from the maximum per day liability multiplied by the number of days in violation and a per day factor using a matrix that ranges from 0.1 to 1.0 depending on scoring for Potential for Harm and Deviation from Requirement. The Potential for Harm reflects the characteristics and/or the circumstances of the violation and its potential to impair the Los Angeles Water Board's ability to perform its statutory and regulatory functions, its threat to beneficial uses, and its potential for harm. The Deviation from Requirement reflects the extent to which a violation deviates from the specific requirement violated.

a) Potential for Harm: Minor

The Enforcement Policy requires that the Potential for Harm for each violation be scored as "Minor," "Moderate," or "Major." The Enforcement Policy specifies that a Minor Potential for Harm applies when the violation has little or no potential to impair the Los Angeles Water Board's ability to perform their statutory and regulatory functions, presents only a minor threat to beneficial uses, and/or the circumstances of the violation indicate a "Minor" potential for harm.

Influent monitoring is required to determine compliance with the NPDES Permit conditions, to assess treatment plant performance, and to assess effectiveness of the Pretreatment Program. Effluent monitoring is required to determine compliance with permit conditions and water quality standards; assess and improve plant performance and identify operational problems; provide information on wastewater characteristics and flows for use in interpreting water quality and biological data; and to conduct reasonable potential analyses for toxic pollutants.

While there were one hundred and eight (108) days of monitoring and reporting violations as cited in Table 4, the majority were due to equipment failure for effluent temperature readings only and other parameters were monitored and reported as required by the NPDES Permit. Therefore, the violations presented little or no potential to impair the Los Angeles Water Board's ability to perform their statutory and regulatory functions and the circumstances of the violation indicate a minor potential for harm. Therefore, the Potential for Harm was

characterized as “Minor”.

b) Deviation from Requirement: Moderate

The evaluation of the Deviation from Requirement considers whether the characteristics of the violation present a “Minor”, “Moderate”, or “Major” impact to the effectiveness of the requirement. The Enforcement Policy specifies that a “Moderate” Deviation from Requirement is one where the intended effectiveness of the requirement was partially compromised.

LASAN failed to perform monitoring and reporting as required by the NPDES Permit on one hundred and eight (108) days in relation to the July 2021 Incident, as detailed in Table 4. As discussed above, the majority of the violations were for a single parameter for effluent temperature, due to equipment failure. Even though the corresponding self-monitoring reports were submitted on time and each report detailed the violations and actions that were being taken to resolve the issues, the intended effectiveness of the requirement was partially compromised due to the missing monitoring data for some required constituents as listed in Table 4. Given LASAN’s lack of full compliance for an extended period of over three months following the July 2021 Incident, the violation was characterized as “Moderate” for deviation from the requirement.

c) Per Day Factor: 0.25

In accordance with Table 4 of the Enforcement Policy, the per day factor is 0.25.

Initial Liability factor for Non-Discharge Violation

Using the information above, the Initial Liability assessed per day is:

$$0.25 \text{ (Per Day Factor)} \times 108 \text{ days (days of violation)} \times \$1,000 / \text{day} \\ \text{(maximum per day liability amount allowed by the Water Code)} = \$ 27,000$$

Step 4: Adjustment Factors

Additional factors are considered and can modify the amount of initial liability: culpability; cleanup and cooperation; and history of violations.

a) Culpability: 1.1

The culpability multiplier ranges between 0.75 and 1.5, with a lower multiplier for accidental incidents, and a higher multiplier for intentional or negligent behavior.

Following the July 2021 Incident, flooding of the pipe galleries and equipment caused significant damage to the HTP and its treatment processes. No sampling was conducted for multiple compliance sampling locations as required by the NPDES Permit on July 11 and 12, 2021. Equipment used to measure effluent temperature was also damaged; the equipment was out of commission for over three months. The monitoring and reporting violations were reported to CIWQS

by LASAN. Of the one hundred and eight (108) days of violations, one hundred and six (106) were due to the lack of effluent temperature readings. When these reporting violations were entered into CIWQS by LASAN, no corrective measures nor a plan to return to compliance were listed specifically for the temperature violations.

On January 31, 2023, the State Water Board and Los Angeles Water Board staff conducted an inspection at the HTP. During the inspection and through a follow-up email, Los Angeles Water Board staff asked LASAN questions regarding effluent temperature sampling practices and reasoning behind the three-month delay in reporting temperature following the July 2021 Incident. On March 8, 2023, LASAN responded to the Los Angeles Water Board email, asserting there are three standard ways in which LASAN records temperature. The first, and main sampling practice, is a temperature sensor that is installed on the effluent sample line, located in the Effluent Pumping Plant (EPP). The data from the sensor is conveyed to the DCS continuously for monitoring and record keeping. The second is by using the recordings of temperature taken of the cooling water supply. Secondary effluent at the HTP is used for cooling water for the onsite energy recovery from the digester gas. The effluent/cooling water temperature is continuously measured, and the data are stored in the DCS. If temperature cannot be measured by the first two methods, LASAN states that temperature will be measured manually every hour at the EPP.

Following the July 2021 Incident, effluent temperature could not be measured by the sensor in the EPP due to damaged equipment and could not be taken from the cooling water readings because the onsite energy recovery process was shut down. The third option, manually measuring temperature, was not performed. LASAN provided the Los Angeles Water Board with temperature recordings from the cooling water supply and from the Edward C. Little Water Recycling Facility (ECLWRF) of the West Basin Municipal Water District. A portion of the HTP's secondary effluent is conveyed to ECLWRF for further treatment for water recycling. ECLWRF continued to take the HTP's effluent after the July 2021 incident. LASAN states the temperature measurements from ECLWRF are a reasonably accurate measurement of the HTP's effluent temperature. The Prosecution Team recognize LASAN's effort to respond to the Los Angeles Water Board's request; however, these temperature recordings were not taken at a representative effluent sampling location as required in the NPDES permit and cannot be used for compliance determination.

LASAN was aware of the requirements of the NPDES Permit and was responsible for returning to compliance as soon as possible following the July 2021 Incident. The Enforcement Policy states a multiplier of less than 1.0 should only be used when a discharger demonstrates that it has exceeded the standard of care expected of a reasonably prudent person to prevent the violation. Although the violations were due to an equipment failure, allowing the same monitoring and reporting violation to continue for over three months is not the standard of care a reasonably prudent person would have taken to address the

violation. Therefore, the Prosecution Team assigns a multiplier of 1.1 for this violation.

b) History of Violations: 1.0

Where the discharger has no prior history of violations, this factor should be neutral, or 1.0.

LASAN does not have a history of similar violations. Therefore, a multiplier of 1.0 was selected.

c) Cleanup and Cooperation: 1.1

This is the extent to which the discharger voluntarily cooperated in returning to compliance and correcting environmental damage. The multiplier for this factor ranges between 0.75 and 1.5, with the lower multiplier being applied where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent.

Even though LASAN made attempts to return to compliance with the NPDES Permit, some of the monitoring and reporting violations could have been avoided if replacement equipment was acquired sooner, an alternative temperature sampling practice was used, or if backup temperature equipment was available prior to the July 2021 Incident. As part of their corrective actions listed in CIWQS for the temperature monitoring and reporting violations, LASAN stated they would conduct further assessment to gain a complete understanding of the July 2021 Incident in order to prevent the occurrence of a similar incident. However, LASAN did not specify any actual or planned corrective actions to address the actual temperature monitoring and reporting violations.

The Enforcement Policy states that a reasonable and prudent timely response to a discharge violation or to a Los Angeles Water Board order should receive a neutral adjustment as it is assumed a reasonable amount of cooperation is the warranted baseline. The Prosecution Team does not believe that LASAN had a timely response to address the monitoring and reporting violation, specifically for temperature. Therefore, a multiplier of 1.1 was selected.

Step 5. Total Base Liability Amount: \$32,670

The Total Base Liability is determined by multiplying the following: the Initial Liability, the degree of culpability factor, the history of violations factor, and the cleanup and cooperation factor:

$$\$27,000 \times 1.1 \times 1.0 \times 1.1 = \$32,670$$

Violation 5: Effluent Limit Violations of NPDES Permit

Discharges from the HTP are regulated by the HTP's NPDES Permit, which became effective on April 1, 2017.

CWC Section 13385, subdivisions (h) and (i), require assessment of mandatory penalties.

CWC Section 13385, subdivision (h)(1), states: “Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation.”

CWC Section 13385, subdivision (h)(2), states: “For the purposes of this section, a “serious violation” means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.”

CWC Section 13385, subdivision (i)(1), states, in part: “Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:

- (A) Violates a waste discharge requirement effluent limitation.
- (B) Fails to file a report pursuant to Section 13260.
- (C) Files an incomplete report pursuant to Section 13260.
- (D) Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.”

Following the July 2021 Incident, the HTP experienced flooding of the pipe galleries and equipment, which caused significant damage and negatively impacted the plant’s treatment capability, resulting in multiple exceedances of effluent limits included in its NPDES Permit. The Prosecution Team considered assessing administrative civil liabilities for these effluent limit exceedances on a per gallon and a per day basis, applying the same methodologies used above for violations 1 through 4. However, given the HTP’s high daily discharge volume (around 200 to 300 MG per day) and the multiple number of days of violations, if the Prosecution Team sought discretionary penalties under the present enforcement action for this violation, it would have resulted in an inappropriately high administrative civil liability in the billions of dollars that could have significant negative impact to the City’s finances and may in turn result in undue burden to the City’s ratepayers. Therefore, the Prosecution Team determined that it is appropriate to only assess Mandatory Minimum Penalties (MMPs) to address the effluent limit exceedances listed in Attachment B.

As shown in Attachment B, LASAN committed thirty-eight (38) serious violations and twenty-two (22) non-serious, or chronic, violations of the effluent limits contained in the NPDES Permit from July 17, 2021, through May 31, 2022. Serious violations are subject to MMPs under CWC Section 13385, subdivision (h), because measured concentrations

of Group I and Group II constituents exceeded effluent limits by 20 or 40 percent or more, respectively; also, twenty-one (21) of the twenty-two (22) non-serious violations are subject to MMPs under CWC Section 13385, subdivision (i)(1), because these violations were preceded by three or more effluent limit violations within a 180-day period. In summary, there are a total of sixty (60) effluent violations, fifty-nine (59) of which are subject to MMPs totaling \$177,000.

Step 5 Combined: Total Base Liability Amount for Violations 1 through 5: \$21,648,290

Total Base Liability Amount for Violation 1: \$21,015,120

Total Base Liability Amount for Violation 2: \$53,900

Total Base Liability Amount for Violation 3: \$369,600

Total Base Liability Amount for Violation 4: \$32,670

Total Base Liability Amount for Violation 5: \$177,000

Combined Total Base Liability Amount for Violations 1 through 5:

$\$21,015,120 + \$53,900 + \$369,600 + \$32,670 + \$177,000 = \$21,648,290$

Step 6: Ability to Pay

Consistent with CWC Section 13385, the Enforcement Policy provides that if the Water Board has sufficient financial information to make a finding that the discharger lacks the ability to pay the Total Base Liability, or to make a finding that the Total Base Liability will negatively impact the discharger's ability to continue in business, then it may adjust the Total Base Liability amount downward.

To assess LASAN's ability to pay, the Prosecution Team reviewed the City of Los Angeles fiscal year (FY) 2022-2023 Proposed Budget (FY 2022-23 Budget), which is publicly available on their website. LASAN's proposed FY 2022-23 Budget (page 353 of the document) indicated that LASAN estimated a reserve fund of \$866 million for FY 2021-2022 and a proposed reserve budget of \$535 million for FY 2022-2023 to meet ongoing emergency and contingency obligations. These figures support the conclusion that LASAN has the ability to pay the proposed penalty, and the proposed penalty will result in no significant impact for the City's ratepayers. Therefore, no adjustment is warranted.

Step 7: Economic Benefit: \$1,396,606

The Enforcement Policy provides that the economic benefit of noncompliance should be calculated using the United States Environmental Protection Agency's (U.S. EPA's) Economic Benefit Model (BEN) unless it is demonstrated that an alternative method of calculating the economic benefit is more appropriate. For this case, BEN was determined to be the appropriate method. Economic benefit was calculated using BEN Version 2022.0.0 (July 2022). Using standard

economic principles such as time-value of money and tax deductibility of compliance costs, BEN calculates a discharger's economic benefit derived from delaying or avoiding compliance with environmental statutes. As summarized below, the total economic benefit of noncompliance was determined to be approximately \$1,396,606.

The Discharger failed to install alarms at its headworks prior to the July 2021 Incident. According to the Discharger, purchasing and installing the alarms costs \$23,333.62 and was completed in September 2021. Assuming these costs were delayed rather than avoided, the economic benefits realized by the Discharger for this delayed action was \$70.

The Discharger failed to have communications between the Distributed Control System (DCS) and various equipment's monitoring and control devices in the headworks, including the bar screens and sluice gates, for remote monitoring and control capabilities. According to the Discharger, the Discharger spent \$1,535,000 on a project that began in October 2022 and is scheduled to be completed in August 2023. This delayed action resulted in negligible economic benefit.

The Discharger failed to make timely upgrades to the HTP's headworks, including building and installing passive overflow weirs, replacing sluice gates for bar screens and emergency bypass channels, and installing one of two backup level sensors for the headworks influent channel. According to the Discharger, this project costs \$10,094,000 and will be complete in July 2024. The Discharger realized an economic benefit of \$716,679 for this delayed action.

The Discharger failed to ensure that certain sections inside the headworks influent channel as well as sewer lines leading to the headworks (inside and near the HTP) was clear of settled debris. According to the Discharger, the Discharger hired a contractor to clean out these channels and sewer lines at a cost of \$14,000,000, which is a delayed cost. This delayed action resulted in negligible economic benefit.

The Discharger failed to timely rehabilitate its truck loading area and enclose the truck loading lanes, which may have contributed to the odor issues. According to the Discharger, the project cost \$7,800,000 and was completed in December 2022. The Discharger realized an economic benefit of approximately \$35,454 for delaying this work.

The Discharger failed to replace aging equipment at its headworks that used chemicals for odor control. According to the Discharger, in April 2022, they completed the Intermediate Pumping Station Biotrickling Filter Odor Control facility project at a cost of \$14 million. The Discharger also installed a biotrickling filter at its pumping station at a cost of \$7,500,000 that was also completed in April 2022. The economic benefit was zero for both projects. To be conservative, the installation of a biotrickling filter to replace the chemical scrubbers was

omitted and an assumption was made in the economic benefit calculation that the chemical scrubbers work as designed at least until the new biotrickling filter becomes online.

The Discharger failed to replace the covers on its sedimentation tanks. The cost of this ongoing project is \$14,500,000 and is scheduled to be completed by June 2024; one battery has already been completed. The economic benefit from the delayed cost is approximately \$470,298. To be conservative, the cost of placing tarps over the tanks was omitted in the economic benefit calculation as it was only a temporary solution and does not appear to have been effective.

The Discharger failed to timely rehabilitate the existing primary scrubbers to address odor control issues. According to the Discharger, the cost of this project was \$4,000,000, began on September 15, 2022, and will be completed in September 2023. This delayed action resulted in an economic benefit of approximately \$129,737.

The monitoring and reporting violation for temperature could have been prevented had the Discharger purchased a replacement thermometer while their online system was down. Based on an estimated cost of \$1,292 for a thermometer with a durable probe, the economic benefit of this delayed cost was approximately \$1,248.

For the monitoring violations associated with the CWC Section 13383 Order, the Discharger realized an economic benefit of \$43,120, based on the estimate cost of \$3,200 per day of monitoring.

Step 8: Other Factors as Justice May Require

Staff Cost: \$82,919

The Los Angeles Water Board finds that it is appropriate to increase the Total Base Liability amount by \$82,919 to recover investigation and enforcement costs incurred in this matter. Increasing the Total Base Liability amount in this manner serves to create a more appropriate deterrent against future violations. To date, the State Water Board and Los Angeles Water Board have incurred \$82,919 in staff costs associated with the investigation, preparation, and enforcement of the violations. This represents 579.8 hours of staff time devoted to meetings and communications and drafting the enforcement documents but excludes costs to prepare for and attend the hearing in this matter.

Step 9: Maximum and Minimum Liability Amounts

The Enforcement Policy directs the Los Angeles Water Board to consider maximum and minimum liability amounts set forth in the applicable statutes.

- a) Statutory Maximum: \$503,773,848,000

The statutory maximum for Violation 1 is \$124,950,000 based on two (2) days of violation and a discharge of 12,494,000 gallons. The statutory maximum for Violation 2 is \$140,000 based on fourteen (14) days of violation. The statutory maximum for Violation 3 is \$800,000 based on eighty (80) days of violation. The statutory maximum for Violation 4 is \$108,000 based on one hundred and eight (108) days of violation. The statutory maximum for Violation 5 is \$503,647,850,000 based on 50,364,785,000 gallons discharged during two hundred and seventeen (217) days of violation. The combined statutory maximum for Violations 1 to 5 is \$503,773,848,000.

b) Statutory Minimum: \$1,536,267

The Enforcement Policy requires the Los Angeles Water Board to recover, at a minimum, 10 percent more than the economic benefit. Therefore, the statutory minimum is \$1,536,267.

Step 10: Final Liability Amount: \$21,731,209

The final liability amount consists of the sum for each violation, with any adjustments, provided that amounts are within the statutory minimum and maximum amounts. The final liability amount calculation for the violations is the total base liability plus staff cost which sums to \$21,731,209 and is within the statutory minimum and maximum amounts.

Attachment B

Effluent Limit Violations of the NPDES Permit Order No. R4-2017-0045

Violation Date	Monitoring Location	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
07/17/21	EFF-002	Average Weekly	BOD	220,880	160,000	lbs/day	1	38%	Chronic	(i)1	\$0
07/17/21	EFF-002	Average Weekly	BOD	113	45	mg/L	1	151%	Serious	(h)1	\$3,000
07/17/21	EFF-002	Average Weekly	TSS	74	45	mg/L	1	64%	Serious	(h)1	\$3,000
07/23/21	EFF-002	Instantaneous Maximum	Settleable Solids	8	3	mL/L	1	167%	Serious	(h)1	\$3,000
07/24/21	EFF-002	Average Weekly	TSS	186	45	mg/L	1	313%	Serious	(h)1	\$3,000
07/24/21	EFF-002	Average Weekly	TSS	363,970	160,000	lbs/day	1	127%	Serious	(h)1	\$3,000
07/24/21	EFF-002	Average Weekly	BOD	232	45	mg/L	1	416%	Serious	(h)1	\$3,000
07/24/21	EFF-002	Average Weekly	BOD	454,060	160,000	lbs/day	1	184%	Serious	(h)1	\$3,000
07/24/21	EFF-002	Average Weekly	Oil & Grease	59	40	mg/L	1	48%	Serious	(h)1	\$3,000
07/24/21	EFF-002	Average Weekly	Settleable Solids	1.9	1.5	mL/L	1	27%	Chronic	(i)1	\$3,000
07/24/21	EFF-002	Average Weekly	Turbidity	117	100	NTU	OEV	17%	Chronic	(i)1	\$3,000
07/25/21	EFF-002	Instantaneous Maximum	Settleable Solids	11	3	mL/L	1	267%	Serious	(h)1	\$3,000
07/26/21	EFF-002	Instantaneous Maximum	Settleable Solids	18	3	mL/L	1	500%	Serious	(h)1	\$3,000

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Violation Date	Monitoring Location	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
07/28/21	EFF-002	Instantaneous Maximum	Oil & Grease	83	75	mg/L	1	11%	Chronic	(i)1	\$3,000
07/28/21	EFF-002	Instantaneous Maximum	Settleable Solids	8	3	mL/L	1	167%	Serious	(h)1	\$3,000
07/29/21	EFF-002	Instantaneous Maximum	Settleable Solids	3.5	3	mL/L	1	17%	Chronic	(i)1	\$3,000
07/30/21	EFF-002	Instantaneous Maximum	Settleable Solids	6.5	3	mL/L	1	117%	Serious	(h)1	\$3,000
07/31/21	EFF-002	Average Weekly	TSS	274	45	mg/L	1	509%	Serious	(h)1	\$3,000
07/31/21	EFF-002	Percent Removal Monthly Average	BOD	84	85	%	1	-1%	Chronic	(i)1	\$3,000
07/31/21	EFF-002	Average Weekly	TSS	544,420	160,000	lbs/day	1	240%	Serious	(h)1	\$3,000
07/31/21	EFF-002	Monthly Average	Oil & Grease	39	25	mg/L	1	56%	Serious	(h)1	\$3,000
07/31/21	EFF-002	Average Weekly	Oil & Grease	164,660	140,000	lbs/day	1	18%	Chronic	(i)1	\$3,000
07/31/21	EFF-002	Monthly Average	TSS	126	30	mg/L	1	320%	Serious	(h)1	\$3,000
07/31/21	EFF-002	Instantaneous Maximum	Settleable Solids	9	3	mL/L	1	200%	Serious	(h)1	\$3,000
07/31/21	EFF-002	Monthly Average	BOD	135	30	mg/L	1	350%	Serious	(h)1	\$3,000

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Violation Date	Monitoring Location	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
07/31/21	EFF-002	Monthly Average	BOD	258,780	105,000	lbs/day	1	146%	Serious	(h)1	\$3,000
07/31/21	EFF-002	Average Weekly	BOD	223	45	mg/L	1	396%	Serious	(h)1	\$3,000
07/31/21	EFF-002	Average Weekly	BOD	441,550	160,000	lbs/day	1	176%	Serious	(h)1	\$3,000
07/31/21	EFF-002	Average Weekly	Oil & Grease	83	40	mg/L	1	108%	Serious	(h)1	\$3,000
07/31/21	EFF-002	Average Weekly	Settleable Solids	8.2	1.5	mL/L	1	447%	Serious	(h)1	\$3,000
07/31/21	EFF-002	Monthly Average	TSS	242,050	105,000	lbs/day	1	131%	Serious	(h)1	\$3,000
07/31/21	EFF-002	Average Weekly	Turbidity	131	100	NTU	OEV	31%	Chronic	(i)1	\$3,000
08/01/21	EFF-002	Instantaneous Maximum	Settleable Solids	7.5	3	mL/L	1	150%	Serious	(h)1	\$3,000
08/02/21	EFF-002	Instantaneous Maximum	Settleable Solids	15.5	3	mL/L	1	417%	Serious	(h)1	\$3,000
08/03/21	EFF-002	Instantaneous Maximum	Settleable Solids	10	3	mL/L	1	233%	Serious	(h)1	\$3,000
08/07/21	EFF-002	Average Weekly	BOD	277,910	160,000	lbs/day	1	74%	Serious	(h)1	\$3,000
08/07/21	EFF-002	Average Weekly	TSS	402,840	160,000	lbs/day	1	152%	Serious	(h)1	\$3,000

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Violation Date	Monitoring Location	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
08/07/21	EFF-002	Average Weekly	Oil & Grease	52	40	mg/L	1	30%	Chronic	(i)1	\$3,000
08/07/21	EFF-002	Average Weekly	BOD	140	45	mg/L	1	211%	Serious	(h)1	\$3,000
08/07/21	EFF-002	Average Weekly	TSS	203	45	mg/L	1	351%	Serious	(h)1	\$3,000
08/07/21	EFF-002	Average Weekly	Settleable Solids	3	1.5	mL/L	1	100%	Serious	(h)1	\$3,000
08/14/21	EFF-002	Average Weekly	TSS	51	45	mg/L	1	13%	Chronic	(i)1	\$3,000
08/14/21	EFF-002	Average Weekly	BOD	52	45	mg/L	1	16%	Chronic	(i)1	\$3,000
08/28/21	EFF-002	Average Weekly	TSS	47	45	mg/L	1	4%	Chronic	(i)1	\$3,000
08/31/21	EFF-002	Percent Removal Monthly Average	TSS	58	85	%	1	-32%	Chronic	(i)1	\$3,000
08/31/21	EFF-002	Monthly Average	BOD	122,570	105,000	lbs/day	1	17%	Chronic	(i)1	\$3,000
08/31/21	EFF-002	Monthly Average	TSS	81	30	mg/L	1	170%	Serious	(h)1	\$3,000
08/31/21	EFF-002	Percent Removal Monthly Average	BOD	61	85	%	1	-28%	Chronic	(i)1	\$3,000

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Violation Date	Monitoring Location	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
08/31/21	EFF-002	Monthly Average	TSS	160,210	105,000	lbs/day	1	53%	Serious	(h)1	\$3,000
08/31/21	EFF-002	Monthly Average	BOD	62	30	mg/L	1	107%	Serious	(h)1	\$3,000
09/30/21	EFF-002	Monthly Average	TSS	35	30	mg/L	1	17%	Chronic	(i)1	\$3,000
09/30/21	EFF-002	Monthly Average	BOD	33	30	mg/L	1	10%	Chronic	(i)1	\$3,000
10/02/21	EFF-002	Instantaneous Maximum	Settleable Solids	12	3	mL/L	1	300%	Serious	(h)1	\$3,000
12/31/21	EFF-002	Monthly Average	BOD	31	30	mg/L	1	3%	Chronic	(i)1	\$3,000
01/08/22	EFF-002	Average Weekly	BOD	66	45	mg/L	1	47%	Serious	(h)1	\$3,000
01/08/22	EFF-002	Average Weekly	TSS	52	45	mg/L	1	16%	Chronic	(i)1	\$3,000
01/31/22	EFF-002	Monthly Average	BOD	44	30	mg/L	1	47%	Serious	(h)1	\$3,000
01/31/22	EFF-002	Monthly Average	TSS	41	30	mg/L	1	37%	Chronic	(i)1	\$3,000
03/31/22	EFF-002	Monthly Average	TSS	31	30	mg/L	1	3%	Chronic	(i)1	\$3,000
05/31/22	EFF-002	Monthly Average	TSS	31	30	mg/L	1	3%	Chronic	(i)1	\$3,000

Total \$177,000