

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

October 7, 2015

Mr. Enrique Zaldivar, Director
Department of Public Works
City of Los Angeles
1149 South Broadway Street, 9th Floor
Los Angeles, CA 90015-2213

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7012 3460 0001 6366 1981

CALIFORNIA WATER CODE SECTION 13267 ORDER TO SUBMIT INFORMATION – INVESTIGATIVE ORDER NO. R4-2015-0189 – UNAUTHORIZED DISCHARGE OF MATERIAL OF SEWAGE ORIGIN, HYPERION TREATMENT PLANT (ORDER NO. R4-2010-0200, NPDES NO. CA0109991)

Dear Mr. Zaldivar:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board), is the public agency with primary responsibility for the protection of ground and surface water quality within major portions of Los Angeles and Ventura Counties, including the referenced site.

As part of our effort to protect water quality, pursuant to California Water Code section 13267, the Regional Board is investigating the unauthorized discharge of Material of Sewage Origin (MOSO) that started showing up at Dockweiler State Beach on Tuesday, September 15, 2015.

The Regional Board requires the information as set forth in the Order to evaluate the discharge of MOSO based on the evidence supporting this requirement obtained between September 15, 2015, when the Regional Board first received notification of the unplanned discharge of chlorinated secondary effluent through the One-Mile Outfall, and October 5, 2015.

If you have any questions regarding this matter, please call Ms. Kristie Kao at (213) 620-6368 kristie.kao@waterboards.ca.gov or Mr. Russ Colby at (213) 620-6373 russ.colby@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

Enclosure: Investigative Order No. R4-2015-0189

cc: See attached Mailing List

Mailing List

[via email]

Mayumi Okamoto, Office of Enforcement, State Water Resources Control Board
Jim Fischer, Office of Enforcement, State Water Resources Control Board
Adel Hagekhalil, Bureau of Sanitation, City of Los Angeles
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Graham Hamilton, West LA/Malibu Chapter, Surfrider Foundation
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Seamus Ian Innes, Long Beach Chapter, Surfrider Foundation [chair@lbsurfrider.org]

ORDER TO PROVIDE A TECHNICAL REPORT ON
THE UNAUTHORIZED DISCHARGE OF MATERIALS OF SEWAGE ORIGIN
INTO THE PACIFIC OCEAN BEGINNING ON SEPTEMBER 15, 2015
CALIFORNIA WATER CODE SECTION 13267 ORDER NO. R4-2015-0189
DIRECTED TO THE CITY OF LOS ANGELES-BUREAU OF SANITATION
HYPERION TREATMENT PLANT
12000 VISTA DEL MAR, PLAYA DEL REY, CALIFORNIA
(NPDES PERMIT NO. CA, ORDER NO. R4-2010-0200)

The Regional Water Quality Control Board, Los Angeles Region (Regional Water Board) makes the following findings and issues this Order pursuant to California Water Code section 13267.

1. On September 10, 2015, the Regional Water Board adopted Resolution No. R15-008 for the City of Los Angeles' (City) Temporary 6-week Bypass of Secondary Effluent from the Five-Mile Outfall to the One-Mile Outfall at the Hyperion Treatment Plant (HTP). Approval of this resolution was necessary for the City to repair or replace the Effluent Pumping Plant (EPP) piping and the 120-inch gravity valve. A complete shutdown of the Five-Mile Outfall and effluent pumping system is required to perform the work.
2. On September 15, 2015, the City of Los Angeles Bureau of Sanitation executed an unplanned partial diversion of fully treated, chlorinated secondary effluent from the HTP to the One-Mile Outfall while concurrently discharging to the Five-Mile Outfall due to heavy rain and high influent flows. Normally during periods of higher flow rates, the Effluent Pumps are operated to discharge the secondary effluent through the Five-Mile Outfall. On September 15, 2015, however, Effluent Pumps #1 and #2 were out of service to install new manholes on the suction piping. Although Effluent Pumps #3, #4 and #5 should have been able to pump the entire flow to the Five-Mile Outfall, the discharge valves at Effluent Pumps #1 and #2 leaked, forcing the secondary effluent backwards through the pumps and spilled it out of the open piping on the suction side of Pumps #1 and #2. The effluent flow from Pumps #3, #4 and #5 thus caused flooding in the basement of the EPP. Since the remaining effluent pumps all had to be shut down, the excess flow was diverted to the One-Mile Outfall from 10:13 am to 3:13 pm. During that time, the Five-Mile Outfall was still in service using gravity flow and only the excess flow was discharged via the One-Mile Outfall.
3. On September 21, 2015, HTP executed a planned, full diversion (EPP diversion) of fully treated chlorinated secondary effluent from the Five-Mile Outfall to the One-Mile Outfall to initiate the Effluent Pumping Plant Header Replacement Project (EPP Project) as described in Resolution R15-008.
4. California Water Code section 13267(b)(1) states, in part: "In conducting an investigation..., the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written

explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”

5. The Regional Water Board initially received notification of the unplanned diversion and discharge on September 15, 2015 through two emails from the HTP Shift Manager, Mr. Terrence Montgomery. The first was received at 2:28 pm and the second was a notification at 2:52 to the Governor’s Office of Emergency Services which was then forwarded to Regional Water Board staff. A letter from the City dated September 17, 2015 to the Regional Water Board explained the necessity of the diversion to the One-Mile Outfall, the amount diverted (29.72 million gallons) and the time of diversion (10:13 am to 3:13 pm). A revised copy of the letter dated September 22, 2015 was then sent to the Office of Spill Prevention and Response.
6. Due to questions raised by the Regional Water Board in response to the September 17, 2015 letter, the City sent another letter on September 25, 2015. This letter explained that proper Lock-Out/Block-Out procedures were followed when securing Effluent Pumps #1 and #2, but the flooding occurred because the discharge valves were not able to remain closed when Effluent Pumps #3, #4, and #5 automatically started due to the heavy flow.
7. On the afternoon and evening of September 15, 2015, tampon applicators were first noticed on the beach by supporters of Heal the Bay and in the water by the City staff in a boat in the vicinity of the One-Mile Outfall.
8. During the last diversion to the One-Mile Outfall for maintenance purposes in 2006, a net was placed over the outfall. The material collected by that net was primarily trash (refer to photos supplied by the City, Figure 1). The origin of the trash was the storm drain system installed at the County Beach Parking Lot. To protect against similar trash being released during the 2015 EPP Project, the City cleaned the storm sewers and catch basins during the summer but did not install a plug to prevent flow to the One-Mile Outfall during the planned EPP Project until sometime between September 16 and 19, 2015.
9. To intercept any potential trash from the One-Mile Outfall during the planned EPP diversion, the City also installed ¾” netting over the outlet ports of the One-Mile Outfall on September 17, 2015.
10. At 12:01 Monday morning, (September 21, 2015), the City conducted the planned diversion of secondary effluent from the Five-Mile Outfall to the One-Mile Outfall to initiate the EPP Project.
11. On Wednesday, September 23, 2015, the City sent divers out to inspect the net on the One-Mile Outfall and it was observed to have been displaced off the outfall.
12. Per the Heal the Bay web site¹, a “concerning number of plastic tampon applicators and other sanitary trash” appeared along the high tide line at Dockweiler Beach on the morning of September 23, 2015. The County of Los Angeles’ Department of Public Health declared an official beach closure at Dockweiler State Beach from Ballona Creek to Grand Avenue at 9 pm on Wednesday, September 23, 2015.
13. Local news crews and newspapers picked up the story of the debris on Thursday, September 24, 2015.

¹ <http://www.healthebay.org/blogs-news/advisory-hyperion-moves-sewage-outfall-1-mile-shore>

14. Regional Water Board staff sent an email at 11:32 am on September 24, 2015 to the City in response to the news stories and requested a report.
15. The City issued a NEWS report on Thursday, September 24, 2015. The report noted that the three boats in the area had not seen floating debris in the last 3 days, "indicating it is not a continuous source of debris."
16. On September 25, 2015, Dockweiler State Beach and El Segundo Beach were reopened.
17. Beginning on 11 pm on Thursday, September 24, 2015, the City installed two layers of netting at the discharge of the One-Mile Outfall. The outer layer is 1.25" nylon netting and the inner layer is plastic 1/2" netting. The installation was completed on Friday, September 25, 2015, at 4 a.m. The City has been inspecting the composite net regularly since its installation.
18. The connections to the One-Mile Outfall, reported by HTP staff to the Regional Water Board, are shown in Figure 2. This figure was prepared by the City and given to Regional Water Board staff on Thursday, October 1, 2015 during a site visit. Besides the diverted secondary effluent, these sources of flows to the One-Mile Outfall include North and South Storm Drain Overflows, the Central Storm Drain Overflow and the 30" diameter County Beach Parking Storm Drain. The RV campsite area to the north of the County Beach Parking lot may also be an additional source into the One-Mile Outfall.

Secondary Effluent

During normal operation, the secondary effluent flows by gravity from the secondary clarifiers to the Service Water Facility, the West Basin feed pump wet well, and to the Five-Mile Outfall. When the One-Mile Outfall gates are operated, the secondary effluent is diverted by the One-Mile Diversion Structure and discharges into the surge tank which drains to the One-Mile Outfall. During the September 15, 2015 storm event, the Five-Mile Outfall continued to discharge secondary effluent via gravity flow and the excess amount was diverted into the One-Mile Outfall. The secondary effluent during the unplanned September 15, 2015 diversion was also routed to the Service Water sumps and the West Basin feed pumps sump. Any indication of Materials of Sewage Origin (MOSO) present in the service water sumps and/or the West Basin feed pump sump would indicate that the secondary effluent discharging through the One-Mile Outfall was a source of the MOSO discharged.

North and South Storm Drain Overflows

The storm drain sumps collect runoff water from the HTP and the pumps discharge it back to the headworks for treatment. The overflow connections to the One-Mile Diversion structure are necessary in the event that there are problems with the pumps or if the flow is too great for the pumps to handle. Screens are present in the North and South Storm Drain sumps on the outlet to the One-Mile Diversion Structure and the screens are regularly cleaned as part of the Storm Water Pollution and Prevention Plans.

Central Storm Drain Overflow

Although the Central Storm Drain was designed to perform as the North and South Storm Drains, the pumps were taken out of service for the EPP diversion on September 20, 2015

at 11 pm. Any runoff collected at the Central Storm Drain during the EPP Project is routed to the One-Mile Outfall Diversion Structure. Per HTP personnel, there are no screens on the overflow from this sump.

County Beach Parking Storm Drain

The County Beach Parking lot was meant to be a temporary facility to accommodate contractor parking and the 30" storm drain was routed to the One-Mile Outfall. The catch basins have no screens. Earlier in the summer, the catch basins were cleaned in preparation for the EPP diversion. Although the storm drain to the One-Mile Outfall was plugged sometime between September 16 and 19, 2015 prior to the EPP diversion on September 21, 2015, the storm drain and catch basins were both open during the September 15, 2015 storm event.

Table 1 is a summary of the potential MOSO sources into the One-Mile Outfall and the key information needed to confirm or deny each of those potential sources.

19. A table summarizing the available flow rates and durations of diversions to the One-Mile Outfall between 2009 and 2015 is provided as Table 2. As noted in this table, flow rates approaching the 143 million gallons per day (mgd) during the unplanned diversion on September 15, 2015 occurred in January 2013, but this 2013 diversion only lasted 10 minutes. In February 2010, the flow rate was 562 mgd, but again that diversion only lasted 10 minutes. The diversion on September 15, 2015 lasted 5 hours and discharged almost 30 million gallons.
20. This Order identifies the City of Los Angeles Bureau of Sanitation as responsible for the discharge of waste identified in Paragraphs 2 and 3 because the City of Los Angeles owns and operates the Hyperion Treatment Plant whose operation may have caused or contributed to the MOSO discharge associated with the EPP Project on September 21, 2015.
21. This Order requires the City to prepare and submit a technical report to provide information about the above referenced events. The Regional Water Board requires this information to determine the extent of potential harm to water quality and the impact of the beach closure resulting from the MOSO discharge.
22. The burdens, including costs, of the report bears a reasonable relationship to the need for the report and the benefits to be obtained from the reports. The information is necessary to identify impacts to the Pacific Ocean at Dockweiler State Beach and the impact of the beach closure to determine the appropriate corrective action, including but not limited to, the cleanup or abatement of the discharge into the Pacific Ocean.
23. The issuance of this Order is an enforcement action by a regulatory agency and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. This Order requires submittal of technical and/or monitoring reports and work plans. The proposed activities under the work plans are not yet known. It is unlikely that implementation of the work plans associated with this Order could result in any changes to the environment.
24. Any person aggrieved by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance

with Water Code section 13320 and California Code of Regulations, Title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED that the Los Angeles Bureau of Sanitation, pursuant to section 13267(b) of the California Water Code, is required to submit the following:

By January 4, 2016, we require a technical report that includes:

- 1) Timeline of the chain of events starting on September 15, 2015 with respect to diverting to the One-Mile Outfall and the net placed over the outfall openings. Include information regarding the nets used, the size of the net openings and how they were/are secured. Provide also any observations from the divers that inspected and installed the netting.
- 2) Tabulation of the number of MOSO items found on the beach and when they were removed. Include the identification of the crews recording this information and the sections of beach affected.
- 3) MOSO observations made by the City's Environmental Monitoring Division (EMD) while out on boats from September 15 through October 4, 2015.
- 4) Information concerning the screens placed in the secondary effluent channels and the MOSO collected.
- 5) Information from operations staff regarding the frequency of MOSO during normal operation and after the September 15, 2015 storm event appearing at:
 - a. The secondary clarifiers
 - b. In the wet well of the effluent pumping plant
 - c. In the wet well of the West Basin feed pumps sump
 - d. In the Service Water Filter Tanks
- 6) Confirmation that no screens or other structures blocking the flow of floatables exist in the secondary effluent channels between the One-Mile Diversion Structure and the Effluent Pumping Plant.
- 7) Field notes from the cleanup operations of the screens in the North, Central, and South Storm Drain Overflows before and after the September 15, 2015 event.
- 8) Process and Instrumentation Diagrams and the detailed drawings of the North, Central and South Storm Drain sumps. Include pump capacity and design basis, as well as the operating records and/or liquid level measurements from September 15, 2015 and the details of the screens, if present.
- 9) As-built drawings of the HTP storm sewer catch basins, the underground piping and the overflow tie-in to the One-Mile Outfall Diversion Structure.

- 10) As-built drawings of the County Beach Parking Lot storm sewer and the tie-in to the One-Mile Outfall Diversion Structure, as well as confirmation that the sewer piping from the bathrooms are not included. Also include field notes from the cleaning operations that took place during the summer of 2015.
- 11) Timetable of when the Central Storm Drain pumps were taken out of service to accommodate the West Basin discharge and the diversion of the West Basin brine, as well as any pipeline or sump inspection.
- 12) Documentation that the drains and sewer line from the RV campsites do not discharge into the One-Mile Outfall.
- 13) Documentation of the most recent inspection and cleanout of the One-Mile Diversion Structure, including the surge tank, as well as the estimated gallons discharged through the One-Mile Outfall since the 2006 diversion.
- 14) Verification that the solid screening operations (Bar screen, digester screening, and biosolid dewatering operations) are not exposed to rainfall and that any spills or washdown material are pumped back to the headworks.
- 15) Copies of any raw sewage spill reports in the last ten years.
- 16) Verification that the Primary Effluent Bypass Gates and the Bar Screen Bypass were not open during the September 15, 2015 to October 2, 2015 timeframe and the Emergency Storage Facility has not been in use.
- 17) The alarm printout for the HTP facility on September 15, 2015.
- 18) A copy of the physical comparison between the MOSO found in the treatment system versus the MOSO found on the beach.
- 19) Field notes, including date and time, from when the bulkhead slot was used to isolate the EPP from the secondary effluent.
- 20) Rainfall data on January 15, 2015 and the impact to the HTP influent flow rate.
- 21) The estimated quantity of secondary effluent released through the One-Mile Outfall on September 15 and September 21 through October 4, 2015.
- 22) An analysis of the impacts of the discharge on beneficial uses of the receiving water affected by the discharge.
- 23) The names, locations, and miles of beaches and other public access areas that were closed or affected as a result of the discharge, including the minimum distance from the One-Mile Outfall discharge point to the beach or other public access areas.
- 24) The number of days the beaches and other public access areas were closed as a result of the discharge.
- 25) A summary of the historical attendance data, for the last three years, for all beaches closed as a result of the discharge.

- 26) An analysis of the economic impact resulting from closures of public access areas in the areas affected by the discharge.
- 27) Any actions taken by Los Angeles Bureau of Sanitation to prevent MOSO release, both short term and long term, including past actions.
- 28) Any other documentation or correspondence that the City of Los Angeles believes is relevant to this discharge.

Each of the above items shall be submitted as a pdf via email or disk (CD-ROM or CD) to Ms. Kristie Kao, 320 W. 4th Street, Suite 200, Los Angeles, CA 90013-2343, kristie.kao@waterboards.ca.gov, (213) 620-6368, and submitted by you under penalty of perjury under the laws of the State of California.

Pursuant to section 13268(a) of the California Water Code, any person who fails to submit reports in accordance with the Order is guilty of a misdemeanor. Pursuant to section 13268(b)(1) of the California Water Code, failure to submit the required technical report described above by the specified due date(s) may result in the imposition of administrative civil liability by the Regional Board in an amount up to one thousand dollars (\$1,000) per day for each day the technical report is not received after the above due date. These civil liabilities may be assessed by the Regional Water Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.

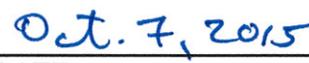
The Regional Water Board, under the authority given by California Water Code section 13267(b)(1), requires you to include a perjury statement in all reports submitted under the 13267 Order. The perjury statement shall be signed by a senior authorized City representative (not by a consultant). The perjury statement shall be in the following format:

"I, [NAME], certify under penalty of perjury under the laws of the State of California that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

SO ORDERED



Samuel Unger, P.E.
Executive Officer



DATE

Table 1
Material of Sewage Origin (MOSO) Investigation

Potential MOSO Sources into 1-mile Outfall	Requested Information
1. Secondary effluent normal operation	<ul style="list-style-type: none"> • Results of secondary effluent channel screening • Confirmation from operations staff that MOSO floatables do not appear at the West Basin sump or the Service Water Filter Tanks
2. Secondary effluent – upset conditions during storm	<ul style="list-style-type: none"> • Confirmation that the flooded EPP basement did not contain any of the floatable MOSO. • Confirmation that the EPP wet well contained negligible MOSO • Confirmation from operations staff that MOSO floatables do not appear at the West Basin Feed Pump sump or the Service Water Filter Tanks.
3. Hyperion North Storm Drain Overflow 4. Hyperion Central Storm Drain Overflow 5. Hyperion South Storm Drain Overflow	<ul style="list-style-type: none"> • P&IDs for storm sumps and detailed underground piping drawings • Run time records for storm pumps on September 15th • Record of cleanout prior to September 15 storm event
6. Hyperion Central Storm Drain Overflow- with West Basin Bypass	<ul style="list-style-type: none"> • Timetable of when the Central Storm Drain pumps were taken out of service to accommodate the West Basin discharge • Pipeline or sump inspection on September 15th or later.
7. County Beach Parking Lot	<ul style="list-style-type: none"> • Detailed drawing of final catch basin and tie-in to 1-mile outfall • Record of cleanout prior to September 15 storm event • Record of when the plug was installed prior to the EPP diversion
8. RV parking lot	Documentation confirming that the drains from this area are not routed to the One-Mile Outfall
9. Accumulation in system (Note a).	<ul style="list-style-type: none"> • Record of MOSO items collected from the beach on a daily basis. • Comparison of MOSO found on the beach versus samples found in the secondary effluent channels.
a. Central Plant Storm Overflows	Refer to Items 3-6 above:
b. 1-mile outfall pipe	<ul style="list-style-type: none"> • Calculate gallons discharged from the One Mile Outfall since diversion in 2006 • Records of One-Mile Outfall Diversion Structure and Surge Tank inspections/cleanouts between 2006 and 2015
c. One-Mile Diversion Structure, including the Surge Tank	Provide documentation of the inspection and cleanout of the surge tank prior to the September 15 storm event

Notes: a) Accumulated in effluent or runoff collection system at HTP, initially mobilized during storm event, mobilized more during EPP diversion, caught behind net and then released sometime before September 23rd when the net was found to be dislodged.

Table 2
Hyperion One-Mile Discharges 2009 thru 2015

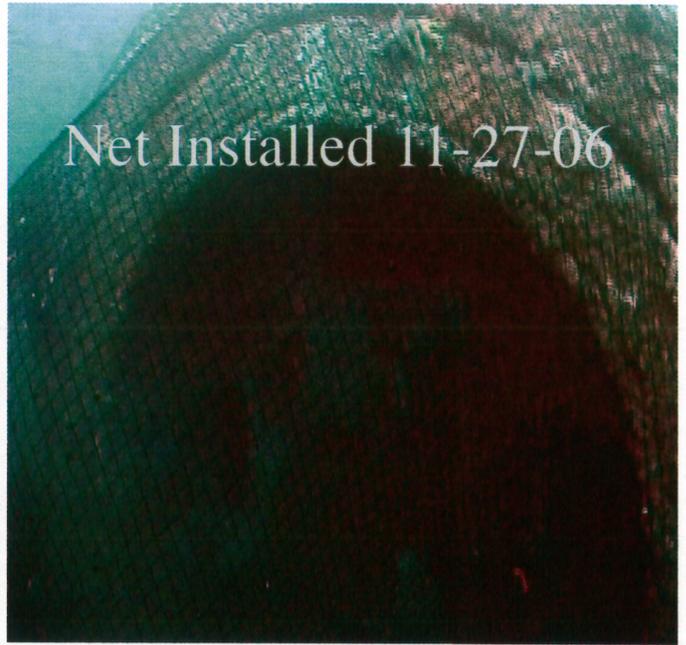
Date	Volume (million gallons)	Duration (minutes)	Flow Rate (MGD)
04/28/09	2.35	41	83
09/23/09	2.9	38	110
02/24/10	3.9	10	562
11/02/10	1.065	28	55
09/21/11	4.3		
01/23/13	0.96	10	138
05/15/13	0.498	10	72
11/20/13	0.035		
01/09/14	0.7		
04/30/14	0.4392	11	57
10/09/14	1.93	28	99
04/29/15	2.1	31	98
Average			141
09/15/15	29.72	300	143

Figure 1

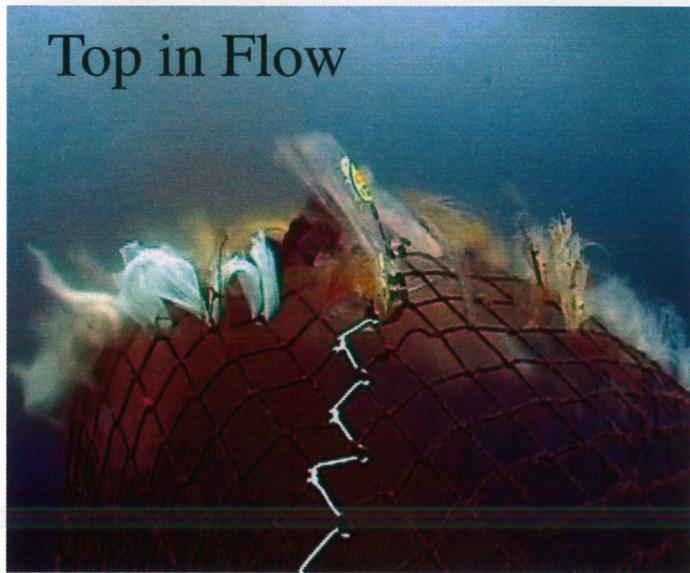
City of Los Angeles Hyperion Treatment Plant
One-Mile Outfall during the 2006 Diversion



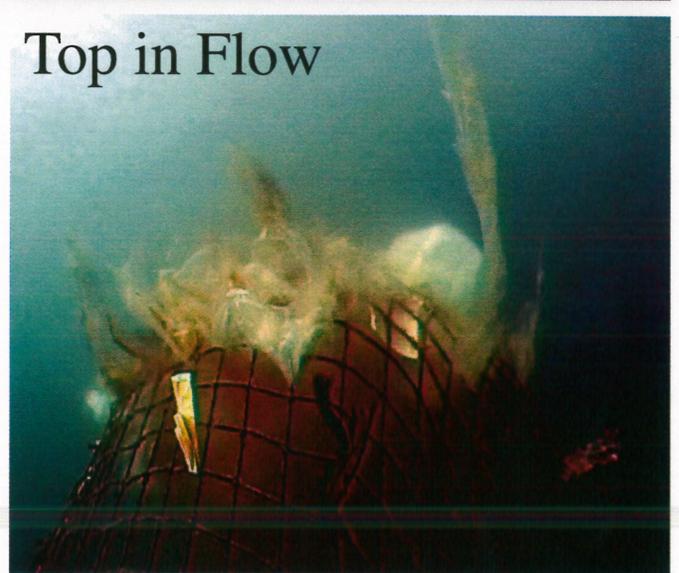
Net Installed 11-27-06



Net Installed 11-27-06



Top in Flow



Top in Flow



North Side



Bottom Base

Figure 2

City of Los Angeles Hyperion Treatment Plant
Connections to the One-Mile Outfall

1-Mile Outfall Connections

