Genera, Sue@Waterboards

From: Curtis, Chuck@Waterboards
Sent: Thursday, July 26, 2012 5:52 PM
To: Kouyoumdjian, Patty@Waterboards; Niemeyer, Kim@Waterboards; Kemper, Lauri@Waterboards
Cc: Carrigan, Cris@Waterboards; Robert Freeman (rfreeman@lawa.org); Mike Sullivan (msullivan@lacsd.org); Andrew Hall (ahall@lacsd.org); Grace Chan (gchan@lacsd.org)
Subject: LASCD NO. 20 Consideration of CAO - response to LA objection

Executive Officer Kouyoumdjian,

RESPONSE TO CITY OF LOS ANGELES OBJECTION TO HEARING PROCEDURES FOR PROPOSED CLEANUP AND ABATEMENT ORDER, PALMDALE WATER RECLAMATION PLANT

This email provides the Lahontan Water Board Prosecution Team's response to the July 25, 2012 email from Robert Freeman of the Los Angeles World Airports regarding the City of Los Angeles's objection to the hearing procedures for the proposed Cleanup and Abatement Order (CAO) for the Los Angeles County Sanitation District No. 20 (District) and the City of Los Angeles (City) for discharges associated with the Palmdale Water Reclamation Plant.

The Prosecution Team is not opposed to the Advisory Team providing additional time for the City to provide testimony and evidence regarding this matter, so long as that extension requires submittal by August 10, 2012. The Prosecution Team respectfully requests that the Prosecution Team be given additional time to respond to such a delayed submittal by the City, with the Prosecution Team's response deadline extended to August 24, 2012.

Regarding the statement in Mr. Freeman's email that the proposed CAO's finding of equal responsibility between the City and the District is not consistent with existing CAO No. R6V-2003-056 is incorrect (as is his statement that the CAO is rescinded). Review of CAO No. R6V-2003-056 confirms that the City and the District are both identified as "the Discharger," with no apportioning of liability between them. As identified in the proposed CAO, Finding No. 6, the City has had Water Recycling Requirements or Waste Discharge Requirements since at least 1982, with Lahontan Water Board Order Nos. 6-82-81, 6-90-64, 6-00-57A1, and 6-00-57A02. During at least part of that period, the City controlled the discharge of effluent or reclaimed water to the City's land. Prior to 1982, other entities (not the District) discharged reclaimed water on the City's land under Waste Discharge Requirements from the Lahontan Water Board. Naming the City as a discharger in the proposed CAO is appropriate, as discharges of waste, under the control of the City, to the City's property, contributed or threaten to contribute waste to the ground waters of the Antelope Valley in concentrations causing pollution of ground water by nitrate. Those discharges or threatened discharges result in violation of the Water Board's waste discharge prohibitions and result in violation of the City's previous Waste Discharge Requirements.

Sincerely,

Chuck Curtis, PE
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