



California Regional Water Quality Control Board San Diego Region



Over 50 Years Serving San Diego, Orange, and Riverside Counties

Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

August 18, 2009

CERTIFIED-RETURN RECEIPT REQUESTED
7009 0080 0000 7308 0608

In reply refer to:
631920:rstewart

Mr. Kenneth Frank
City Manager
City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651

Dear Mr. Frank:

NOTICE OF HEARING AND ISSUANCE OF COMPLAINT NO. R9-2009-0040 FOR ADMINISTRATIVE CIVIL LIABILITY AGAINST THE CITY OF LAGUNA BEACH FOR VIOLATION OF STATE BOARD ORDER NO. 2006-0003-DWQ

Enclosed find Complaint No. R9-2009-0040, for Administrative Civil Liability against the City of Laguna Beach (Discharger) for the amount of \$70,680 for violation of Prohibition C. 1 of *State Board Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements* and Section 13376 of the California Water Code. The violation addressed in the Complaint resulted from a 591,000 gallon sanitary sewer overflow to the Pacific Ocean that occurred on October 29, 2008.

Waiver of Hearing

Pursuant to California Water Code Section 13323, the California Regional Water Quality Control Board, San Diego Region (Regional Board) will hold a hearing on the Complaint no later than 90 days after it is served. The Discharger may elect to waive its right to a hearing before the Regional Board. Waiver of the hearing constitutes admission of the validity of the allegation of violation in the Complaint and acceptance of the assessment of civil liability in the amount of \$70,680 as set forth in the Complaint. For the Regional Board to accept the waiver of the Discharger's right to a public hearing, the Discharger must submit the following by 5 P.M., **Thursday, September 17, 2009.**

1. The enclosed waiver form signed by an authorized agent of the Discharger;

Mr. Kenneth Frank
City of Laguna Beach

2

August 18, 2009

2. A check for the full amount of civil liability of \$70,680 made out to the "State Water Pollution Cleanup and Abatement Account"; and
3. Verification that the enclosed public notice has been published in a newspaper circulated in the project's area.

Public Hearing

Alternatively, if the Discharger elects to proceed to a public hearing, a hearing is scheduled to be held at the Regional Board meeting on November 10, 2009. The meeting is scheduled to convene at the Regional Board Office, 9174 Sky Park Court, Suite 100, San Diego, CA and the meeting will begin at 9 A.M. At that time, the Regional Board will accept testimony and public comment and decide whether to affirm, reject, or modify the proposed liability, or whether to refer the matter for judicial civil action.

Enclosed you will find procedures I am recommending that the Regional Board follow in conducting the hearing. Please note that comments on the proposed procedures are due by **August 28, 2009** to the Regional Water Board's advisory attorney, Catherine Hagan at the address indicated in the hearing procedures.

In the subject line of any response, please include the requested "**In reply refer to:**" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Rebecca Stewart at (858) 467-2966 or Rstewart@waterboards.ca.gov.

Respectfully,



MICHAEL P. McCANN
Assistant Executive Officer

MPM:meo:jh:rls

- Enclosures:
- (1) Complaint No. R9-2009-0040
 - (2) Staff Report
 - (3) Waiver of Public Hearing Form
 - (4) Newspaper Notice of Waiver of Public Hearing
 - (5) Hearing Procedures

Mr. Kenneth Frank
City of Laguna Beach

3

August 13, 2009

cc: Mr. David Shissler, Director of Water Quality, City of Laguna Beach; 505 Forest Avenue, Laguna Beach, CA 92651 (with enclosures)

VIA EMAIL ONLY

Mayumi Okamoto, Office of Enforcement, State Water Resources Control Board,
mokamoto@waterboards.ca.gov (with enclosures)

Catherine Hagan, Office of Chief Counsel, State Water Resources Control Board,
chagan@waterboards.ca.gov (with enclosures)

Joann Cofrancesco, San Diego Regional Water Quality Control Board
jcofrancesco@waterboards.ca.gov (with enclosures)

CIWQS Place ID	631920
WDID	9 000000753
Reg. Measure No.	363145
Party ID	278717

August 18, 2009

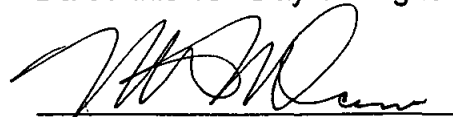
ALLEGATIONS

5. The Discharger violated Prohibition C.1 and C.2 of the State Board Order, Section 301 of the Clean Water Act, and CWC section 13376 by discharging a total of 590,000 gallons of untreated sewage on October 29, 2008, from the Bluebird SOCWA Lift Station to the Pacific Ocean, a water of the State of California and a water of the United States, without authorization under an NPDES permit.
6. The details of these violations are set forth in full in the accompanying Staff Report, which is incorporated herein by this reference as if set forth in full.
7. Pursuant to CWC Section 13385(a), any person who violates CWC Section 13376 or any requirements of Section 301 of the Clean Water Act is subject to administrative civil liability pursuant to CWC Section 13385(c), in an amount not to exceed the sum of both the following: (1) ten thousand dollars (\$10,000) for each day in which the violation occurs; and (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.
8. The alleged violation, set forth in full in the accompanying Staff Report, constitutes a violation under CWC Section 13385. The maximum liability that the Regional Water Board may assess pursuant to CWC Section 13385(e) is **\$5,900,000** (589,000 [gallons discharged but not cleaned up in excess of 1,000 gallons] X \$10 [per gallon]) + (1 [days of violation] X (\$10,000 [per day of violation])) = \$5,900,000)

PROPOSED CIVIL LIABILITY

7. It is recommended that pursuant to CWC Section 13385(c), the Regional Board should impose a civil liability of seventy thousand, six hundred eighty dollars (\$70,680) on the City of Laguna Beach for the discharge of 590,000 gallons of untreated sewage on October 29, 2008.

Dated this 18th Day of August 2009



MICHAEL P. McCANN
Assistant Executive Officer

Signed pursuant to the authority
delegated by the Executive Officer to
the Assistant Executive Officer

1. INTRODUCTION

This report provides a summary of factual and analytical evidence that form the basis for findings to support an administrative assessment of civil liability in the amount of \$70,680 against the City of Laguna Beach (Discharger) for violation of State Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements* (hereinafter the "State Board Order"), as alleged in Complaint No. R9-2009-0040.

2. BACKGROUND

The Discharger owns and operates approximately 99.5 miles of sewer lines, including the Bluebird SOCWA Lift Station, located near the intersection of Calliope Street and Glenneyre Street, Laguna Beach, California. The Discharger is required to operate and maintain its sewage collection system to prevent Sanitary Sewer Overflows (SSOs) in compliance with requirements of both the State Board Order and the Regional Board Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Systems San Diego Region*.

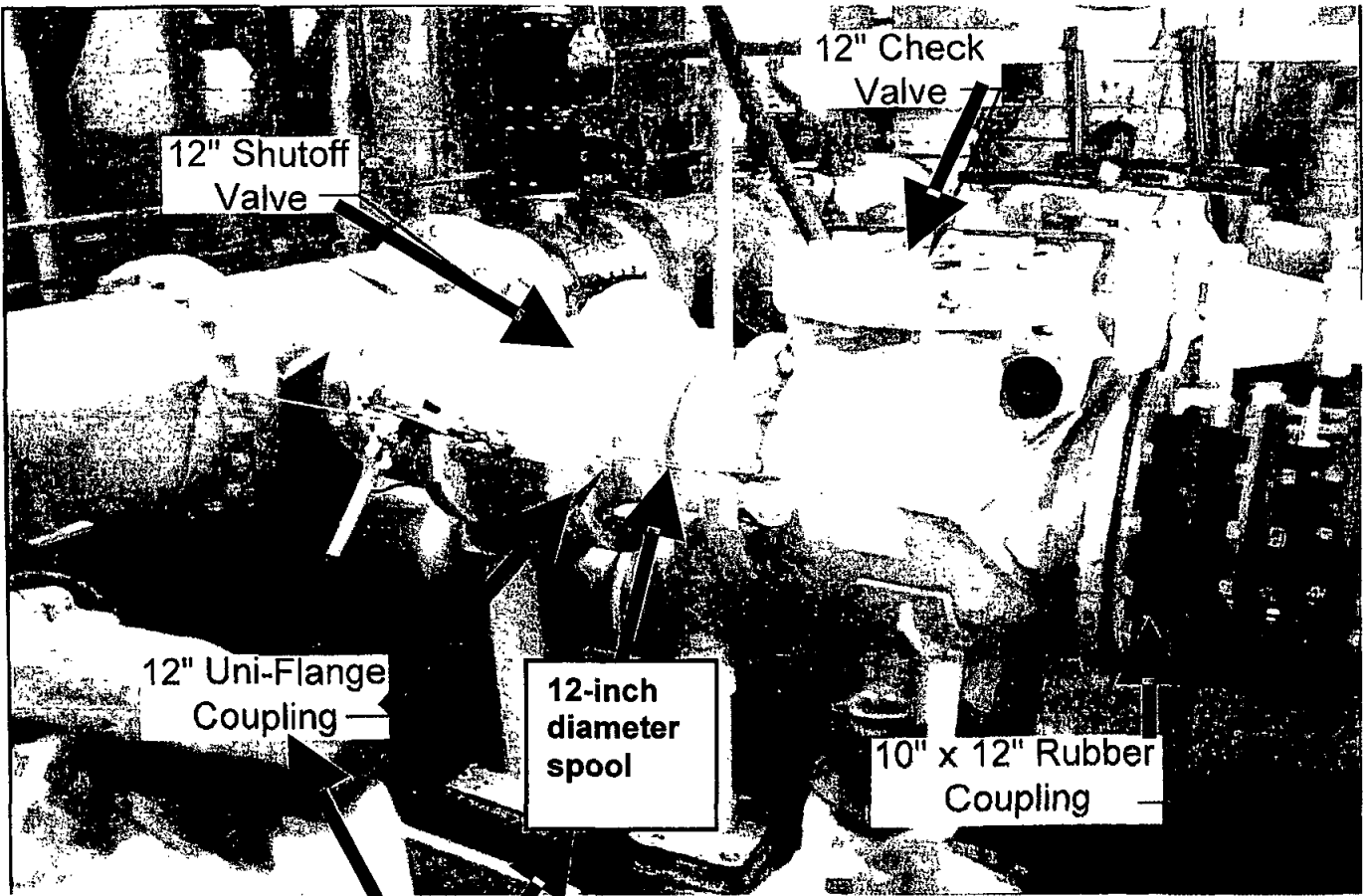
State Board Order Prohibition C.1 states "Any SSO that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited." State Board Order Prohibition C.2 states "Any SSO that results in a discharge of untreated or partially treated wastewater that creates a nuisance as defined in California Water Code (CWC) Section 13050(m) is prohibited."

Section 301 of the Clean Water Act (33 U.S.C. § 1311) and CWC Section 13376 prohibit the discharge of pollutants to surface waters except in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. State Board Order No. 2006-0003-DWQ is not an NPDES permit.

The 2005 California Ocean Plan designates the beneficial uses of ocean waters to include industrial water supply; water contact and non-contact recreation, including aesthetic enjoyment; navigation; commercial and sport fishing; mariculture; preservation and enhancement of designated Areas of Special Biological Significance; rare and endangered species; marine habitat; fish migration; fish spawning and shellfish harvesting.

On October 29, 2008, the Discharger reported a 591,000-gallon SSO from the Bluebird SOCWA Lift Station. The Discharger estimates that 591,000-gallons spilled, and approximately 590,000 gallons of untreated sewage discharged into the Pacific Ocean (see Attachment 1 for location map). The Pacific Ocean is a water of the United States.

Figure 1: Dry Well – typical layout of the discharge side of each pump



NOTE 2: On October 29, 2008, the SSO flowed out of a crack between the coupling and spool.

NOTE 1: October 28, 2008, this coupling was not yet installed for Pump No. 1, creating a gap here, between the new Pump No. 1 and the check valve on the discharge side of Pump No. 1.

The discharge of a large quantity of raw sewage into waters of the United States adversely affected beneficial uses of the Pacific Ocean, including water contact and non-contact recreation. Impacts from sanitary sewer overflows include: a risk to public health, adverse effects to aquatic organisms, public nuisance resulting from exposure of raw sewage along streets and beaches, and economic losses resulting from beach closures.

From October 29 to October 30, 2008, the beach area was closed for four miles, from Crescent Bay to Carmel Point. This area includes the Heisler Park Ecological Reserve, which is an Area of Special Biological Significance. Water sample results indicated that the sewage did not reach Heisler Park Ecological Reserve (See Attachment 10 for the water sample results). On October 31, 2008, the beach closure was reduced to 2.5 miles, from Hotel Laguna to Moss Point. All beach closures terminated on November 3.

Factors Leading to the SSO

The Prosecution Staff has identified the following factors as contributing to the SSO:

1. In 1993, the Uni-Flange for Pump No. 1 was not properly attached to the 12-inch diameter spool. This is the first factor allowing lateral movement of the check valve and spool away from Uni-Flange and discharge shutoff gate valve.
2. The gap between the Pump No. 1 and the check valve is the second factor allowing lateral movement of the check valve and spool away from Uni-Flange and discharge shutoff gate valve.
3. Prior to the removal of the old Pump No. 1, the discharge shutoff gate valve was not fully closed (95% closed). The Discharger reported that debris (small rocks) in the seat of the valve prevented the gate from fully closing and this is a common problem. This opening allowed the sewage to seep through the shutoff gate valve and push on the check valve, causing lateral movement of the check valve and spool away from Uni-Flange and discharge shutoff gate valve.

As a result, the sewage seeped through the shutoff gate valve and pushed on the check valve. This caused lateral movement of the check valve and spool, away from the improperly installed Uni-Flange and the shutoff gate valve. The sewage spilled out of the crack between the spool and the Uni-Flange. (See Figure 1 above)

The Discharger also suggests that the overnight "draw-fill" states and pressure surges from the new pump also may have contributed to the SSO (Attachment 5).

counting and tracking the number of turns to close the shutoff gate valve during maintenance and looking through the check valve to ensure the shutoff gate valve was fully closed. They also acknowledged that they could have bled the area between the check valve and discharge shutoff gate valve to ensure the discharge shutoff gate valve was closed.

4. The Discharger lacked an adequate emergency plan in the event of a major failure at the SOCWA Bluebird Lift Station. The combination of the following two factors prevented the Discharger from isolating the failure at the SOCWA Bluebird Lift Station.
 - a) In order to route the sewage from the wet well of the lift station to the 10-inch bypass pumping connection (passing the dry well and lift station pumps), the wet well water level needs to be raised to the ceiling. If the wet well water level is at the ceiling, the electrical chases on the ceiling of the wet well become submerged. Since the electrical chases were corroded, the sewage can flow into the chases and enter the dry well. The Discharger discovered the corroded chases in April 2008 during maintenance.
 - b) The 16-inch shutoff gate valve on the discharge header (valve that isolates the SOCWA Bluebird Lift Station from the forcemain) had been in the stuck position for an unknown amount of time. This stuck valve and lack of another accessible valve prevented the Discharger from isolating the large amount of sewage in the forcemain from flowing back to the leak in the lift station.

The Discharger is solely responsible for ensuring proper installation of all equipment in the lift station, ensuring the shutoff gate valve is fully closed when isolating the pump, fully testing the new pump, planning adequate emergency plans in the event of a major failure, and ensuring a backup emergency plan is in place.

4.5 Voluntary Cleanup Efforts

The Discharger reported recovering 1,000 gallons of sewage from the storm drain and cleaning the street and beach of overflow residuals following to the spill.

4.6 Prior History of Violation

Prior to October 2008, the Discharger's records indicate that there were no previous problems in the Bluebird SOCWA Lift Station's discharge manifold.

The number of spills and beach closures caused by the Discharger has been reduced since 2003, when 22 sewage overflows and six beach closures were reported. In 2008, there were four overflows and two beach closures. See Attachment 11 for more details. The Discharger attributes this improvement to its sewage collection system improvements that were implemented in 2003 to reduce

Accordingly, this penalty factor does not weigh either for or against a substantial penalty.

5. Administrative Civil Liability

5.1 Maximum Civil Liability

Based on CWC Section 13385, the one day SSO has a maximum of ten thousand dollars (\$10,000) in administrative civil liability. Additionally, the SSO discharged 591,000 gallons of sewage, 590,000 gallons of which entered the waters of the United States, for a maximum per gallon administrative civil liability of five million eight hundred ninety thousand dollars (\$5,890,000). Therefore, the statutory maximum administrative civil liability amount for this alleged violation based on the one day of violation and the volume of discharge and not cleaned up in excess of 1,000 gallons (590,000 minus 1,000 gallons times \$10) is \$5,900,000.

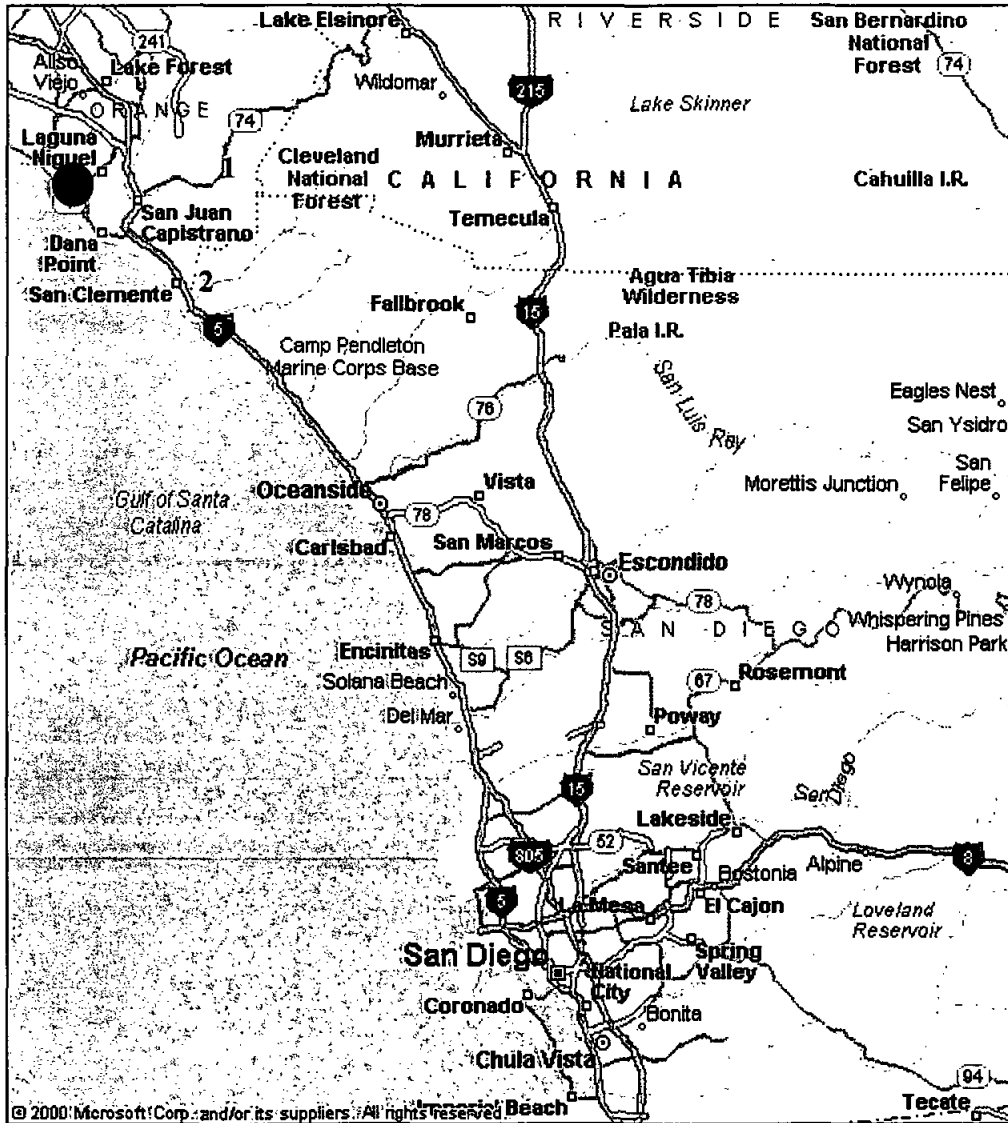
5.2 Proposed Civil Liability Per Violation

Based on the factors considered above, the proposed civil liability in this matter is \$70,680. The liability is calculated based on \$0.12 per gallon for 589,000 gallons untreated sewage discharged but not cleaned up (590,000 gallons minus the first 1,000 gallons discharged) and \$10,000 per day for one day of continued untreated sewage discharge.

The proposed civil liability is appropriate for this untreated sewage discharge based on the following reasons:

1. The discharge of a large quantity of raw sewage into waters of the United States adversely affected beneficial uses of the Pacific Ocean, including water contact and non-contact recreation.
2. The high degree of toxicity in untreated sewage posed a threat to beneficial uses.
3. The City failed to implement upgrades, improvements, and procedures in a timely manner at the Bluebird SOCWA Lift Station that would have prevented or reduced the amount of the SSO.
4. The proposed civil liability assessment is sufficient to recover costs incurred by staff of the Regional Water Board and State Water Board, and it serves as deterrent for future negligent violations.
5. The City has implemented corrective actions intended to prevent spills at this lift station.

Attachment 1



Location of SSO at Bluebird SOCWA Lift Station,
Laguna Beach, California

Attachment 2

October 29, 2008

At approximately 3:15am, Graham Wright of the City of Laguna Beach (949-922-8746) left a voicemail with the San Diego Regional Board (RB), informing the RB of a sewage spill from their largest lift station. The spill was in the thousands of gallons and was located at 1509 Glenneyre Street.

At 7:15am, Will Holman of City of Laguna Beach left a voicemail with Joann Cofrancesco, also to inform the RB about the failure at Bluebird Lift Station. The spill was going into the ocean.

At 9am, Cofrancesco received the above voicemails and called them back for more information.

At 10am, Cofrancesco started to drive up to Laguna Beach to investigate the spill, per Mark Alpert's order.

At 11:30am, Cofrancesco arrived at the scene of the sewage spill and interviewed Graham Wright and Will Holoman (11:30am-1:10pm).

- The sewage spill was a result of a discharge from the manifold that separated in the dry well at Birdbird Lift Station (figure 1), possibly due to a water hammer. The sewage spill flooded the dry well and caused all the pumps to stop.
- At 1:07am, they received a call from the SCADA alarm system.
- One of the four pumps in the dry well was out for repairs (figure 2).
- By 1:36am, one of the pumps in the dry well failed due to the flooding in the dry well.
- By 1:56am, all three pumps failed due to the flooding in the dry well..
- By 2:20am, the dry well was overflowing, down into an alley way and storm drain (figures 3-6).
- At 4:30am, they started pumping the sewage in the dry well into the storm drain. They also started pumping the sewage in the wet well into another storm drain, which is upstream of the other storm drain inlet (figures 7-8).
- At 10am, the spill was stopped. They were able to start the pumps in the wet well and they were in manual mode.
- At this time, the estimated volume of the spill was 220,000-260,000 gallons.
- The end of the storm drain is partially blocked by wood (figure 9 and 10), holding some of the sewage back. At approximately 11:30am, the diversion in this storm drain was used to pump the sewage back to the Bluebird Lift Station (figure 11).
- During the inspection, some sewage was still standing in the storm drain and leaking a little from the bottom of the blockage (figure 12 and 13).
- The beach was closed from Crescent Bay to Carmel Point, which includes the Area of Special Biological Concern. Water samples are being taken.



Figure 3 – The far end of the yellow hose is inside the dry well. The sewage flowed out of the door and to the left down into the alleyway (shown in next figure).



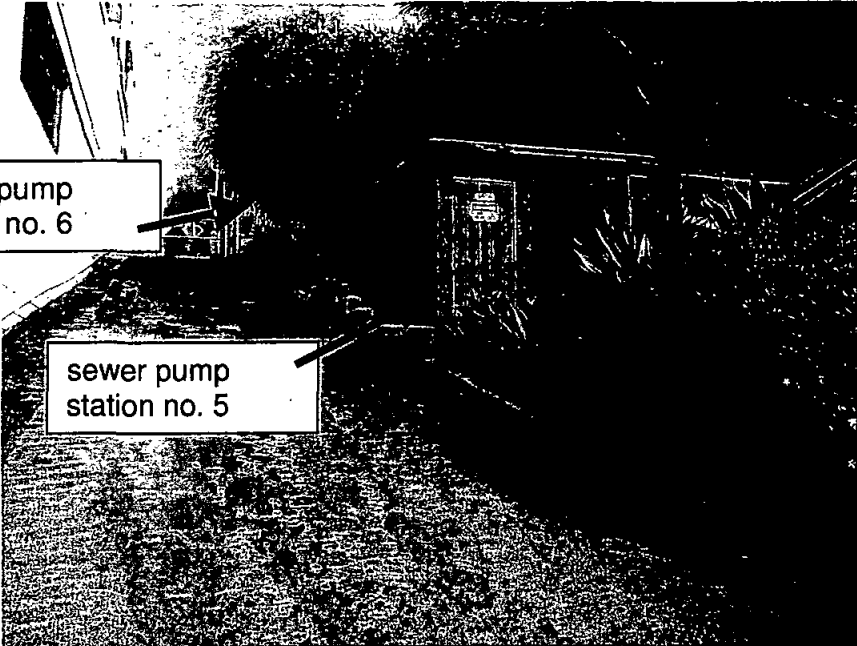
Figure 4 - Lift station and dry well is to the right. The sewage flowed down the landscape, into the storm drain in this alleyway.



Figure 7 - A pump was used to pump the sewage from the wet well to the street gutter storm drain. The wet well is under the sidewalk.



Figure 8 - The sewage from the wet well was pumped to this storm drain, upstream from the alleyway/ storm drain shown in figure 4.



sewer pump
station no. 6

sewer pump
station no. 5

Figure 11 - Diversion pump station for the storm drain.

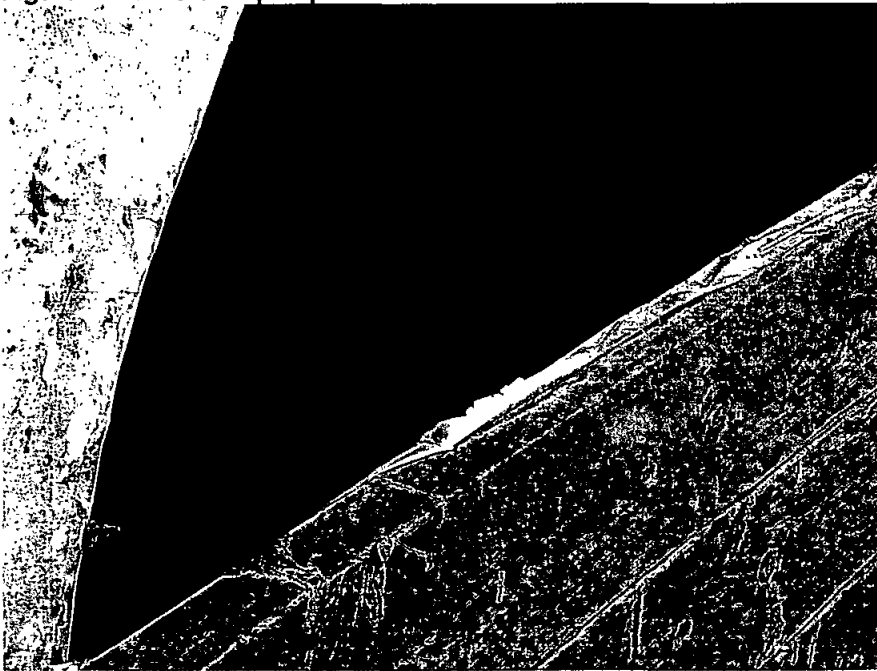


Figure 12 - Close up of the storm drain outlet and the blockage. There is still some water inside.



Figure 15 - Piping was being put together for the Lift Station bypass.

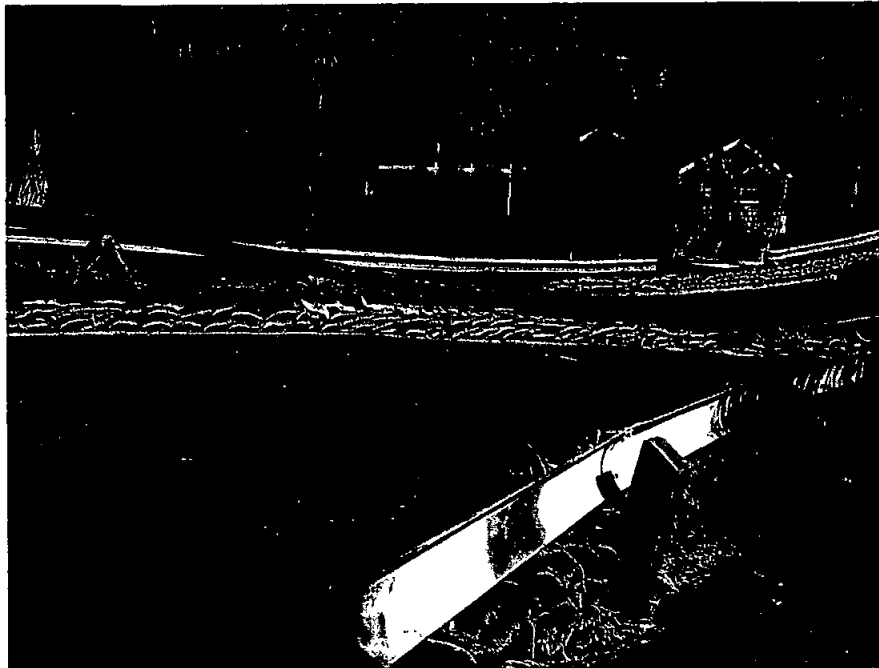


Figure 16 - Piping was being put together for the Lift Station bypass.

room are: 16.5 feet by 21.67 feet (for the main portion of this room; not including an alcove that contains a portion of the engine generator set).

- Ground elevation at the entrance to the second story is approximately elevation 50.0 feet.
- Ground level at the north side of the pump station (immediately adjacent to Glenneyre Street) is approximately elevation 65 feet.
- Paving elevation at the end of Galen Drive is approximately elevation 46 feet.
- A concrete stairway provides access from the Galen Drive to the pump station entrance on the south side of the pump station structure.
- A concrete stairway provides access from the pump station entrance to Glenneyre Street which is nearly 15 higher than the pump station entrance. The north wall of the pump station retains a portion of the embankment for that street.

The bottom floor of this two-story structure contains the pumps, and the upper floor contains the electrical gear, standby power generator, and odor control equipment. A stairway, which originates at the east end of the MCC Room, provides access to the Dry Well (on the lower floor where the pumps reside). The Wet Well is adjacent to the Dry Well, and they share a common wall along their 33.0 feet length. The Wet Well height is approximately one-half that of the Dry Well (not including the height of the wet well access shaft that extends from the wet well top slab to grade).

Photos #1, #2 and #3 show the Pump Station exterior prior to the October 29 event.

1.2 Sewage Inflow Rate

Sewage inflow to this pump station is approximately as indicated below:

- Minimum inflow: 400 gpm (0.58 million gallons per day).
- Average Daily inflow: 1,667 gpm (2.4 million gallons per day)
- Daily Maximum inflow: 2,500 gpm (3.6 million gallons per day).
- Peak inflow: 3,000 gpm (4.32 million gallons per day).

Note: "gpm" is the abbreviation for "gallons per minute".

1.3 Pump Operation, Pumping Capacity and System Redundancy

The pump station has four pumps in the Dry Well. Each pump has a rated capacity that exceeds the peak inflow rate from the gravity sewer system. Thus, the pumps operate as Operating, Standby #1, Standby #2, and Standby #3. The pump station also has standby power that can maintain the pumps in operation should there be a loss of utility power. Having three permanently-installed standby pumps and a permanently-installed onsite standby power generator are key features for this facility because it lacks onsite emergency storage (to provide short term storage of inflow should the station lose pumping capacity due to mechanical or electrical failure). **Photo #4** shows the constrained layout of pumps and piping inside the Dry Well.

Pumps #1 and #2 operate at variable speed, and Pumps #3 and #4 operate at constant speed. Pump #1 is the most westerly pump, and Pump #4 is the most easterly pump (nearest the stairway landing), with pumps sequentially numbered between them.

- A short 12-inch diameter spool on the discharge piping for each pump, that is between the shutoff valve and check valve. This spool is flanged-by-plain end, and connects to the shutoff valve (at its downstream end) by stabbing into the collar of a Uni-Flange flanged coupling adaptor (see Paragraph 1.7 below for further discussion of this coupling) that is bolted to the upstream flange of the shutoff valve. This coupling provides restrained against the spool pulling out of its collar by set screws that extend through the coupling's collar, and bite into the outside of the spool. When properly installed, this coupling provides a restrained joint. If the set screws are not properly installed, the coupling may not resist pull-out forces exerted on that spool (by water pressure acting against the check valve flapper in its closed position).
- New Pumps #1 and #2 will be installed, per the pump manufacturer's recommendations, with a rubber coupling between the pump discharge flange and the upstream end of the check valve. This coupling could be furnished with tie-rods that preclude lateral displacement, but such restraint is not being provided. We understand the reason that is the case is Cornell (the pump manufacturer) wants to de-couple their pump from the "stiffness" inherent in the downstream piping system. The piping system's stiffness could impact the resonant frequency characteristics of their pumps, thereby causing vibration problems when the pumps operate at variable speed. This rubber coupling is flanged on both ends, however its design allows a limited amount of movement (axial, lateral, and angular displacement). Other benefits from having a rubber coupling near the pump discharge flange are: (a) it accommodates slight mis-alignment of the pump to the downstream piping system; and (b) it provides a convenient location to disassemble the piping system to facilitate pump removal.

The fact that almost all joints are flanged, with the only exceptions as noted above, indicates the piping system is stable if properly installed. That is to say, there should be no concern about the piping system "coming apart" due to operating pressures.

1.6 Valving

Valves are provided on the piping as indicated below:

- Suction piping: 14-inch resilient wedge gate valve for Pumps #1 and #2, and a non-lubricated plug valve for Pumps #3 and #4. These valves are flange-by-flange, and securely bolt to the piping elements at both ends.
- Discharge piping: 12-inch resilient wedge gate valve, and spring-assisted external-lever 12-inch check valve, for each of the four pumps. These valves are flange-by-flange, and securely bolt to the piping elements at both ends.
- Discharge header: 16-inch resilient wedge gate valve (note: the 20-inch diameter header reduces to 16-inch diameter upstream of the flow meter spool which is immediately upstream of the gate valve). This valve is located just prior to the discharge header exiting the Dry Well through a penetration in the below-grade wall. This valve is flange-by-flange, and bolts securely to the piping elements at both ends.
- Surge tank inlet/outlet line: 18-inch non-lubricated plug valve valve. This valve is flange-by-flange, and bolts securely to the piping elements at both ends.

Photo #9 shows the Uni-Flange coupling on the discharge piping for Pump #3.

Photo #10 shows the Uni-Flange coupling on the discharge piping for Pump #2.

1.8 Force Main

Within a short distance after exiting the Dry Well, the 16-inch diameter discharge header increases to 27-inch diameter and transitions to asbestos cement pipe. This sewage force main extends along Galen Drive, then turns west to Highway 101, and then turns south, extending more than sixteen thousand feet to a point of discharge into the South Orange County Wastewater Authority's Coastal Treatment Plant.

1.9 Bypass Pumping

A 10-inch bypass pumping connection is provided on the force main approximately 100 feet south of the pump station. Portable engine-driven pumps (that can be temporarily installed within the south lane of Glenneyre Street) can be connected to two 10-inch pipes that provide suction to the influent sewer system (upstream of the pump station wet well), and those pumps can discharge through temporary piping installed on top of the ground, to the bypass pumping connection. When portable pumps and temporary piping is provided in this configuration, all inflow can be routed around the pump station. However, the configuration of the bypass suction piping requires the wet well water level to be substantially raised to limit the suction lift for those temporary pumps. When the wet well water level is raised to that elevation, the wet well is flooded to its ceiling, which submerges electrical "chases that are attached to the wet well ceiling. The water integrity of those chases is compromised due to corrosion of the concrete which forms those structural features. If the wet well floods to that elevation, then the chases will fill with sewage, and sewage then flows into the Dry Well via those electrical chases which penetrate and terminate at the common wall between the Wet Well and the Dry Well.

2.0 IN-PROGRESS REHABILITATION PROJECT

In July 2008, Dudek was retained to provide engineering services for certain improvements to the Bluebird SOCWA sewage pump station. Those improvements include:

- Replacing the influent pipe configuration into the wet well. This involves constructing three new manholes within Glenneyre Street, and constructing several short segments of replacement gravity sewer. This improvement addresses a severe wet well ragging problem, facilitates a permanent bypass system, assists with improving odor control by installing double-sealed manhole lids on those new sewer manholes, and is consistent with the City's Strategic Plan which has identified these particular manholes as a priority for rehabilitation or replacement.
- Rehabilitating the wet well; restoring deteriorated concrete, and providing a new corrosion-resistant lining. This improvement addresses the wet well walls and ceiling as well as the electrical chases that are affixed to the wet well ceiling.
- Providing a new bypass pumping configuration that will provide permanently-installed suction piping, and a means to isolate the wet well from inflow.

Flange coupling. This slight shift may have caused decreased resisting force (against spool pull-out) by the Uni-Flange coupling. Another explanation may be that the shutoff valve was operated to ensure it was functional, and it was then unable to re-seal because something became lodged between the bottom of the gate and the valve body.

Another possibility is that testing of the newly-installed Pump #2 may have caused cyclic pressure surges that were not remediated by the surge tank, and those pressure spikes caused pressures that had not been previously experienced by the piping system (though still well within the pressure rating of the piping system), and these slightly increased thrust forces exceeded the capability of the improperly installed Uni-Flange coupling to resist them.

Photo #16 shows the shutoff valve and check valve for Pump #1 (note: the Uni-Flange coupling is not present; this photo was taken after the October 29 event).

5.3 Dry Well Flooding

For reasons we cannot determine, the piping system became unstable, and the unresisted thrust force caused by hydrostatic pressure in the Pump #1 piping system, led to separation of the pipe spool at the Uni-Flange coupling. This allowed sewage to flow into the Dry Well. Once the pump motors were submerged, they eventually quit working, and that allowed the wet well level to rise to the elevation at which water could enter the electrical chases, which exacerbated the Dry Well flooding situation by causing the electrical chases and associated electrical conduits to fill with sewage.

Once the bypass pumping system was hooked up, and the blind flange installed at the upstream end of the Pump #1 shutoff valve, inflow to the Dry Well was stopped, and repairs could commence.

6.0 CITY EMERGENCY RESPONSE

Dudek Staff (Jeff Pape and Dale Gruel) were onsite by 9:00 a.m. on October 30 (approximately 30 hours after the Dry Well flooded). There were no odors outdoors, and the exterior grounds were relatively dry, and were free of sewage solids (organic or other solids such as plastics or paper products). **Photo #17** shows the pump station exterior on October 30. The exterior ground was substantially dry and free of sewage debris. Subsequent to this photo being taken, City Staff spread sand on this area to further restore it to a clean and walkable condition.

The interior of the pump station was virtually odor free, dry, and substantially clean of sewage debris. In hard-to-access areas of the walls and ceiling, paper products were not completely removed. Nevertheless, the environment inside the pump station was conducive to pump station operation and maintenance. We spent several hours inside the Dry Well taking photos and making field observations concerning the potential factors leading to the pump station failure, without having to deal with an offensive environment.

7.0 RECOMMENDATIONS

7.1 Phase 1 Repairs or Improvements (these repairs or improvements are intended to occur within one month of the October 29 event)

- A. Clean and sanitize the Dry Well and other interior surfaces contaminated from contact with sewage. (status: accomplished by A-1 Restoration)
- B. Open electrical boxes and convenience outlet boxes to allow sewage to drain out. (status: accomplished)
- C. Meggar test the electrical system to identify if there are "shorts" that might endanger workers, or might lead to failure of motors, or to failure of other electrical devices. (status: accomplished by RVF Electric)
- D. Replace interior lighting fixtures damaged by submergence. (status: accomplished by RVF Electric)
- E. Exercise existing valves inside the Dry Well to restore them to service (so that they are verified to open, and close drip-tight). (status: The City hired iWater to exercise "stuck" valves and return them to service; this effort was made without success)
- F. Restore the ECO2 super-oxygenation to service. (status: accomplished by Pacific Technical)
- G. Install tie-rods across the ductile iron spool that spans between the shutoff valve and the check valve, for each pump. These tie-rods will prevent separation of the pipe spool from the Uni-Flange coupling regardless of the torque applied to its set screws. (status: accomplished for Pumps #2, #3 and #4; Tie rods for Pump #1 will installed in conjunction with replacement of its shutoff valve).

Photo #24 shows one of the two tie-rods that were installed across the Uni-Flange coupling-restrained spool for Pump #3.
- H. Check and adjust set screw torque for each Uni-Flange coupling. Contact the coupling manufacturer to learn the required set screw torque. (status: not yet done)
- I. Relocate the temporary pumps from Glenneyre Street to the north end of Galen Drive. Suction for the relocated pumps will be taken from the suction pipe to Pump #3. The pump centerline elevation will then be at approximately 49.0 feet. Given the key elevations listed in Paragraph 1.1 above, the required suction lift is therefore considerably reduced (to a magnitude less than 10 feet, which is a desirable suction lift condition). HDPE piping would be extended from the suction line to Pump #3, with that temporary piping extending through the Dry Well access hatch that is in the sidewalk adjacent to the south entrance to this building. That piping would then extend through the concrete wall that borders that walkway, and be placed at grade

City Staff have ordered this valve for expedited delivery, and anticipate it will be available for installation within two weeks (by late-November).

- O. Restore the existing Dry Well monorail hoist motor to service so that it can aid in the construction of other improvements or pump station maintenance activities. This is a small horsepower motor and could be readily accomplished. (status: not yet done)
- P. Restore the discharge header flow meter to service. (status: not yet done)

7.2 Phase 2 Repairs or Improvements (these repairs or improvements are anticipated to occur within two or three months of the October 29 event)

- A. Restore Pump #1 to service by installing a new immersible motor (suitable for short-term submergence) to be obtained from Cornell Pumps. (status: this new motor is already on "order" and delivery is expected soon)
- B. Replace the refurbished motor on Pump #2 with a new immersible motor to be obtained from Cornell Pumps. Retain the refurbished motor offsite for immediate access and re-installation on one of the pumps at this facility in the event a motor fails. (status: this new motor is already on "order" and delivery is expected soon)
- C. Install the valve cluster immediately upstream of the existing Line Stop. This valve cluster will comprise a permanent point of connection for future bypass pumping. Once this valve cluster is installed, and the HDPE piping that will convey sewage to it from the temporary pumps is installed, the Line Stop can be removed from service. (status: the concept of how this new bypass pumping connection has been discussed with City Staff, IFT personnel, and Dudek Staff. Once there is complete agreement on how this new connection will be configured, the valves, fittings, piping, and vault should be purchased by the City for expedited delivery and installation as part of Phase 2.

We anticipate the City will authorize Schuler Engineering to construct this new bypass. To expedite implementation, we recommend the City consider having this construction performed without the plans and specifications that are typically prepared for municipal projects.

- D. Complete the design of pump station improvements as previously authorized by the City (see Paragraph 2.0). Those improvements are summarized below:
 - o Revise the influent sewer to the wet well (along with two or three new manholes).
 - o Rehabilitate the wet well (including replacing its access hatch, and restoring the electrical chases, and restoring damaged concrete).
 - o Provide a means to bypass the wet well, and convey flow to bypass pumps located near the end of Galen Drive, using permanently installed suction piping.
 - o Provide two new pressure transmitters and a new pump control panel/scheme/software.



Photo #1: Pump Station Exterior



Photo #2: Pump Station Exterior

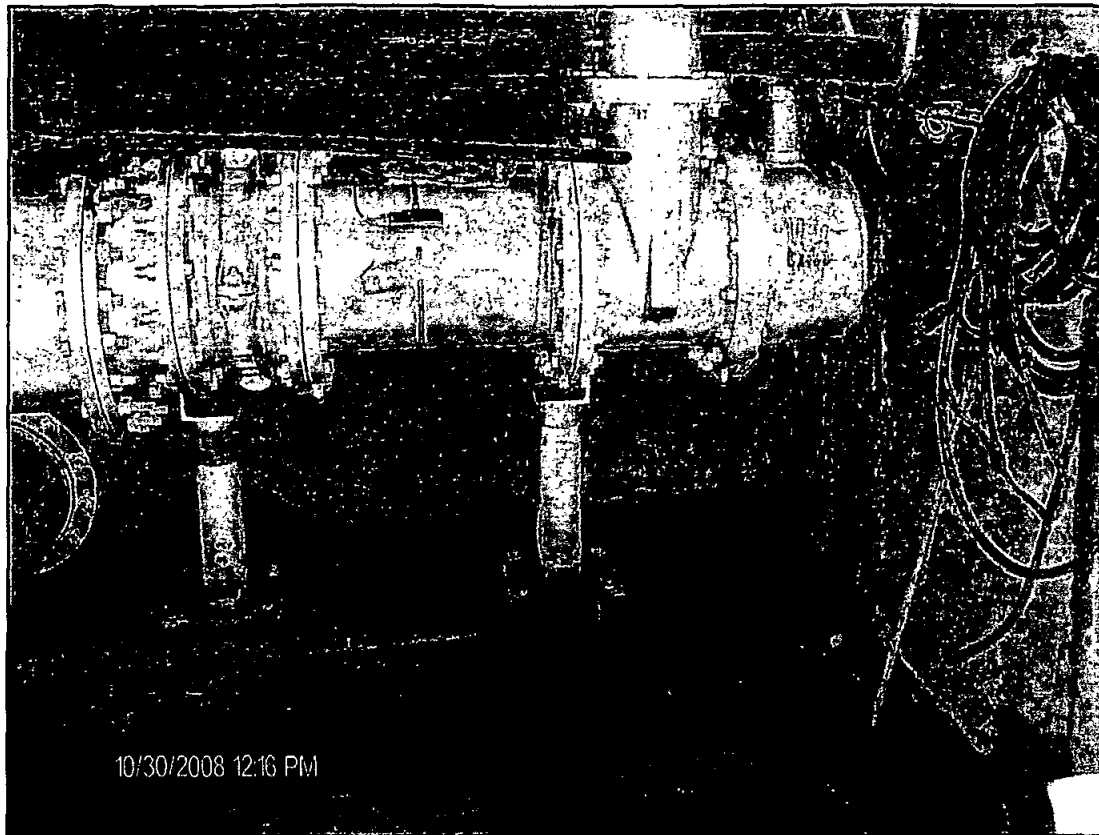


Photo #5: Discharge Header: Strap-on Flow Meter and 16" Shutoff Valve



Photo #6: Pump #2 Suction Piping

P: \Engineering\Laguna Beach\6234-01 Blue Bird Flooding Evaluation\Photos for Flooding Report\Photo Log 11/11/2008 8:11 PM

P: \Engineering\Laguna Beach\6234-01 Blue Bird Flooding Evaluation\Photos for Flooding Report\Photo Log

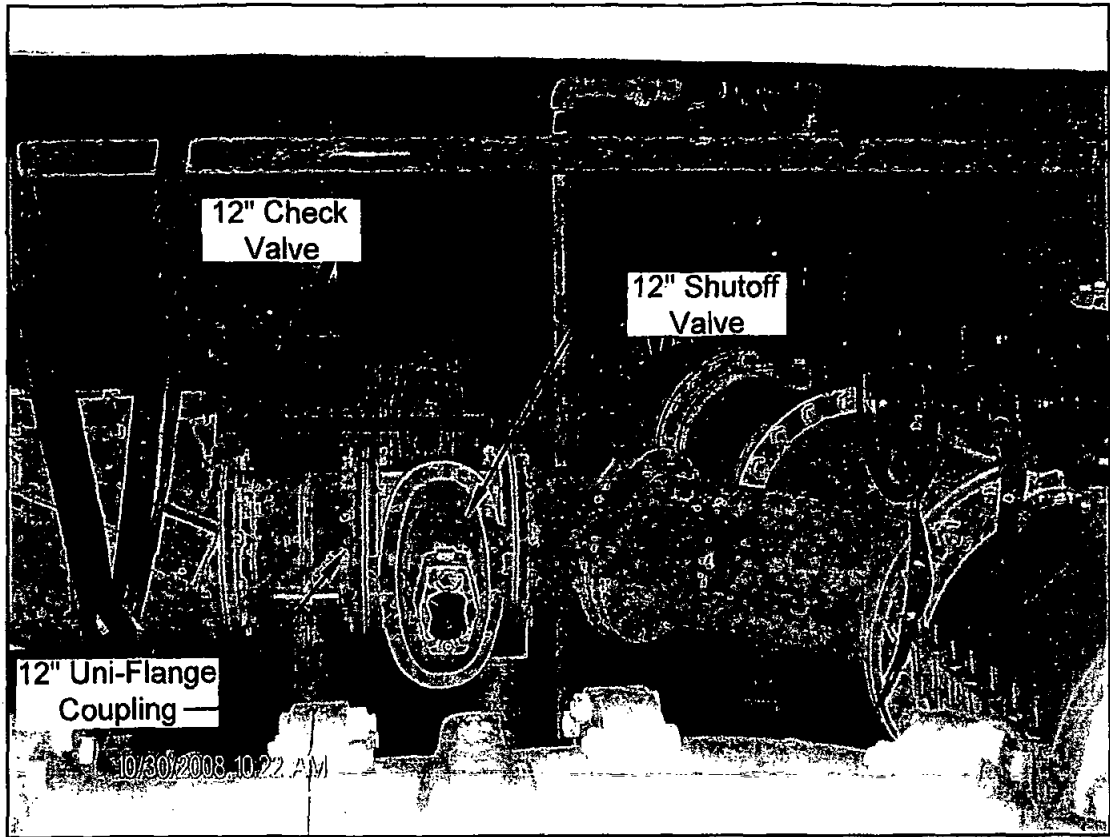


Photo #9: Pump #3 Uni-Flange Coupling on Discharge Piping

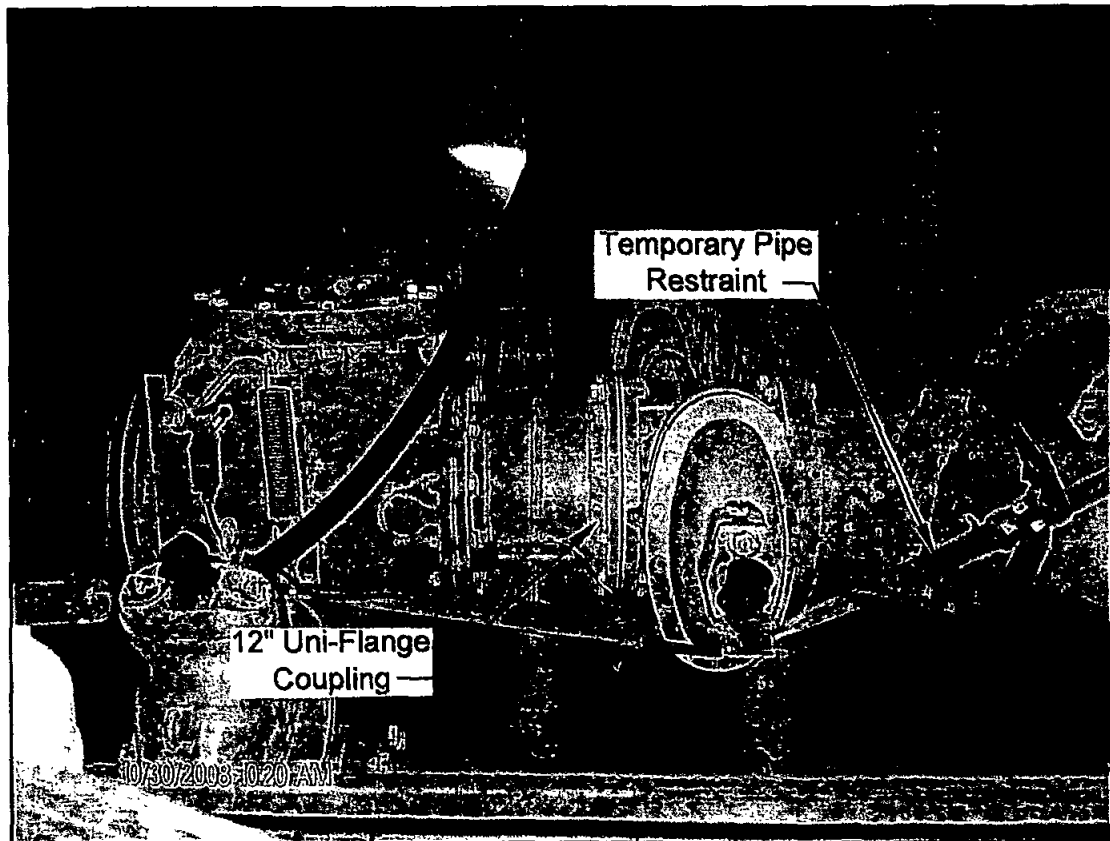


Photo #10: Pump #2 Uni-Flange Coupling on Pump #2



Photo #13: Pump #1 Uni-Flange Coupling

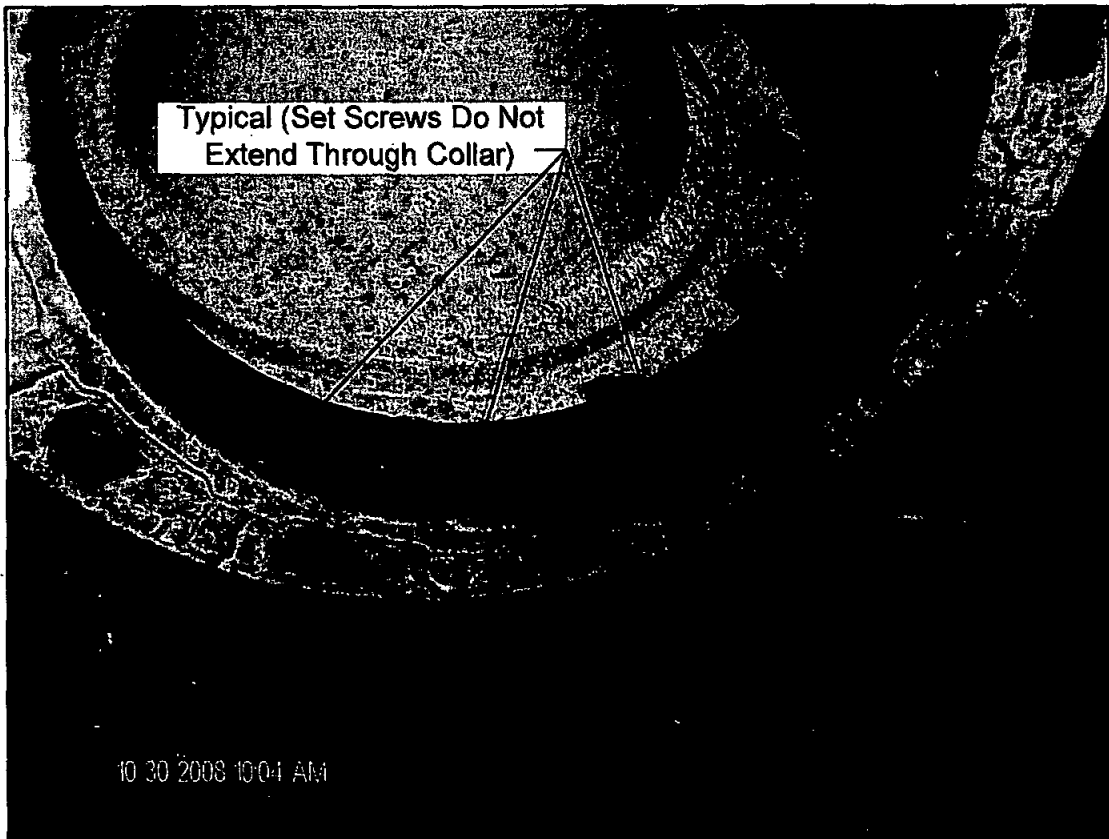


Photo #14: Pump #1 Uni-Flange Coupling (Set Screws Do Not Extend Through Collar of Coupling)



Photo #17: Pump Station Exterior (October 30th)

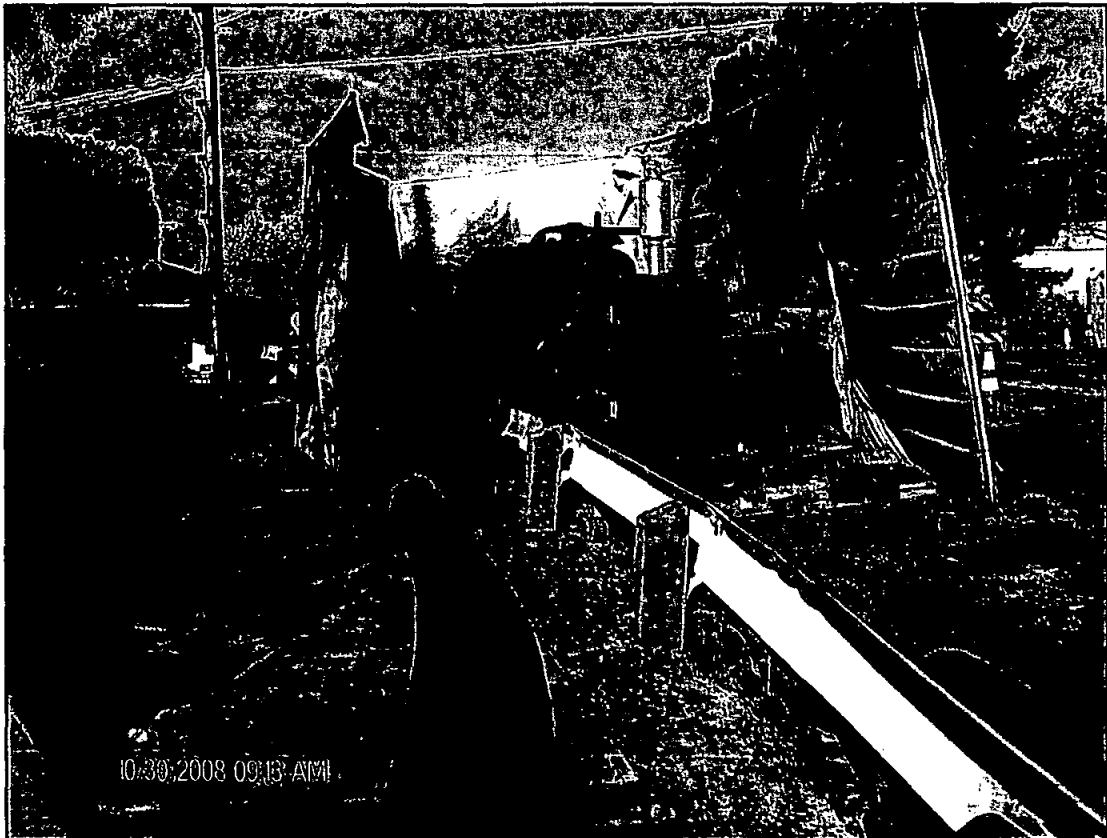


Photo #18: Bypass Pumps on Glenneyre Street (October 30th)



Photo #21: Bypass Pump Discharge Piping (October 30th)



Photo #22: Bypass Pump Discharge Connection (October 30th)



You are logged-in as: PUBLIC.

SSO - General Information

SSO Event ID: 728787

Regional Water Board: 9

Spill Location Name: Bluebird SOCWA Lift Station

Agency: Laguna Beach City

Sanitary Sewer System: City Of Laguna Beach CS

General Info

Note: Questions with "" are required to be answered to certify this report.*

SSO Type: Category 1

Version: Certified

Physical Location Details

* Spill location name: Bluebird SOCWA Lift Station

* Latitude of spill location: 33

* Longitude of spill location: 117

Address: 1509 Glenneyre

City: Laguna Beach State: CA Zip: 92651

* County: Orange

Spill location description: The spill occurred at the Bluebird SOCWA Lift Station's drywell.

* Regional Water Quality Control Board: 9

Spill Details

* Spill appearance point: Building or structure

Spill appearance point explanation: The drywell of the Bluebird lift station became submerged

8/18/2009

* **Spill cause:**

Spill cause explanation:
(Required if spill Cause is "Other")

It has been determined that the likely cause of the spill was due to the incorrect installation of a mechanical pipe fitting performed when the lift station was retrofitted approximately 15 years ago. A uniflange coupling was pushed apart in the drywell. A full report is being prepared by a third party engineering review.

Where did failure occur?

Other (specify below)

Explanation of Where failure occurred:
(Required if where failure occur is "Other")

Drywell on discharge end of the pump no. 1.

If spill caused by wet weather, choose size of storm:

Diameter of sewer pipe at the point of blockage or spill cause (if applicable):

0

Material of sewer pipe at the point of blockage or spill cause (if applicable):

Estimated age of sewer pipe at the point of blockage or spill cause (if applicable):

0

Description of terrain surrounding the point of blockage or spill cause (if applicable):

* **Spill response activities:**
(Hold Ctrl key to Select Multiple answers from the list)

Cleaned-up (mitigated effects of spill);Returned all or portion of spill to sanitary sewer system

Explanation of spill response activities:
(Required if spill response activities is "Other")

A full mobilization of City staff, South Coast Water District staff, and an emergency bypass contractor were immediately engaged. Approximately 40 emergency responders were on-scene within the first hour and as many as 60 may have been actively working on spill containment, repairs, and recovery in the first four hours. The emergency protocols put into action and implemented with the utmost efficiency.

* **Spill response completion date:**

2008-10-29 10:00:00.0

Visual inspection results from impacted receiving water:

The Pacific Ocean was polluted by the spill and recreational use was prohibited by on-scene Marine Safety staff.

* **Health warnings posted?**

Yes

* **Name of impacted beach(es) (enter NA if not**

The initial closure established by Orange County was from

>= 1000 Gals and spill reached surface water or storm drainpipe):

OES Called Date/Time

2008-10-29 03:00:00.0

(Required for Category 1 spill report if estimated spill volume

>= 1000 Gals and spill reached surface water or storm drainpipe):

*** County health agency notified:**

yes

County health agency notified date/time:
(required if County health agency notified is "Yes")

2008-10-29 02:30:00.0

Regional Water Quality Control Board notified date/time: 2008-10-29 03:10:00.0

Other Agency Notified:

South Coast Water District

Was any of this spill report information submitted via fax to the Regional Water Quality Control Board?

no

Date and time spill report information was submitted via fax to the Regional Water quality Control Board:

(required if spill report information submitted via fax to Regional Water Board is "Yes")

NOTE: questions with "*" are required to be answered to certify this report.



SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

Department of Water Quality

2008 NOV 19 A 10:27

November 17, 2008

Mark Alpert, P.E.
Senior Engineering Geologist
California Regional Water Quality Control Board – San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Re: City of Laguna Beach October 29, 2008 Sewer Spill Incident Report

Dear Mark:

The City of Laguna Beach experienced a sewer spill on October 29, 2008. Thank you for taking the time to meet with our Senior Water Quality Analyst, Will Holoman, and me last Thursday to discuss the nature of the spill. The City has already completed an investigation to determine the cause of the spill. You have received a hard copy of the Dudek investigation report and an electronic copy is attached. The evidence of the cause of the spill is strongly compelling. In summary, neither the City staff nor the contractor installing new pumps could have contemplated the failure of the pipe joint.

Through our meeting we hoped to provide a preponderance of evidence of the City's commitment to rehabilitating the lift station, inform you of the amount of work done to upgrade the City's sewer collection system as well as exhibiting the City's track record of progress and continued commitment to making the improvements necessary to further reduce sewer spills. The November 18, 2008 City Council agenda bill is attached and has with it the list of projects completed since 2001. As stated the EPA issued the Order of Compliance in 2001 and terminated the Order in May 2005. Since then the City has perpetuated the programs and improved on the elements of the Order.

If you require further information or wish to review some of our progress on the Water Quality Department's website call me at (949) 497-0328 or visit www.clbwq.net.

Regards,

David Shissler, P.E.
Director of Water Quality

cc: Jeremy Haas, Environmental Scientist Compliance Assurance Unit
Joann Cofrancesco, WRC Engineer Compliance Assurance Unit

Attachment 6

From: "Shissler, David WQ" <dshissler@lagunabeachcity.net>
To: "Joann Cofrancesco" <JCofrancesco@waterboards.ca.gov>
CC: "Holoman, Will WQ" <wholoman@lagunabeachcity.net>, "Jeremy Haas" <JHaas@...>
Date: 12/19/2008 11:14 AM
Subject: RE: Bluebird Lift Station October 29th Sewer Spill Incident Follow-up Questions

Joann,

As requested the City of Laguna Beach is providing answers to the Regional Board's questions from their review of the subject incident report.

Paraphrasing your questions, I've separated your questions into twelve distinct responses.

Question 1) I am assuming that the Pump and check valve required periodic maintenance. Was the maintenance kept up according to the manufacturer recommendations;

CLB Answer: The pumps in all of our 25 lift stations receive routine maintenance. The pump in question was being installed. It was replacing a decommissioned pump. The check valve is checked daily. It was functioning properly.

Question 2) does the maintenance require isolating it from the discharge manifold?

CLB Answer: Yes

Question 3) If yes to 1 & 2, why was a leak in the gate valve not noticed at other times?

CLB Answer: The gate valve was fully operational. All conditions of the gate valve indicated that the gate was fully seated. After the incident occurred the gate valve was found to have a rock and small debris wedged in the seat where the gate seals against the valve body. This is common in wastewater operations and why we have ordered seventeen new DeZurick eccentric plug valves that are newer technology and less prone to have similar problems develop.

Question 4) Also, for the gate valve, was the maintenance kept up according to the manufacturer recommendations?

CLB Answer: Yes; By nature of the operations of the Bluebird SOCWA lift station our staff encounters frequent ragging problems in the pumps. Pump number one is one of two primary pumps in operation. As such, it requires de-ragging on a frequent basis. The gate valve is closed ever time the pump is de-ragged. There was never any recent concerns that the valve was inoperable.

Question 5) Are there any methods used to ensure the valve is closed (example - counting the number of turns)?

CLB Answer: The 12-inch gate valve was a "32 turn" valve. City staff and iWater staff both exercised the valve closed to 32 turns and was subsequently found to have a problem seating. After replacing the valve, it was apparent that the gate was unable to fully seat; a small rock and debris was discovered to be preventing the gate to properly seat. The gate valve was routinely exercised. To replace the old pump the gate valve had been closed. The check valve was also closed. That completed, a bleeder or venting tube was opened to drain the pressure from the pump; this ensuring that the system was isolated. That having been accomplished, the old pump was removed, and the new pump was in the process of being installed.

Question 6) How much was the Pump 1 Gate Valve closed (50%, 75%, 95% closed)? Did you determine why it was not completely shut?

near the limits of the pumps. Subsequently, the bypass was moved to a configuration at the bottom of Galen Drive that allowed the suction end to remain in a flooded state which was optimum for the pumps.

Question 12) Why was iWater unable to return the existing valves inside the dry well back to service (why were they stuck)?

CLB Answer: Opinions received from iWater are that the valve of this age and type should not have any problems closing. They suspect that loosening the packing gland nuts would allow the large 16-inch valve to close. However, the risk of flooding the dry well was viewed to be too high to attempt this operation. The City has been actively working on the design plans for rehabilitating the entire lift station. To bring it up to the most current standards the City has included replacing all of the valves with eccentric plug valves. During the rehabilitation project coming in the Spring of 2009 the lift station will be bypassed and at that time what is preventing the large isolation valves to be closed will be determined.

If you have any follow-up questions we'll be happy to provide additional information.

Happy Holidays!

Regards,

David Shissler, P.E.
Director of Water Quality
City of Laguna Beach, CA 92651
(949) 497-0328
www.clbwq.net

-----Original Message-----

From: Shissler, David WQ
Sent: Tuesday, December 16, 2008 5:09 PM
To: 'Joann Cofrancesco'
Cc: Holoman, Will WQ; Jeremy Haas
Subject: RE: Bluebird Lift Station October 29th Sewer Spill Incident Follow-up Questions

Joann,
I'll ask our staff to assist in the responses. From a brief review of your questions I'm confident there are straight forward answers to all of your questions. We'll have it sent back to you by the end of the week.

Thank you,

David Shissler, P.E.
Director of Water Quality
City of Laguna Beach, CA 92651
(949) 497-0328
www.clbwq.net

Regional Water Quality Control Board - San Diego Region
Compliance Assurance Unit
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-637-5589 (direct line)
858-571-6972 (fax)
jcofrancesco@waterboards.ca.gov

From: "Shissler, David WQ" <dshissler@lagunabeachcity.net>
To: "Joann Cofrancesco" <JCofrancesco@waterboards.ca.gov>
CC: "Jeremy Haas" <JHaas@waterboards.ca.gov>, "Wright, Graham WQ" <gwright@l...>
Date: 1/7/2009 1:55 PM
Subject: Responses to Follow-up Questions re: October 29th Incident - Second Round
Attachments: RE: Bluebird Lift Station October 29th Sewer Spill Incident Follow-up Questions

Joann,

The responses provided below are to answer additional follow up questions. I've copied the questions from the comments and kept them in reference to the original numbered questions and responses:

Follow-up to Question #3 Response: -

How long have the gate valves been in place?

The valves were replaced approximately 15 years;

Original Knife Valve replaced with Resilient Wedge Gate Valve.

Prior to the spill, were rocks or small debris ever found wedged in the seat of the gate valve?

In the past gate valves have been found to be blocked by debris preventing the gate from seating. The discharge gate valve is placed in the system in order to isolate the pump and the check valve that function throughout daily operations. During the course of typical pump replacement procedures the gate valve is closed, and the pressure between the check valve and the pump is released by opening a bleeder valve located on the pump body. The check valve is never opened to check the gate valve for being sealed; especially when the gate valve turns freely and all indicators show the valve to have seated properly.

How long have you know that this was a problem in wastewater operation?

Debris such as, rocks, sediment, towels (beach cities especially), concrete, and other forms of trash are commonly encountered in any wastewater operation. Debris is frequently removed from pumps, valves, elbows, etc.

When was a corrective action added to the capital improvement plan?

A valve replacement was ordered after discovering that the valve was not fully closed. At that point in time it was prudent to assume that the gate valve was either worn or damaged and required replacement. After determining that the gate valve was in serviceable condition, it was concluded that upgrading the valves would further serve to improve the performance and reliability of the lift station.

When was the new DeZurick eccentric plug valves ordered?
The first DeZurick valve was ordered within a week after

October 29th.

Follow-up to Question #5 Response: -

Do they count the number of turns every time they close the valve, including the time prior to the spill to remove Pump No. 1?

The field crews use the number of turns as a guide. They rely more on the point of refusal to close the gate valve.

Follow-up to Question #6 Response: -

...and by turning it 32 times?

following:

1. Replacement of the Stainless Steel Surge Tank (at both SOCWA stations)
2. Replacement of the Emergency Generator Control Systems (at both SOCWA stations)
3. Replacement of the Variable Frequency Drives for the primary pumps (at both SOCWA stations)
4. Replacement of the discharge flow meter
5. Replacement of the primary pumps
6. Rehabilitation of the two secondary pumps
7. Upgrade added of odor and corrosion control equipment

The full rehabilitation was triggered in April when damage was sustained to the lift station's electrical chases located above the wet well. Immediately after the damage was discovered a contract was awarded for the design plans. Until the April event there was no immediate need to pursue the full rehabilitation project.

If you would like to discuss our responses please feel free to call.

Thank you,

David Shissler, P.E.
Director of Water Quality
City of Laguna Beach, CA 92651
(949) 497-0328
www.clbwq.net

-----Original Message-----

From: Joann Cofrancesco [mailto:JCofrancesco@waterboards.ca.gov]
Sent: Wednesday, December 24, 2008 10:05 AM
To: Shissler, David WQ
Subject: RE: Bluebird Lift Station October 29th Sewer Spill Incident Follow-up Questions

David,
I have a few more questions. Please see the comments and yellow highlights in the attachment.
Thanks and happy holidays!
Joann

On 12/19/2008 at 11:13 AM, in message
<230705E13AAE554AAA0466B399FB0B2202F3C0D5@exch2k3.clbnet.local>,
"Shissler, David WQ" <dshissler@lagunabeachcity.net> wrote:

- > Joann,
- > As requested the City of Laguna Beach is providing answers to the
- > Regional Board's questions from their review of the subject incident
- > report.
- > Paraphrasing your questions, I've separated your questions into twelve
- > distinct responses.
- >
- > Question 1) I am assuming that the Pump and check valve required
- > periodic maintenance. Was the maintenance kept up according to the

- > CLB Answer: The first alarm received was a High Dry
- > Well alarm.
- > Question 8) When the first staff responder arrived at the LS, what
- > was the level in the dry well?
- > CLB Answer: Approximately six to seven feet deep.
- > Question 9) Why were you unable to pump the sewage from the dry well
- > to the 10-inch diameter riser connected to the force main, instead of
- > the storm drain?
- > CLB Answer: The initial priority to the emergency
- > response was to regain the operations of the pumping facilities.
- > Gaining access to the point of failure was determined to be the best
- > approach to minimize the down time of the pumping operations. Setting
- > up a connection to the 10-inch blind flange downstream of the lift
- > station was not considered for several reasons:
- > The pump used for draining the dry well was used at its
- absolute
- > limits. It would not be capable or connecting to a system with the
- > discharge side having over 40 psi operational head. The net positive
- > suction head would have been exceeded and rendering the pump unusable.
- > If we could have connected to the 10-inch bypass blind
- flange we
- > would only accomplish pumping in a circle. That is to state that what
- > would be pumped out of the dry well would be re-circulated back into
- > the dry well.
- > The time spent piping to the 10-inch connection would
- have been lost
- > time critical to restoring operations of the pumps. The incident
- > occurred at the lowest flow period of the day. The best course of
- > action was to get the dry well emptied as fast as possible to give us
- > the best chance of drying out the pump motors and electrical systems
- > and re-establishing operations before entering into the peak flow
- > period of the day. If the motors would have been submerged any longer
- > then they were, they may have never been able to function. In
- > retrospect, another course of action could have caused the City to
- > fully lose operation of the lift station; it was the correct approach.
- > Question 10) Why were you unable to pump the sewage from the
- wet well
- > to the 10-inch diameter riser connected to the force main, instead of
- > the storm drain? I understand that the suction lift was too high, but
- > you were still able to pump it out to the street level.
- > CLB Answer: See answer in previous question.
- > Question 11) When did the contractor start and finish the
- bypass from
- > the influent to the pump station to the 10-inch diameter riser
- > connected to the force main? Was the suction lift a problem?
- > CLB Answer: The bypass contractor was called into
- > action in the first hour after receiving alarms from the station.
- > Griffin Dewatering was mobilizing by 3:00 a.m. to respond to the
- > incident. Their bypass was operational by 6:30 p.m. that evening.
- > City staff was successful in re-establishing operations of one pump by

- > week.
- >
- > Thank you,
- >
- > David Shissler, P.E.
- > Director of Water Quality
- > City of Laguna Beach, CA 92651
- > (949) 497-0328
- > www.clbwq.net
- >
- >
- >
- > -----Original Message-----
- > From: Joann Cofrancesco [mailto:JCofrancesco@waterboards.ca.gov]
- > Sent: Tuesday, December 16, 2008 3:39 PM
- > To: Shissler, David WQ
- > Cc: Holoman, Will WQ; Jeremy Haas
- > Subject: Bluebird Lift Station
- >
- > Hi Dave,
- >
- > We've reviewed the information you've provided to date. Your report
- > offers much of the information we would ordinarily request in an
- > investigative order following a spill of that magnitude. However, it
- > doesn't answer a few questions that we consider crucial to our
- > assessment of the spill and response. Feel free to reply by email or
- > letter, but please do so promptly.
- >
- > I am assuming that the Pump and check valve required periodic
- > maintenance. Was the maintenance kept up according to the
- > manufacturer recommendations and does the maintenance require
- > isolating it from the discharge manifold? If yes to both, why was a
- > leak in the gate valve not noticed at other times?
- >
- > Also, for the gate valve, was the maintenance kept up according to the
- >
- > manufacturer recommendations? Are there any methods used to ensure
- > the valve is closed (example - counting the number of turns)? How
- > much was the Pump 1 Gate Valve closed (50%, 75%, 95% closed)? Did you
- >
- > determine why it was not completely shut?
- >
- > Which alarm triggered the calls to staff? Were there any alarms in
- > the dry well to indicate flooding?
- >
- > When the first staff responder arrived at the LS, what was the level
- > in the dry well?
- >
- > Why were you unable to pump the sewage from the dry well to the
- > 10-inch diameter riser connected to the force main, instead of the
- > storm drain?
- >
- > Why were you unable to pump the sewage from the wet well to the
- > 10-inch diameter riser connected to the force main, instead of the
- > storm drain?
- > I understand that the suction lift was too high, but you were still

Attachment 8

From: "Shissler, David WQ" <dshissler@lagunabeachcity.net>
To: "Joann Cofrancesco" <JCofrancesco@waterboards.ca.gov>
CC: "Wright, Graham WQ" <gwright@lagunabeachcity.net>, <JHaas@waterboards.ca...>
Date: 2/26/2009 12:13 PM
Subject: Clarification Responses 2-26-09
Attachments: ole0.bmp

Joann,

To clarify our previous discussion we provide the following to confirm the timeline of installing the new pumps and motors at the Bluebird SOCWA Lift Station:

- * On October 22nd the rejected pump bases, from ESCCO, were removed from the discharge piping system; in positions 1 and 2.
- * On October 23rd the work required to prep the bases for the installation of new Cornell pumps was begun.
- * On October 24th the new pump bases for both pumps were connected to the suction lines. The contractor began dry packing the Pump #2 base and the motor was installed.
- * On October 27th the bases were leveled, the dry packing completed, and the custom eccentric discharge spool was fitted and installed on Pump #2.
- * On October 28th Pump #2 was prepared for startup testing. The motor rotation was verified (electrical wiring), and the pump was cycled through several draw-fill tests. The draw-fill tests were done to determine if the pump met the specifications as ordered. Once the pump was found to meet the specifications then it was placed on-line to run as the primary pump on variable frequency.

As the primary pump, Pump #2 operated through the day with no problems. The motor control center is programmed to save energy, and reduce the wear on the pumps, by switching from variable frequency to a draw-fill operation. This saves approximately 4 hours of electrical power use overnight.

On that evening Pump #1 had been installed, was connected to the suction side of the manifold, and was pending the custom fabrication of the eccentric discharge spool in order to be fitted to the discharge side of the manifold and placed into service after testing. After cycling Pump #2 that day there was no indication that a problem was imminent at the uniflange fitting. The uniflange fitting had been in the same state, with no problems since October 22nd ; having experienced the draw-fill of the older pumps 3 and 4 for that period.

JC = Day before the October 29, 2008 SSO, on October 28, 2008, the new pump for Pump No. 2 was installed and tested (Agenda Bill, third paragraph). On October 28, 2008 various speeds were tested, but "draw-fill" state/ new surge pressures were not tested.

The new Pump #2 was tested in a draw-fill state at various starting points (developed depths) in the wetwell. The test was primarily centered around discharge volume capabilities and observing any adverse vibrations developing through various speeds. Pressures were not tested. The pumps performance was as designed which is indicative that the calculated conditions of the pump are/were within normal operating parameters.

Subsequently pressures were tested on December 4th for

3. Finally, as a follow-up to other discussion about the resilient-wedge gate valve on the discharge side of pump #1: We are still seeking to retrieve the photo, that has apparently been misfiled, showing the close-up of the flat rock found to be wedged in the seat of the resilient-wedge gate valve. However we are including the picture of the valve in the closed position as it was found subsequent to the uniflange failure. As you can see it is was closed and nearly tight but it wasn't fully seated to isolate the flow to the fully operational check valve.

<<Picture (Device Independent Bitmap)>>

If you have any questions we are happy to provide additional information.

Thank you,

David Shissler, P.E.
Director of Water Quality
City of Laguna Beach, CA 92651
(949) 497-0328
www.clbwq.net

-----Original Message-----

From: Joann Cofrancesco [mailto:JCofrancesco@waterboards.ca.gov]
Sent: Thursday, February 19, 2009 3:24 PM
To: Shissler, David WQ
Subject: clarification needed

I want to make sure I have the time line correct based on info you provided in the interview and submitted papers.

Two weeks before the October 29, 2008 SSO, Pump Nos. 1 and 2 were isolated and taken offline.
Day before the October 29, 2008 SSO, on October 28, 2008, the new pump for Pump No. 2 was installed and tested (Agenda Bill, third paragraph).
On October 28, 2008 various speeds were tested, but "draw-fill" state/new surge pressures were not tested.

You did not provide much for the O&M for the lift station (only the table of contents). From this I am assuming the O&M has not been updated since 1983.

You also did not provide training records, but provided information about the alarms instead. I am assuming then that you do not provide regular training.

Thanks,
Joann

--

Meeting with City of Laguna Beach

Friday, February 13, 2009

Location: 505 Forest Avenue, Laguna Beach, CA 92651

Attendees:

David W. Shissler (Director of Water Quality, City of Laguna Beach)

Graham Wright (Senior Field Supervisor Wastewater Division, City of Laguna Beach)

Jeremy Haas (Senior Environ Scientist, Compliance Assurance Unit, RWQCB – San Diego)

Joann Cofrancesco (WRCE, Compliance Assurance Unit, RWQCB – San Diego)

1. Built by SOCWA? – **The Bluebird SOCWA Lift Station was built by Aliso Water Management Agency (AWMA). Records were not well maintained by AWMA.**
2. The report states that the LS was built in 1977, but the Agenda Bill states that it is 27 years old (1981). Why the difference? - **The design for Bluebird SOCWA Lift Station started in 1977. The lift station was completed in August 1983.**
3. When did the City of Laguna Beach take over the Bluebird SOCWA LS? – **The City of Laguna Beach took over in 1988.**
4. When was the 12-inch Uni-Flange and resilient wedge gate valve installed? – **These parts were installed in 1993. The City oversaw the contractor who performed the work.**
5. Efforts to control SSOs - **In March 2002, a matrix of improvements (formal actions) was adopted. In 2003, they started to implement the improvements. Eighty percent of the improvements were gravity lines. The Bluebird SOCWA Lift Station was not included.**
6. Maintenance in the Lift Station
 - a. **During the annual maintenance of the check valves, they bleed the area between the check valve and the isolation gate valve. If the bleeding does not stop, the gate valve is not completely closed. The bleeding takes approximately 30 minutes.**
 - b. **The isolation gate valve is cleaned using the force of the water flow to push the debris out of the valve. The velocity of the flow is increased by partially closing the isolation gate valve.**
 - c. **They use a machine to close the gate valve. The machines count the number of turns. The original number of turns to close the valve was 32. The turns are not tracked, but has increased over time. Currently it takes more than 34 turns.**
 - d. **They are unsure how long the 16-inch gate valve on the discharge header has been in the stuck position.**
7. Review of procedures for isolating pumps
 - a. **When the pump is isolated from the discharge side, the check valve is used as a secondary isolation valve.**
 - b. **The isolation gate valve is closed by turning till it stops.**

Attachment 10

Total Coliform Fecal Coliform Enterococcus

Crescent Bay

10/29/2008	<10	<10	<2
10/30/2008	<40	10	6

Laguna Main Beach

10/29/2008	10	10	10
10/30/2008	10	10	<2

Hotel Laguna

10/29/2008	<10	<10	<2
10/30/2008	<10	<10	6
10/31/2008	80	50	6
11/1/2008	30	10	2
11/2/2008	<10	<10	<2

Sleepy Hollow

10/29/2008	10	<10	8
10/30/2008	40	10	110
10/31/2008	10	<10	<2
11/1/2008	40	<10	2
11/2/2008	20	10	4

Thalia St.

10/29/2008	<10	<10	2
10/30/2008	130	<10	2
10/31/2008	120	10	<2
11/1/2008	10	<10	2
11/2/2008	10	<10	<2

Cress St.

10/29/2008	10	<10	<2
10/30/2008	850	<10	4
10/31/2008	1150	10	<2
11/1/2008	20	<10	<2
11/2/2008	20	<10	<2

Mid Surf & Sand

10/29/2008	100	<10	10
10/30/2008	13,000	110	68
10/31/2008	4000	20	22
11/1/2008	830	10	24
11/2/2008	110	10	2

Bluebird Canyon

10/29/2008	4,000	320	800
10/30/2008	2,200	70	44
10/31/2008	680	<10	<2
11/1/2008	3600	170	180
11/2/2008	110	<10	4

Agate St.

10/29/2008	9,200	300	400
10/30/2008	<130	<10	8

Shissler, David WQ

From: Honeybourne, Larry [LHoneybourne@ochca.com]
Sent: Friday, October 31, 2008 4:10 PM
To: Shissler, David WQ
Cc: Sanchez, Richard; Fennessy, Michael; Yokoyama, Dan; Halle, Tami
Subject: Laguna Beach Closure sample results.XLS
Attachments: Laguna Beach Closure sample results.XLS

Dave,

Per our conversation, attached are the results of the most recent water quality monitoring. Based on the recent data HCA has implemented a partial reopening of the closure area. The closure has been reduced to 1 1/2 miles from 4 miles. The closure area is now from Hotel Laguna to Moss Street. Samples were collected this morning and will be collected again tomorrow morning. Friday's sample results will be available sometime after noon on Saturday. Mike Fennessy is on call and will be in touch with the results. If you have any questions please feel free to call me.

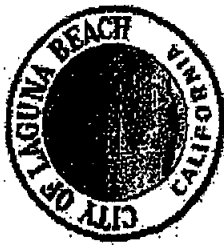
Larry Honeybourne
County of Orange
Health Care Agency
714 433 6015

Attachment 11

General Ledger

Detailed Trial Balance

User: leahh
 Printed: 02/11/2009 - 3:33
 Period 1 to 12, 2009



Account Number Description Budget Beginning Balance Debit This Period Credit This Period Ending Balance

137	Sewer					
EXPENSE						
137-37	Water Quality					
137-37-3302-9712	Bluebird Station Sewer Spill	210,000.00				
11/06/2008 PR 05 000006	Computer Batch 2008 11 910			10,020.80		0.00
11/14/2008 AP 05 000017	LBPCF - CLB Petty Cash Finance			45.00		0.00
11/14/2008 AP 05 000017	LBPCF - CLB Petty Cash Finance			51.70		0.00
11/14/2008 AP 05 000020	R.V.F. - R.V.F. Electric, Inc.			15,771.66		0.00
11/14/2008 AP 05 000024	Ralphs - Ralphs Grocery Company			85.28		0.00
11/20/2008 PR 05 000036	Computer Batch 2008 11 911			3,953.74		0.00
11/21/2008 AP 05 000039	PacTech - Pacific Technical Support Svcs			505.47		0.00
11/21/2008 AP 05 000039	PacTech - Pacific Technical Support Svcs			1,083.15		0.00
11/26/2008 AP 05 000066	Tekd - Tekdraulics			8,854.31		0.00
11/26/2008 AP 05 000069	LB Rev - CLB Revolving Fund			164.84		0.00
11/26/2008 AP 05 000069	LB Rev - CLB Revolving Fund			220.57		0.00
11/26/2008 AP 05 000070	CoastATS - Coastal Traffic Systems			1,060.00		0.00
11/26/2008 AP 05 000072	D M K I - D M K Isling Construction			1,015.20		0.00
11/26/2008 AP 05 000073	Swains - Swains Electric Motor Service			8,433.73		0.00
11/26/2008 AP 05 000074	ElToMa - El Toro Materials co.			1,065.50		0.00
11/26/2008 AP 05 000074	Ganahl - Ganahl Lumber Company			123.05		0.00
11/26/2008 AP 05 000074	Griffid - Griffin Dewatering Corporation			72,991.79		0.00
12/04/2008 PR 06 000017	Computer Batch 2008 12 912			2,341.07		0.00
12/12/2008 AP 06 000072	R.V.F. - R.V.F. Electric, Inc.			14,209.23		0.00
12/12/2008 AP 06 000073	ConsolR - Consolidated Reprographics			100.48		0.00
12/12/2008 AP 06 000074	Dudek - Dudek & Associates			2,820.00		0.00
12/12/2008 AP 06 000074	Griffid - Griffin Dewatering Corporation			40,045.39		0.00
12/12/2008 AP 06 000074	Gump - Andy Gump, Inc.			205.00		0.00
12/12/2008 AP 06 000074	InfFlow - International Flow Technologie			12,655.00		0.00
12/12/2008 AP 06 000076	Larrys - Larry's Building Materials			5,981.10		0.00
12/24/2008 AP 06 000095	PacTech - Pacific Technical Support Svcs			6,500.00		0.00
12/24/2008 AP 06 000095	SartV - Sartell Valves, Inc			867.90		0.00
12/24/2008 AP 06 000098	R.V.F. - R.V.F. Electric, Inc.			9,358.17		0.00
12/24/2008 AP 06 000099	SCWD3 - South Coast Water District			3,136.00		0.00

**WAIVER FORM
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent City of Laguna Beach (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R9-2009-0040 (hereinafter the "Complaint"). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing."

(OPTION 1: Check here if the Discharger waives the hearing requirement and will pay the liability.)

- a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board.
- b. I certify that the Discharger will remit payment for the civil liability imposed in the amount of **seventy thousand, six hundred eighty dollars (\$70,680)** by check that references "ACL Complaint No. R9-2009-0040." made payable to the "State Water Pollution Cleanup and Abatement Account". Payment must be received by the Regional Water Board by **September 17, 2009** or this matter will be placed on the Regional Water Board's agenda for a hearing as initially proposed in the Complaint.
- c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period. Should the Regional Water Board receive significant new information or comments from any source (excluding the Water Board's Prosecution Team) during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Executive Officer of the Regional Water Board, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
- d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

(OPTION 2: Check here if the Discharger waives the 90-day hearing requirement in order to engage in settlement discussions.) I hereby waive any right the Discharger may have to a hearing before the Regional Water Board within 90 days after service of the complaint, but I reserve the ability to request a hearing in the future. I certify that the Discharger will promptly engage the Regional Water Board Prosecution Team in settlement discussions to attempt to resolve the outstanding violation(s). By checking this box, the Discharger requests that the Regional Water Board delay the hearing so that the Discharger and the Prosecution Team can discuss settlement. It remains within the discretion of the Regional Water Board to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1."

(OPTION 3: Check here if the Discharger waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.) I hereby waive any right the Discharger may have to a hearing before the Regional Water Board within 90 days after service of the complaint. By checking this box, the Discharger requests that the Regional Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the Regional Water Board to approve the extension.

(Print Name and Title)

(Signature)

(Date)

NOTICE OF WAIVER OF PUBLIC HEARING

**California Regional Water Quality Control Board, San Diego Region
Issuance of Administrative Civil Liability (ACL) Order
Against
City of Laguna Beach, California**

On August 18, 2009, the California Regional Water Quality Control Board, San Diego Region (Regional Board) issued Complaint No. R9-2009-0040 to the City of Laguna Beach (Discharger) in the amount of \$70,680 for alleged violations of State Water Resources Control Board (State Water Board) Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* and Section 13385(a)(5) of the California Water Code. The Discharger has elected to waive its right to a public hearing in this matter. Waiver of the hearing constitutes admission of the validity of the allegation of violations in the Complaint and acceptance of the assessment of civil liability in the amount of \$70,680 as set forth in the Complaint. The Regional Board may consider accepting the Discharger's waiver at its November 10, 2009 meeting.

Written comments regarding the allegations contained in Complaint No. R9-2009-0040, and/or acceptance of the waiver, will be accepted through Monday, October 12, 2009.

The Regional Board's November 10, 2009 meeting will be at the Regional Board office located at 9174 Sky Park Court, San Diego, California. The meeting will begin at 9:00 a.m. Oral comments for this item may be made during the meeting upon receipt of a request to speak slip. For more information regarding this matter please contact Rebecca Stewart at (858) 467-2966, or at rstewart@waterboards.ca.gov or the Regional Board's web site at www.waterboards.ca.gov/sandiego.

MICHAEL P. McCANN
Assistant Executive Officer

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

PROPOSED DRAFT

HEARING PROCEDURE FOR
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
NO. R9-2009-0040
ISSUED TO

CITY OF LAGUNA BEACH
SEWAGE COLLECTION SYSTEM

SCHEDULED FOR NOVEMBER 10, 2009

PLEASE READ THIS HEARING PROCEDURE CAREFULLY. FAILURE TO COMPLY WITH THE DEADLINES AND OTHER REQUIREMENTS CONTAINED HEREIN MAY RESULT IN THE EXCLUSION OF YOUR DOCUMENTS AND/OR TESTIMONY.

Background

The Assistant Executive Officer of the Regional Water Quality Control Board, San Diego Region (Regional Water Board) has issued an Administrative Civil Liability (ACL) Complaint pursuant to California Water Code Section 13385 (CWC) against the City of Laguna Beach (Discharger) alleging that it has violated Prohibitions C.1 and C.2 of Order No. 2006-0003-DWQ and Section 13385(a)(5) of the California Water Code by discharging 590,000 gallons of untreated sewage into the Pacific Ocean, a water of the United States. The Complaint proposes that administrative civil liability in the amount of \$70,680 be imposed as authorized by CWC Section 13385. Unless the Discharger waives its right to a hearing and pays the proposed liability, a hearing will be held before the Regional Water Board during its meeting of November 10, 2009, in San Diego.

Purpose of Hearing

The purpose of the hearing is to receive relevant evidence and testimony regarding the proposed ACL Complaint. At the hearing, the Regional Water Board will consider whether to adopt, modify, or reject the proposed assessment.

The public hearing on November 10, 2009, will commence as announced in the Regional Water Board meeting agenda. The meeting will be held at the Regional Water Board Office at 9174 Sky Park Court, Suite 100, in San Diego. An agenda for the meeting will be issued at least ten days before the meeting and will be posted on the Regional Water Board's web page at: www.waterboards.ca.gov/sandiego.

Hearing Procedures

The hearing will be conducted in accordance with these hearing procedures. This proposed draft version of the hearing procedure has been prepared by the Prosecution

Team, and is subject to revision and approval by the Regional Water Board's Advisory Team. A copy of the procedures governing an adjudicatory hearing before the Regional Water Board may be found at Title 23 of the California Code of Regulations, § 648 et seq., and is available at <http://www.waterboards.ca.gov> or upon request. In accordance with Section 648, subdivision (d), any procedure not provided by this Hearing Procedure is deemed waived. Except as provided in Title 23 of the California Code of Regulations (CCR), § 648(b), Chapter 5 of the Administrative Procedures Act (commencing with § 11500 of the Government Code) does not apply to adjudicatory hearings before the Regional Water Board. This Notice provides additional requirements and deadlines related to the proceeding.

THE PROCEDURES AND DEADLINES HEREIN MAY BE AMENDED BY THE ADVISORY TEAM IN ITS DISCRETION. ANY OBJECTIONS TO THE HEARING PROCEDURE MUST BE RECEIVED BY CATHERINE HAGAN, SENIOR STAFF COUNSEL, NO LATER THAN AUGUST 28, 2009, OR THEY WILL BE WAIVED. FAILURE TO COMPLY WITH THE DEADLINES AND REQUIREMENTS CONTAINED HEREIN MAY RESULT IN THE EXCLUSION OF DOCUMENTS AND/OR TESTIMONY.

Hearing Participation

Participants in this proceeding are designated as either "parties" or "interested persons." Designated parties to the hearing may present evidence and cross-examine witnesses and are subject to cross-examination. Interested persons may present non-evidentiary policy statements, but may not cross-examine witnesses and are not subject to cross-examination. Interested persons generally may not present evidence (e.g., photographs, eye-witness testimony, monitoring data). Both designated parties and interested persons may be asked to respond to clarifying questions from the Regional Water Board, staff or others, at the discretion of the Regional Water Board.

The following participants are hereby designated as parties in this proceeding:

- (1) San Diego Regional Water Board Prosecution Staff
- (2) City of Laguna Beach Staff

Requesting Designated Party Status

Persons who wish to participate in the hearing as a designated party, and not already be listed above, shall request party status by submitting a request in writing (with copies to the existing designated parties) no later than 5 p.m. on **September 8, 2009**, to Catherine Hagan, Senior Staff Counsel, at the address set forth above. The request shall include an explanation of the basis for status as a designated party (e.g., how the issues to be addressed in the hearing and the potential actions by the Regional Water Board affect the person), the information required of designated parties as provided below, and a statement explaining why the party or parties designated above do not

adequately represent the person's interest. Any opposition to the request must be submitted by 5 p.m. on **September 17, 2009**. The parties will be notified by 5 p.m. on **September 28, 2009**, as to whether the request has been granted or denied.

Contacts

Advisory Staff:

Catherine Hagan (George), Esq.
Senior Staff Counsel
Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353
CHagan@Waterboards.ca.gov

John Robertus
Executive Officer
Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

Prosecution Staff:

Mayumi Okamoto
Staff Counsel
State Water Resources Control Board
Office of Enforcement
P.O. Box 100
Sacramento, CA 95812

Michael McCann
Assistant Executive Officer
Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

Jeremy Haas
Senior Environmental Scientist of the Compliance Assurance Unit
Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

Rebecca Stewart
Sanitary Engineering Associate
Regional Water Quality Control Board, San Diego Region

9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

Joann Cofrancesco
Water Resource Control Engineer
Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

Discharger:

Mr. Kenneth Frank
City Manager
City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651

Mr. David Shissler, P.E.
Director of Water Quality
City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651

Separation of Functions

To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role by presenting evidence for consideration by the Regional Water Board (Prosecution Staff) have been separated from those who will provide advice to the Regional Water Board (Advisory Staff). Members of the Advisory Staff are: Catherine Hagan, Senior Staff Counsel, and John Robertus, Executive Officer. Members of the Prosecution Staff are: Mayumi Okamoto, Staff Counsel, Michael McCann, Assistant Executive Officer, Jeremy Haas, Senior Environmental Scientist of the Compliance Assurance Unit, Rebecca Stewart, Sanitary Engineering Associate, and Joann Cofrancesco, Water Resource Control Engineer.

Ex Parte Communications

The designated parties and interested persons are forbidden from engaging in *ex parte* communications regarding this matter with members of the Advisory Staff or members of the Regional Water Board. An *ex parte* contact is any written or verbal communication pertaining to the investigation, preparation, or prosecution of the ACL Complaint between a member of a designated party or interested party on the one hand, and a Regional Water Board member or an Advisory Staff member on the other hand, unless the communication is copied to all other designated and interested parties (if written) or made at a proceeding open to all other parties and interested persons (if verbal). Communications regarding non-controversial procedural matters are not *ex*

parte contacts and are not restricted. Communications among the designated and interested parties themselves are not *ex parte* contacts.

Hearing Time Limits

To ensure that all participants have an opportunity to participate in the hearing, the following time limits shall apply: each designated party shall have a combined 20 minutes to present evidence, cross-examine witnesses (if warranted), and provide a closing statement; and each interested person shall have 3 minutes to present a non-evidentiary policy statement. Participants with similar interests or comments are requested to make joint presentations, and participants are requested to avoid redundant comments. Participants who would like additional time must submit their request to the Advisory Team so that it is received no later than ten days after all of the evidence has been received (October 27, 2009). Additional time may be provided at the discretion of the Advisory Team (prior to the hearing) or the Regional Board Chair (at the hearing) upon a showing that additional time is necessary.

Submission of Evidence and Policy Statements

The following information must be submitted in advance of the hearing:

1. All evidence (other than witness testimony to be presented orally at the hearing) that the Designated Party would like the Regional Board to consider. Evidence and exhibits already in the public files of the Regional Board may be submitted by reference as long as the exhibits and their location are clearly identified in accordance with Title 23, CCR, Section 648.3.
2. All legal and technical arguments or analysis.
3. The name of each witness, if any, whom the designated party intends to call at the hearing, the subject of each witness' proposed testimony, and the estimated time required by each witness to present direct testimony.
4. The qualifications of each expert witness, if any.
5. (Discharger only) If the Discharger intends to argue an inability to pay the civil liability proposed in the Complaint (or an increased or decreased amount as may be imposed by the Regional Board), the Discharger should submit supporting evidence as set forth in the "ACL Fact Sheet" under "Factors that must be considered by the Board."
6. (Discharger only) If the Discharger would like to propose a Supplemental Environmental Project (SEP) or Compliance Project (CP) in lieu of paying some or all of the civil liability in accordance with the State Water Board's Water Quality Enforcement Policy, the Discharger shall submit a detailed SEP OR CP proposal including a specific implementation timetable.

The Prosecution Team shall submit two hard copies of the information to Catherine Hagan, Senior Staff Counsel, so that it is received no later than 5 p.m. on **September 28, 2009**.

The remaining designated parties shall submit 20 hard copies and one electronic copy of the information to Catherine Hagan, Senior Staff Counsel, so that they are received no later than 5 p.m. on **October 19, 2009**.

In addition to the foregoing, each designated party shall send (1) one copy of the above information to each of the other designated parties by 5 p.m. on the deadline specified above.

Interested persons who would like to submit written non-evidentiary policy statements are encouraged to submit them to Catherine Hagan, Senior Staff Counsel, as early as possible, but they must be received by **October 27, 2009** prior to the hearing. Interested persons do not need to submit written comments in order to speak at the hearing.

In accordance with Title 23, California Code of Regulations, Section 648.4, the Regional Board endeavors to avoid surprise testimony or evidence. Absent a showing of good cause and lack of prejudice to the parties, the Regional Board may exclude evidence and testimony that is not submitted in accordance with this hearing procedure. Excluded evidence and testimony will not be considered by the Regional Board and will not be included in the administrative record for this proceeding. Power Point and other visual presentations may be used at the hearing, but their content may not exceed the scope of other submitted written material. A copy of such material intended to be presented at the hearing must be submitted to the Advisory Team at or before the hearing¹ for inclusion in the administrative record. Additionally, any witness who has submitted written testimony for the hearing shall appear at the hearing and affirm that the written testimony is true and correct, and shall be available for cross-examination.

Request for Pre-hearing Conference

A designated party may request that a pre-hearing conference be held before the hearing in accordance with Water Code Section 13228.15. A pre-hearing conference may address any of the matters described in subdivision (b) of Government Code Section 11511.5. Requests must contain a description of the issues proposed to be discussed during that conference, and must be submitted to the Advisory Team, with a copy to all other designated parties, no later than 5 p.m. on **October 19, 2009**.

Evidentiary Objections

Any designated party objecting to written evidence or exhibits submitted by another designated party must submit a written objection so that it is received by 5 p.m. on **October 27, 2009** to the Advisory Team with a copy to all other designated parties. The Advisory Team will notify the parties about further action to be taken on such objections and when that action will be taken.

¹ Each Regional Board may choose to require earlier submission of all visual aids by all parties. OE prefers early submission of visual aids, so that they have time to confirm that the aids do not go beyond the scope of previously-submitted evidence.

Evidentiary Documents and File

The Complaint and related evidentiary documents are on file and may be inspected or copied at the Regional Board office at 9174 Sky Park Court, Suite 100, San Diego, CA 92123. *This file shall be considered part of the official administrative record for this hearing.* Other submittals received for this proceeding will be added to this file and will become a part of the administrative record absent a contrary ruling by the Regional Board Chair. Many of these documents are also posted on-line at www.waterboards.ca.gov/sandiego. Although the web page is updated regularly, to assure access to the latest information, you may contact Catherine Hagan, Senior Staff Counsel.

Questions

Questions concerning this proceeding may be addressed to Catherine Hagan, Senior Staff Counsel.

IMPORTANT DEADLINES

- | | |
|--------------------|--|
| August 18, 2009 | Prosecution Team issues ACL Complaint to Discharger and Advisory Team, sends proposed Hearing Procedure to Discharger and Advisory Team, and publishes Public Notice |
| August 28, 2009 | Objections due on proposed Hearing Procedure |
| September 3, 2009 | Advisory Team issues Hearing Procedure |
| September 8, 2009 | Deadline for submission of request for designated party status. |
| September 17, 2009 | Deadline for opposition to request for designated party status. |
| September 17, 2009 | Discharger's deadline for waiving right to hearing. |
| September 28, 2009 | Prosecution Team's deadline for submission of all information required under "Evidence and Policy Statements," above. |
| September 28, 2009 | Advisory Team issues decision on requests for designated party status, if any. |
| October 19, 2009 | Remaining Designated Parties' Deadline for submission of all information required under "Evidence and Policy Statements," above. |

October 19, 2009 All Designated Parties' deadline for submission of request for pre-hearing conference.

October 27, 2009 All Designated Parties' deadline for submission of rebuttal evidence (if any) and evidentiary objections.

November 10, 2009 Hearing



Michael McCann
Assistant Executive Officer

DATE

8/18/09

COMPLETE THIS SECTION

items 1, 2, and 3. Also complete restricted Delivery if desired. name and address on the reverse can return the card to you. card to the back of the mailpiece, front if space permits.

Delivered to:

*Kenneth Frank
City Manager, City of
Laguna Beach
505 Forest Ave
Laguna Beach CA
92651*

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Number

Postage service

7009 0080 0000 7308 0608

11, February 2004 8-18

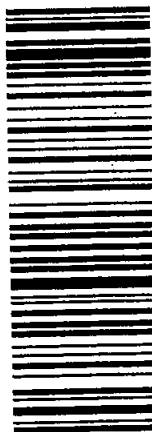
Domestic Return Receipt

R. Stewart

102595-02-M-1540

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™



7009 0080 0000 7308 0608

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 8.02

Postmark
Here

Sent To: *Kenneth Frank - City Manager*
Street, Apt. No., or PO Box No.: *505 Forest Ave.*
City, State, ZIP: *Laguna Beach CA 92651*

PS Form 3800, August 2006

See Reverse for Instructions