

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

RESOLUTION NO. R11-003

AUTHORIZING REFERRAL TO THE ATTORNEY GENERAL
REGARDING MULTIPLE SEWAGE SPILLS BY THE
CITY OF SOUTH PASADENA TO WATERS OF THE STATE

- A. WHEREAS, the City of South Pasadena (hereinafter referred to as Permittee), operates and maintains 54 miles of a wastewater collection system, in which 36 miles are more than 75 years old. The wastewater collection system is tributary to both the Los Angeles County Sanitation District 16 and to the City of Los Angeles collection systems.
- B. WHEREAS, the Permittee is enrolled under State Water Resources Control Board Order No. 2006-0003-DWQ (State Wide Waste Discharge Requirements for Sanitary Sewer Systems), also known as the Sanitary Sewer Overflow (SSO) WDR. The SSO WDR regulates sanitary sewer systems greater than one mile in length that collect and/or convey untreated or partially treated wastewater to a publicly owned treatment facility in the State of California. The wastewater is susceptible of containing high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oxygen-demanding organic compounds, oil and grease, and other pollutants which can degrade water quality and impact beneficial uses.
- C. WHEREAS, the Permittee has reported twenty-six (26) SSOs (listed on Table 1, which is hereby incorporated by reference) into the SSO database, in accordance with the SSO WDR, between January 29, 2007 and January 7, 2011, resulting in the discharge of 121,040 gallons of untreated wastewater. Of that total, 35,205 gallons of wastewater was recovered, 85,575 gallons were discharged to surface waters, and 260 gallons were not accounted for.
- D. WHEREAS, twelve (12) of the twenty-six (26) SSOs reached either the Arroyo Seco or Los Angeles River, which are both waters of the State and the United States. Of these twelve SSOs reaching surface waters, two overflows resulted in closure of 2.1 miles of open coastal beaches, known as Alamitos Beach and Junipero Beach, for 3 days each.
- E. WHEREAS, the discharges of untreated wastewater may have adversely impacted waters of the State and the United States and the beneficial uses thereof, including but not limited to municipal and domestic supply, industrial process supply, ground water recharge, water contact recreation, non-water contact recreation, warm freshwater habitat, and wildlife habitat.

- F. WHEREAS, the Los Angeles Regional Water Quality Control Board (Regional Board) is a state agency, whose primary authority under the Porter-Cologne Water Quality Control Act (at California Water Code § 13000 et seq.; hereafter Water Code) is regulating, enforcing, and ensuring the quality of the waters of the State.
- G. WHEREAS, the Regional Board finds it necessary and appropriate to refer this matter to the California Attorney General's Office to seek judicially imposed civil liabilities under applicable sections of the Water Code, to file such other applicable causes of action, and to seek other appropriate remedies.
- H. WHEREAS, all enforcement options have been considered. Any Regional Board enforcement order issued (e.g., Cleanup and Abatement Order, Cease and Desist Order, or Time Schedule Order) may lead to compliance; however, if compliance with those orders are not achieved, the Regional Board would follow up with an Administrative Civil Liability (ACL) assessing monetary penalties. Because the ultimate goal for the Permittee is compliance with the SSO WDR, a Regional Board issued ACL assessing only monetary penalties may not be the best and most direct remedy to fix the shortcomings of the City's sanitary sewer system.
- I. WHEREAS, given the gravity of the multiple discharges, the age of the Permittee's infrastructure, and the lack of any significant operation and maintenance program, referral to the California Attorney General's Office will allow the Regional Board to pursue more appropriate civil liability and injunctive relief than would otherwise be allowed if the Regional Board pursued an administrative liability action. In particular, the ability to pursue injunctive relief would allow the Regional Board, through the California Attorney General's Office, to place the Permittee under a judicially enforceable timeline to make the needed improvements to the sewer infrastructure and management.
- J. WHEREAS, the Permittee has caused or permitted raw sewage to be deposited in or on waters of the State and is—at a minimum—civilly liable under Water Code Section 13350(a). Under Water Code section 13350(d), a court may impose such civil liability either on a daily basis not to exceed fifteen thousand dollars (\$15,000) for each day the violation occurs or on a per gallon basis not to exceed twenty dollars (\$20) for each gallon of waste discharged. The Permittee may also be civilly liable under Water Code section 13385 for discharging waste into waters of the United States without authorization and violating the prohibitions contained in the Water Quality Control Plan for the Los Angeles Region. Under Water Code section 13385, a court may impose civil liability of up to twenty-five dollars (\$25) for each gallon of waste discharged but not cleaned up in excess of one thousand gallons and up to twenty-five thousand dollars (\$25,000) for each day in which the violation occurs.
- K. WHEREAS, Water Code section 13350(g) requires the Regional Board to hold a hearing, with due notice of the hearing given to all affected persons, prior to requesting the Attorney General to petition a court to impose civil liability under

Water Code section 13350. On January 7, 2011, notice was given to the Permittee regarding this hearing. On March 3, 2011, the Regional Board held such a hearing in compliance with section 13350(g), and considered the testimony and evidence offered at the hearing and in the record.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Regional Board hereby authorizes the Executive Officer to request that the Attorney General seek civil liabilities under the Water Code, including, but not limited to, Water Code sections 13350(a) and 13385, as appropriate, bring other applicable causes of action, and/or seek other relief as may be appropriate against the Permittee.
2. The Regional Board hereby authorizes the Executive Officer to participate in any settlement discussions regarding the resolution of the violations at issue. The Regional Board retains its authority to approve any proposed settlement of the alleged violations.

I, Samuel Unger, Executive Officer, hereby certify that the foregoing is a full, true, and correct copy of the Resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, at its regular meeting on March 3, 2011.



Samuel Unger, P.E.
Executive Officer

Table 1
SSOs entered into CIWQS

City of South Pasadena

EVENT ID	SSO Category	Start Date	SSO Address	SSO City	SSO Vol	Vol of SSO Recovered	Vol of SSO Reached Surface Water	SSO Failure Point	Name of Impacted Beach(es)	Name of Impacted Surface
647430	Category 1	1/29/07 12:00 AM	E Huntington Dr and Fair Oaks	South Pasadena	600	0	600	Main	N/A	N/A
650881	Category 1	5/21/07 8:10 AM	354 Camino del Sol	South Pasadena	5,400	5,000	400	Main	N/A	N/A
652469	Category 1	6/19/07 1:58 AM	1800 Fremont Ave	South Pasadena	240	0	240	Main	N/A	N/A
705141	Category 1	10/12/07 7:00 AM	Fair Oaks Ave. and State Street	South Pasadena	3,360	1,125	2,235	Main	N/A	Los Angeles River
724279	Category 1	8/4/08 12:00 AM	1948 Fletcher Avenue	South Pasadena	600	0	600	Main	N/A	N/A
725177	Category 1	8/24/08 9:15 PM	1035 Arroyo Verde	South Pasadena	2,250	2250	0	Main	N/A	N/A
731039	Category 1	12/22/08 5:45 PM	1129 Garfield Avenue	South Pasadena	7,500	0	7,500	Main	N/A	Los Angeles River
732173	Category 1	1/18/09 12:00 PM	Arroyo Verde at Marmion Way	South Pasadena	1,500	0	1,500	Main	N/A	Arroyo Seco
762438	Category 1	1/25/09 9:20 AM	Fairview Avenue	South Pasadena	300	0	300	Main	N/A	Los Angeles River
735004	Category 1	3/14/09 7:00 AM	Fair Oaks Ave. and State Street	South Pasadena	18,000	0	18,000	Main	Alamitos Beach, Junipero Beach	Los Angeles River
735196	Category 1	3/18/09 8:30 PM	1709 Meridia Meridian Avenue	South Pasadena	1,500	0	1,500	Main	N/A	Los Angeles River
736533	Category 2	4/17/09 8:00 PM	324 Camino Del Sol	South Pasadena	200	0	0	Main	N/A	N/A
737165	Category 1	5/5/09 10:00 PM	1020 Arroyo Verde	South Pasadena	6,000	0	6,000	Main	N/A	Arroyo Seco
745368	Category 1	10/4/09 10:10 AM	1020 Arroyo Verde	South Pasadena	13,500	5,250	8,250	Main	N/A	Arroyo Seco
745593	Category 1	10/10/09 10:40 AM	1020 Arroyo Verde	South Pasadena	14,000	4,000	10,000	Main	Alamitos Beach, Junipero Beach	Arroyo Seco, Los Angeles
747704	Category 2	12/4/09 5:00 PM	809 Bonita Drive	South Pasadena	300	300	0	Main	N/A	N/A

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747715	Category 1	12/18/09 10:15 AM	422 Magnolia Street	South Pasadena	2,750	1,750	1,000	Main	N/A	N/A
748170	Category 1	12/31/09 5:30 PM	Fair Oaks Avenue	South Pasadena	10,000	0	10,000	Main	N/A	Los Angeles River
748478	Category 1	1/18/10 3:30 PM	342 Camino Del Sol	South Pasadena	7,500	6,250	1,250	Main	N/A	N/A
752040	Category 1	4/27/10 2:00 PM	Fair Oaks Avenue	South Pasadena	300	200	100	Main	N/A	N/A
752257	Category 1	5/9/10 8:15 AM	345 Pasadena Avenue	South Pasadena	1,875	250	1,625	Main	N/A	N/A
754246	Category 1	6/30/10 8:30 PM	1600 Meridian Avenue	South Pasadena	4,250	0	4,250	Main	N/A	N/A
757719	Category 1	10/13/10 6:30 PM	1701 Meridian Avenue	South Pasadena	300	75	225	Main	N/A	Los Angeles River
759022	Category 2	11/29/10 12:00 PM	602 Indiana Place	South Pasadena	60	0	0	Main	N/A	N/A
759801	Category 1	12/22/10 9:15 AM	1425 Fair Oaks Avenue	South Pasadena	18,750	8,750	10,000	Main	N/A	Los Angeles River
760776	Category 2	1/7/11 12:00 PM	Indiana Place	South Pasadena	5	5	0	Main	N/A	N/A
				Total =	121,040	35,205	85,575			
				(in gallons)						