September 9, 2013

Ms. Claudine Meeker
Deputy Director of Utilities
City of Alhambra
111 S. First Street
Alhambra, CA 91801

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Claim No. 7012 3460 0001 6365 9888

PROPOSED RESOLUTION NO. R13-XXX AUTHORIZING REFERRAL TO THE ATTORNEY GENERAL REGARDING THE CITY OF ALHAMBRA COLLECTION SYSTEM

Dear Ms. Meeker,

This letter is intended to advise interested parties that the prosecution staff of the Regional Water Quality Control Board, Los Angeles Region (Regional Board) has proposed that the Regional Board hold a hearing to request the California Attorney General seek judicial civil enforcement under California Water Code sections 13350, 13385, and appropriate injunctive relief against the City of Alhambra based on noncompliance with State Water Resources Control Board Order No. 2006-0003-DWQ.

Please find attached the proposed Resolution No. R13-XXX referring the matter to the California Attorney General. A staff report providing information in support of the prosecution staff’s recommendation for referral is included as Exhibit A of the proposed resolution. Consideration of the proposed resolution will be at a public hearing to be held on October 3, 2013 at a location to be determined.

Any comments regarding these documents must be submitted to the attention of Mr. Chris Lopez no later than 5:00 pm on September 18, 2013. If you have questions regarding this matter, please contact Mr. Russ Colby at (213) 620-6373 or Mr. Chris Lopez at (213) 576-6806.

Sincerely,

Paula Rasmussen
Assistant Executive Officer

Enclosures:

- Proposed Resolution No. R13-XXX

cc: (See Mailing List)
MAILING LIST

Laura Drabandt, State Water Resources Control Board, Office of Enforcement
Mayumi Okamoto, State Water Resources Control Board, Office of Enforcement
Jennifer Fordyce, State Water Resources Control Board, Office of Chief Counsel
Russell Norman, State Water Resources Control Board, Division of Water Quality
Matthew Buffleben, State Water Resources Control Board, Office of Enforcement
Ken Greenberg, Environmental Protection Agency, Region 9
Rachel H. Richman, Burke, Williams & Sorenson, LLC
Alix Hobbs, Heal the Bay
Liz Crosson, Los Angeles Waterkeeper
Grace Robinson Chan, County Sanitation Districts of Los Angeles County
Joe Baiocco, Los Angeles County Flood Control District
Jacqueline Taylor, Los Angeles County Department of Public Health
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

RESOLUTION NO. R13-XXX

AUTHORIZING REFERRAL TO THE ATTORNEY GENERAL
REGARDING INFRASTRUCTURE DEFICIENCIES AND
MULTIPLE SEWAGE SPILLS TO WATERS OF THE STATE
BY THE CITY OF ALHAMBRA

A. WHEREAS, the City of Alhambra (hereinafter referred to as Discharger),
operates and maintains approximately 130 miles of a wastewater collection
system, in which 125 miles are more than 50 years old.

B. WHEREAS, the Discharger 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 System (SSS)
WDR. The SSS 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 Discharger has reported twenty-four (24) SSOs into the SSO
database, in accordance with the SSS WDR. The SSOs occurring between
January 2, 2007 and August 26, 2013, resulted in the discharge of 512,584 gallons
of untreated wastewater. Of that total, 291,416 gallons of wastewater was
recovered and 221,118 gallons were discharged to surface waters.

D. WHEREAS, at least seventeen (17) of the SSOs reached surface waters including
the Los Angeles River, the Alhambra Wash, the Laguna Wash, and the Rio
Hondo, which are all waters of the State and the United States.

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 ground water recharge, water contact recreation, non-water
contact recreation, and warm freshwater 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.

October 3, 2013
G. WHEREAS, after considering the Staff Report, attached hereto as Exhibit A and incorporated by reference, the Regional Board finds it necessary and appropriate to refer this matter to the California Attorney General’s Office to seek injunctive relief, bring other applicable causes of action, and/or judicially imposed civil liabilities under applicable sections of the Water Code.

H. WHEREAS, all enforcement options have been considered. Any Regional Board enforcement order (e.g., Cleanup and Abatement Order, Cease and Desist Order, or Time Schedule Order) may lead to compliance; however, if compliance with an order is not achieved, the Regional Board would follow up with an Administrative Civil Liability (ACL) assessing monetary penalties. Because the ultimate goal for the Discharger is compliance with the SSS 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 Discharger’s sanitary sewer system.

I. WHEREAS, given the gravity of the multiple discharges, the age of the Discharger’s infrastructure, funding issues, and lack of funds for implementation of its Sewer System Management Plan, 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 Discharger under a judicially enforceable timeline to make the needed improvements to the sewer infrastructure and management.

J. WHEREAS, the Discharger 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 Discharger 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 August 23, 2013, notice was given to the Discharger regarding this hearing. On October 3, 2013, 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 Discharger.

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 October 3, 2013.

Samuel Unger, P.E.
Executive Officer

Exhibit A attached
EXHIBIT A

STAFF REPORT FOR CONSIDERATION OF RESOLUTION NO. R13-XXX
REFERRING THE CITY OF ALHAMBRA TO THE CALIFORNIA OFFICE OF THE
ATTORNEY GENERAL

INTRODUCTION:

Regional Water Quality Control Board (Regional Board) staff is presenting Resolution No. R13-XXX for the Regional Board’s consideration, referring the City of Alhambra (Discharger) to the Attorney General’s Office (AGO) for multiple violations of its waste discharge requirements.

Resolution No. R13-XXX requests that the AGO seek injunctive relief, bring other applicable causes of action, and/or seek judicially imposed civil liabilities under California Water Code sections 13350 and/or 13385 as appropriate against the Discharger.

The Regional Board’s enforcement program has established a streamlined case referral process for administrative or civil enforcement cases to the AGO. Due to the significant issues explained below, including the Discharger’s failure to implement critical aspects of its sewer system management plan (SSMP), the Regional Board believes that this case is warranted for referral to the AGO. Based on preliminary discussions with the AGO, the office is willing to enforce against the Discharger.

BACKGROUND:

**SSS WDR**
On November 21, 2006, the Discharger was enrolled under State Water Resources Control Board Order No. 2006-0003-DWQ (Statewide General Waste Discharge Requirements for Sanitary Sewer Systems), also known as the SSS WDR. The SSS WDR regulates all federal and state agencies, municipalities, counties, districts, and other public entities that own or operate sanitary sewer systems greater than one mile in length that collect and/or convey untreated or partially treated wastewater to a publically 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.

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1 All references to the SSS WDR Order No. 2006-0003-DWQ include its accompanying Monitoring and Reporting Program NO. 2006-0003-DWQ, and State Water Board Order No. WQ 2008-0002-EXEC.
The discharges of untreated wastewater may adversely impact waters of the State and the United States and the beneficial uses thereof, including but not limited to groundwater recharge, water contact recreation, non-water contact recreation, and warm freshwater habitat.

SSS WDR Prohibitions C.1 and C.2 prohibit any sanitary sewer overflow (SSO) that results in a discharge of treated or partially treated wastewater to waters of the United States, or SSO that creates a nuisance as defined in Water Code section 13050(m).

SSS WDR Provision D.13 requires enrollees to develop and implement a system-specific SSMP which includes provisions to provide a plan and schedule to ensure proper and efficient management, operation, and maintenance of sanitary sewer systems.

SSS WDR Provision D.13.iv(c) requires enrollees to develop a rehabilitation and replacement plan to identify and prioritize system deficiencies and implement short-term and long-term rehabilitation actions to address each deficiency. The rehabilitation and replacement plan should also include a capital improvement plan that addresses proper management and protection of the infrastructure assets. The plan shall include a time schedule for implementing the short-term and long-term plans plus a schedule for developing the funds needed for the capital improvement plan.

SSS WDR General Monitoring and Reporting Requirements Provision G.1 through G.4 include notification requirements that require the enrollee to report, within defined timeframes, SSOs to the California Integrated Water Quality System (CIWQS) Online SSO Database.

**Sanitary Sewer System Characteristics**

The Discharger operates and maintains 130 miles of gravity sewer pipe, and 1.3 miles of pressurized force main pipe. Approximately 125 miles of pipes are more than 50 years old, with 73% of the system constructed between 1920 and 1939; and 22% of the system constructed between 1940 and 1959.

**Sanitary Sewer Overflows (SSOs)**

From the date of the Discharger's enrollment on November 21, 2006 through August 26, 2013, the Discharger has reported twenty-four (24) SSOs. Of these SSOs, twenty-three (23) occurred between January 2, 2007 and August 26, 2013, releasing a total of 512,584 gallons of raw sewage of which 221,118 gallons reached surface waters. A table of SSOs reported by the Discharger in CIWQS is included.

The Discharger also reported an SSO which is estimated to have occurred continuously between March 1, 1997 and August 22, 2012, as a result of an illicit connection of a Discharger-owned building to the
storm drain system. The estimated volume of raw sewage discharged to surface waters from this illicit connection is 11,536,234 gallons.

System Evaluation
The Discharger has conducted studies on its system which identified system deficiencies and suggested capital improvement projects:

- Capacity Study: The Discharger's 2007 Sewer Master Plan identifies 43,152 feet of hydraulic deficiencies (approximately 6.4% of the total system length) within the collection system. The Capital Improvement Program section of the 2007 Sewer Master Plan identifies and prioritizes 22 gravity system and 7 sewer lift station capital improvement projects to address hydraulic deficiencies.

- Closed Circuit Television (CCTV) Study: CCTV inspections and assessments of 665,798 feet of the Discharger's sewer system were performed between May 2007 and November 2008. The Discharger's 2009 Sewer System Rehabilitation Plan includes results from these inspections and lists rehabilitation projects in 184 reaches of the collection system identified as being in a "Severe" or "Major" condition. A "Severe" condition includes having structural defects such as deformed pipe, hole in the pipe, broken pipes, and large joint offsets. A "Major" condition includes structural defects such as multiple fractures, medium joint offsets, major sags, and pipes with a large number of cracks.

- Manhole Survey: A Sanitary Sewer Manhole Survey was completed in November 2007, based on sewer manhole inspections and assessments performed between October 2005 and October 2006. Based on the results of this survey, the Discharger's 2009 Sewer System Rehabilitation Plan lists 38 manholes in need of Level 1 work and 227 manholes in need of Level 2 work. Level 1 work is defined as "work considered the most critical and should be implemented within the next year." Level 2 work is defined as "work considered near critical and should be implemented within the next two years."

2011 Inspection
On December 20, 2011, the Regional Water Board, State Water Resources Control Board (State Water Board), and United States Environmental Protection Agency (USEPA) conducted an inspection of the Discharger's collection system. On May 30, 2012, USEPA transmitted the Inspection Report to the Discharger. On June 8, 2012, the Regional Water Board issued a Notice of Violation (NOV) based on the inspection's findings. In addition, USEPA made the following recommendations to the Discharger in the inspection report:
The Discharger should continue increasing its efforts to reduce SSOs. It should intensify its focus on pump stations, Fats, Oils, and Grease (FOG), and root control programs. The Discharger should follow the recommendations of its Rehabilitation Report and continue its plan to procure CCTV equipment, thus enabling it to CCTV after SSOs occur and to perform routine CCTV inspection.

The Discharger should make all efforts to improve the completeness and accuracy of its documentation of SSOs. Standard procedures should be established for preparing complete and accurate documentation of SSOs, beginning with the logging of the initial call from the public until the final spill report is submitted to CIWQS. When possible, response crews should follow up to reasonably determine the actual time the SSO began. The Discharger should also consider preparing spill response documentation kits to be maintained in its service vehicles, including tools to aid in estimating SSO volume, including digital cameras. All staff that responds to SSOs should receive additional training in preparing and maintaining SSO documentation.

The Discharger must report all SSOs, including “basement backups.” The Discharger should provide USEPA and the State with the reasons any SSOs were not reported to CIWQS and report all missing SSO data to CIWQS, as appropriate. To better explain the spill volume estimates included in CIWQS SSO Reports, the Discharger should consider including detailed information on volumes in the “explanation of final spill destination” and “explanation of spill response activities” boxes.

The Discharger should ensure that all proper operation and maintenance procedures are routinely performed at each pump station. All alarm and electrical systems should be tested for proper function, and all routine maintenance should be performed at intervals recommended by the manufacturer. All emergency generators should be properly exercised and maintained. The Discharger should schedule its pump stations and force mains for immediate upgrades to assure reliability, as recommended by its Master Plan.

The Discharger should begin to aggressively implement its FOG control program as soon as possible.

The Discharger should invest in a flow monitoring study to verify the conclusions of the modeling study.

The Discharger should adopt a maintenance management system (“MMS”) that would more efficiently allow the Discharger to
integrate, map, track, and record maintenance, SSOs, inspection history, and condition assessment of its pipes.

- The Discharger should aggressively implement the recommendations of its Rehabilitation Plan, especially those regarding sewer system upgrades and CCTV inspection and condition assessment.

- In order to consistently meet sewer system expenses and fund needed rehabilitation work, the Discharger should consider continuing its increased sewer rates to fund recommended capital improvements.

2012 Re-Inspection
On December 10, 2012, the Regional Board and State Board conducted a re-inspection of the Discharger’s collection system. On February 28, 2013, the Regional Board transmitted the Inspection Report to the Discharger. The following are some of the findings and violations cited in the inspection report:

- The Discharger was found to have had an SSO that reached surface waters, as discovered by the Discharger on August 22, 2012. This SSO was not reported to CIWQS at the time of the re-inspection.

- Between January 2, 2007 and December 10, 2012, the Discharger failed to fully report all SSOs to CIWQS as required by Provisions A.4 and A.5 of the Amended Monitoring and Reporting Program of the SSS WDR (Amended MRP).

- The Discharger failed to accurately report volumes for Category 1 SSOs to CIWQS as required by Provision A.11 of the Amended MRP.

- Between January 2, 2007 and December 10, 2012, the Discharger failed to timely certify 5 out of at least 20 known Category 1 SSOs in CIWQS as required by Provision A.4 of the Amended MRP.

- The Discharger failed to comply with the 2-hour notification requirement for at least 4 out of 13 known SSOs where sewage reportedly reached a drainage channel or surface water as required by Notification Provision 1 of the Amended MRP.

- The Discharger failed to retain and maintain adequate SSO records and documentation as required by Provision of B of the Amended MRP.
The Discharger failed to implement its approved Sanitary Sewer System Management Plan (SSMP) as required by Provision D.11 of the SSS WDR.

Portions of the Discharger's sewer system do not have the capacity to convey base and peak flows, including flows related to wet weather events as required by Provision D.10 of the SSS WDR.

The Discharger's SSMP does not include time schedules for implementing short and long-term capital improvement projects as required by Provisions D.13(iv)(c) and D.13(viii)(d) of the SSS WDR.

The Discharger's SSMP fails to include a time schedule for developing the funds needed to implement its capital improvement plan as required by Provision D.13(iv)(c) of the SSS WDR.

The Discharger's SSMP failed to identify sources of funding for addressing hydraulic deficiencies and ensuring adequate flow capacity as required by Provision D.13(viii)(c) of the SSS WDR.

The Discharger failed to conduct an adequate SSMP 2-year audit as required by Provision D.13(x) of the SSS WDR.

Based on the December 10, 2012 inspection, the Regional Water Board issued Investigative Order No. R4-2013-0010 to the City of Alhambra to obtain additional information not immediately available during that re-inspection.

OUTSTANDING PROGRAMMATIC COMPLIANCE ISSUES:

Based on the information provided by the Discharger, the following concerns remain:

- Four SSOs have occurred to date in 2013, an increase from 2012. These SSOs have released approximately 15,000 gallons of untreated sewage to surface waters.

- There remain Capital Improvement Projects for the Discharger's gravity sewer system and sewer lift stations listed in the 2007 Sewer Master Plan that have yet to be completed or scheduled.

- There remain Sewer Pipeline Replacement and Rehabilitation projects listed in the 2009 Sewer System Rehabilitation Plan that have yet to be completed or scheduled, including pipelines categorized as being in a "Severe" or "Major" condition.
• There remain Sewer Manhole Replacement and Rehabilitation projects listed in the 2009 Sewer System Rehabilitation Plan that have yet to be completed or scheduled, including manhole repair recommendations categorized as “Level 1” or “Level 2.”

• Funding, budgeting, and scheduling of collection system improvements is inadequate to address issues within the collection system.

• The Discharger’s maintenance management system may not be adequate to address the needs of the sewer system.

• An inadequate FOG reduction program was cited as an issue in the 2011 inspection and again in the 2012 inspection. Two SSOs that occurred in 2013 were reportedly due to FOG.

• Reporting and documentation have been cited as an issue in the 2011 and 2012 inspections and may continue to be an issue in the future.

OPTIONS:

All enforcement options have been considered. Any Regional Board enforcement order issued (Cleanup and Abatement Order, Cease and Desist Order, or Time Schedule Order) may lead to compliance. If compliance with those orders is not achieved, the Regional Board would follow up with an Administrative Civil Liability complaint assessing monetary penalties. However, the ultimate goal is to have the Discharger come into and maintain compliance with the SSS WDR. Therefore, any Regional Board enforcement should emphasize this goal.

Given the multiple significant issues involved in this case, referral to the AGO will allow the Regional Board to better focus on and ensure permanent fixes to the Discharger’s sewer program than would otherwise be allowed if the Board pursued another administrative enforcement action. In particular, the ability to impose injunctive relief would allow the Regional Board, through the AGO, to place the Discharger under a judicially enforceable timeline to make the needed improvements to the sewer infrastructure and management.

RECOMMENDATION:

Staff recommends that the Regional Board adopt the Resolution referring the City of Alhambra violations of the SSS WDR to the AGO for civil liabilities and injunctive relief.
**SSO Public Report - Detail Page**

Here is the detail page of your SSO public report search for the selected region, responsible agency, or collection system. These results correspond to the following search criteria:

**SEARCH CRITERIA:**
- Collection System (alhambra city)
- Region (4)
- Spill Type (uns_cat_2)
- Start Date (01/02/2007)
- End Date (06/26/2013)

The table below presents important details for all sewage discharge locations, as submitted through individual SSO reports, which meet the search criteria selected. If data is not shown for a particular field, it means the Enrollee did not provide the information and was not required to do so. To view the entire SSO report for a specific sewage discharge location, please select the corresponding EVENT ID.

**DRILLDOWN HISTORY:**
- **REGION:** 4

**VIEW PRINTABLE VERSION**

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