

AMENDED ORDER NO. R4-2021-0107-A01

**ORDER TO PROVIDE MONITORING AND REPORTING FOR UNAUTHORIZED
DISCHARGE OF RAW SEWAGE ON JULY 11, 2021 AND JULY 12, 2021
PURSUANT TO CALIFORNIA WATER CODE SECTION 13383**

**DIRECTED TO
CITY OF LOS ANGELES LA SANITATION AND ENVIRONMENT
HYPERION TREATMENT PLANT
12000 VISTA DEL MAR, PLAYA DEL REY, CALIFORNIA
(NPDES PERMIT NO. CA0109991, ORDER NO. R4-2017-0045)**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board) makes the following findings and issues this Order pursuant to California Water Code (CWC) Section 13383 requiring the City of Los Angeles LA Sanitation and Environment (LASAN) to further assess the receiving water quality at the 5-mile outfall.

1. LASAN owns and operates the Hyperion Treatment Plant (HTP) located in Playa del Rey, California. HTP is regulated under National Pollutant Discharge Elimination System (NPDES) Permit No. CA0109991, Order No. R4-2017-0045 (Permit), for its discharge of secondary treated wastewater into the Pacific Ocean within the Santa Monica Bay through two outfalls: a 12-foot diameter 1-mile outfall (Discharge Point 001) and a 12-foot diameter 5-mile outfall (Discharge Point 002). Discharge Point 002 terminates approximately 5 miles west-southwest of HTP and it is the only outfall permitted for the routine discharge of secondary treated effluent. Discharge Point 001 is approximately one mile west-southwest of HTP and is permitted for discharge of disinfected secondary effluent and/or storm water under limited conditions as stated in section III.A of the Permit, or with prior approval from the Regional Water Board Executive Officer.
2. At 8:12 p.m. on July 11, 2021, the Regional Water Board was notified by the California Office of Emergency Services (Cal OES) of a mechanical failure at HTP which may cause a release of raw sewage to the Pacific Ocean via the one-mile emergency outfall (Hazardous Materials Spill Report Cal OES Control #21-3698). On July 12, 2021, at 8:50 a.m., Regional Water Board staff received an updated spill report estimating a release volume of 17 million gallons to the Pacific Ocean ending at approximately 7:00 a.m. on July 12, 2021.
3. On July 12, 2021, Regional Water Board staff inspected HTP and observed evidence of a raw sewage spill within the plant. Multiple areas, including HTP's effluent pumping plant and pipe galleries, were flooded with raw sewage. Multiple pieces of equipment were rendered non-operational as a result of the flooding, including:

- a. Effluent pumps for Discharge Point 002. However, effluent for Discharge Point 002 is typically discharged via gravity flow during dry weather and thus this typically does not have an effect on the plant's operation;
 - b. Return activated sludge pumps, which negatively impacted the efficiency of the secondary biological treatment process; and
 - c. Waste solid processing system, which resulted in solids accumulation in the primary sedimentation tanks and secondary clarifiers, thus impacting secondary effluent quality.
4. Based on the 5-day preliminary report, submitted by LASAN on July 16, 2021 to the Regional Water Board regarding the incident, an estimated 16.874 million gallons of untreated raw sewage was discharged into the Pacific Ocean within the Santa Monica Bay through Discharge Point 001. An additional 80,000 gallons of untreated raw sewage was discharged through Discharge Point 002 after blending with HTP's normal effluent during the incident.
5. As a result of the incident, the Los Angeles County Department of Public Health (LACDPH) closed Dockweiler and El Segundo Beaches on July 12, 2021.
6. From July 12, 2021 through July 16, 2021, LASAN collected bacteriological samples and conducted visual monitoring of the shoreline between Santa Monica State Beach and Redondo Beach and offshore around both Discharge Point 001 and Discharge Point 002. LACDPH also conducted daily bacteriological sampling along the shoreline between Will Rogers State Beach and Redondo Beach.
7. On July 14, 2021, LACDPH lifted the beach closures after two days of shoreline sampling results that were within State bacteriological standards.
8. From July 19, 2021 through August 1, 2021, LASAN reported the following exceedances of the NPDES permit effluent limitations in effluent samples collected from July 11, 2021 through July 31, 2021 for Discharge Point 002:
 - a. Total suspended solids (TSS) exceeded the average weekly and average monthly effluent limitations;
 - b. 5-day biochemical oxygen demand (BOD) exceeded the average weekly effluent limitation;
 - c. Turbidity exceeded the average weekly effluent limitation;

- d. Settleable solids exceeded the average weekly, average monthly, and instantaneous maximum effluent limitations;
 - e. Oil and grease exceeded the average weekly effluent limitation.
9. CWC section 13383 provides the Regional Water Board the authority to require anyone operating under an NPDES permit to monitor and report and provide other information that the Regional Water Board requires. Subdivision (b) of section 13383 authorizes regional water boards to require any person subject to section 13383 to “sample effluent as prescribed, and provide other information as may be reasonably required.”
10. Pursuant to CWC section 13383, this Order requires LASAN to perform daily offshore monitoring and submit daily monitoring and status reports as described in this Order. LASAN is expected to submit complete reports as required by this Order. The Regional Water Board may reject a report if it is deemed incomplete and/or require revisions to a report under this Order.
11. Although there is no explicit requirement to consider monitoring and reporting costs, the Regional Water Board finds that any costs incurred as a result of this Order are reasonable and necessary to comply with monitoring and reporting requirements which result in appropriate data needed to evaluate water quality and other impacts of the discharges and ensure that beneficial uses are protected. See, *In the Matter of the Petitions of the City of Oceanside, Fallbrook Public Utilities District and the Southern California Alliance of Publicly Owned Treatment Works*, State Water Resources Control Board Order WQ 2021-0005, at pp.12-13. The Regional Water Board further finds that the burdens, including costs, of these reports bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The information is necessary to assess the quality of the receiving water and determine impacts to the receiving water due to the spill event and due to HTP’s reduced ability to fully treat sewage while it brings the facility back to normal operation. The technical reports required by this Order are justified as they provide information on the impacts on the receiving water due to the spill event and ongoing effluent permit limit exceedances caused by HTP’s reduced operational abilities and can be used to determine potential effects on human health and aquatic life as a result of the ongoing discharge. Based on an initial estimate using information provided by LASAN staff, the additional sampling and reporting will cost approximately \$6,800 per day. Because approximately 21 days of reports may be required, based on estimates from LASAN regarding the time to return the plant to normal operations and meet effluent limitations, these requirements result in an estimated total cost of \$142,800. This cost is reasonable when weighed against the valuable information gained by the

reports, including the ability to gauge past and continuing impacts on human health, and on the health of aquatic and benthic life; and to evaluate water quality and ensure that beneficial uses are being protected.

12. The issuance of this Order exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CWC section 13389. This Order requires submittal of monitoring and status reports under the NPDES program.
13. Any person aggrieved by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED that the City of Los Angeles LA Sanitation & Environment, pursuant to CWC section 13383, perform sampling and submit the following reports **beginning August 3, 2021 and until 1) all HTP's treatment processes are online and the plant resumes normal operation and 2) no instantaneous or average weekly effluent limitation exceedances are observed at Discharge Point 002 as a result of the plant upset caused by the July 11 incident or upon approval by the Regional Water Board Executive Officer.** LASAN must submit a daily report to include offshore sampling results as required in Item 1 below and a daily plant status report as required in Item 2 below. Each daily report shall include all available sampling results up to the reporting date. The report shall be submitted daily from Monday through Friday; results collected on Friday, Saturday and Sunday shall be reported on the following Monday.

1. **Daily Offshore Sampling.** LASAN must perform sampling at the following 24 monitoring locations listed in subsection (a) below, and test for the pollutants listed in subsections (b) and (c) below at each monitoring location. Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulation (C.F.R.) § 136; where no methods are specified for a given pollutant, then by methods approved previously by this Regional Water Board, the State Water Resources Control Board, and U.S. Environmental Protection Agency Region 9. For any pollutant whose effluent limitation is lower than all the minimum levels (MLs) specified in Appendix II of the *Water Quality Control Plan for Ocean Waters of California, California Ocean Plan* (Ocean Plan, 2019), the analytical method with the lowest ML must be selected.
- a. Monitoring locations (Location for each Station ID is the same as the receiving water monitoring location with the same Station ID notation listed in the Permit):

Station ID	Depths
3506	< 1 meter
	15 meters
	Outfall Terminal depth
3505B	< 1 meter
	15 meters
	Outfall Terminal depth
3605	< 1 meter
	15 meters
	Outfall Terminal depth
3504	< 1 meter
	15 meters
	Outfall Terminal depth
3404	< 1 meter
	15 meters
	Outfall Terminal depth
3405	< 1 meter
	15 meters
	Outfall Terminal depth
3505	< 1 meter
	15 meters
	Outfall Terminal depth
3604	< 1 meter
	15 meters
	Outfall Terminal depth

b. Pollutants List:

Bacteria (total coliform, fecal coliform and/or E. coli, and Enterococcus)
Total Suspended Solids
Biochemical Oxygen Demand
Settleable Solids
Turbidity
Oil and Grease
Dissolved Oxygen
Temperature
Ammonia
Salinity
Transmissivity
pH

c. Visual Observations:

Discoloration
Turbidity
Odor
Suspended Matter
Materials of Sewage Origin

2. **Daily Plant Status.** LASAN is also required to provide a daily plant status report. Each status must include:

- a. The latest progress on repairing and/or replacing damaged parts and returning HTP to its normal treatment processes as required by the Permit, including an update on the estimated date for completion of repairs and resumption of normal treatment processes;
- b. Efforts to address the effluent limit violations, and any other activities being performed related to remediating the spill event and ongoing effluent limit violations; and
- c. Efforts implemented to ensure that neither the treatment nor the discharge of pollutants shall create pollution, contamination or a nuisance as defined by CWC section 13050. Odors, vectors and other nuisance of sewage or sludge origin beyond the limits of the treatment plant site are prohibited in accordance with section VII.A.2.b. of the Permit.

3. The above items shall be submitted electronically to:

Russ Colby
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
Phone: (213) 620-6375
Email: russ.colby@waterboards.ca.gov

However, the Regional Water Board may request that you submit hard copies of selected documents and data in addition to electronic submittal of information to russ.colby@waterboards.ca.gov

4. Pursuant to CWC section 13385, subdivision (a)(3), failure to comply with any requirement of this Order may result in the imposition of administrative civil liability by the Regional Water Board of up to \$10,000 for each day in which the violation occurs. These civil liabilities may be assessed by the Regional Water Board beginning with the date on which a violation of this Order first occurred, and without further warning. The Regional Water Board may also request that the California Attorney General seek judicially imposed civil liabilities of up to \$25,000 for each day in which a violation occurs, and/or injunctive relief, pursuant to California Water Code section 13385 and 13386.
5. Each report should include a perjury statement in the following format:

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

SO ORDERED.

Renee Purdy
Executive Officer

August 2, 2021

Date