



## Wastewater Collection Systems In Los Angeles County To Fund Environmentally Beneficial Projects In Satisfaction Of Liability For Unauthorized Overflows

By Cassie N. Aw-yang

On December 14, 2006, the Los Angeles Regional Water Quality Control Board (Regional Board) adopted Order No. R4-2006-0040 to effectuate a proposed settlement agreement between 18 individual Los Angeles County Sanitation Districts (Districts) and the Regional Board and Santa Monica Baykeeper. The agreement requires the Districts to pay \$2.5 million in administrative civil liability for violations of waste discharge requirements stemming from unauthorized overflows from local and regional wastewater collection systems in Los Angeles County between January 2001 and September 2006. The settling parties agreed to divert \$2,375,000 of the penalty to supplemental environmental projects.

### Background

The Districts own and operate nine wastewater treatment plants in the Los Angeles Region. The region's collection system includes approximately 1,200 miles of main truck sewers that convey about 510 million gallons per day of wastewater into the wastewater treatment plants. Forty-eight of the system's 52 pumping plants are remotely monitored from a main pumping plant staffed 24 hours per day.

Between January 1, 2001, and September 30, 2006, the Districts identified 93 overflows from their collection system facilities within the Los Angeles Region. More than a third of the overflows did not reach receiving waters, and 20 overflows were below the Health and Safety Code's reporting threshold of 1,000 gallons. The largest overflow event consisted of approximately 1.5 million gallons of raw wastewater from the South Bay Cities Sanita-

tion District of Los Angeles County's collection system on January 15, 2006. The overflow occurred as a result of unprecedented and coincident failure of the district's telemetry communication system and the primary and backup pump control systems. Approximately 65,000 gallons of the overflow reached the Pacific Ocean, while about 777,000 gallons percolated into beach sand and underlying groundwater. Approximately 678,000 gallons were recovered from beach impoundments that would have otherwise reached groundwater. About 496,000 gallons were recovered from the sewer that would have otherwise overflowed onto adjacent beach.

On July 14, 2006, the Regional Board Executive Officer issued an administrative civil liability complaint for \$4,671,318 against the Districts for the overflows, which allegedly violated various waste discharge requirements. At a pre-hearing conference in September 2006, the Presiding Officer of the Regional Board granted the Baykeeper party status.

### The Settlement Agreement

On November 13, 2006, the Districts entered into a settlement agreement with the Regional Board and Baykeeper for the 93 overflows. Adopted by the Regional Board on December 14, 2006, the Order gave effect to the settlement agreement. The settling parties agreed that the Districts would pay, in exchange for a full and final release of all claims for penalties and injunctive relief arising out of the overflows, an administrative civil liability of \$2.5 million. Of that sum, \$125,000 is payable to the State Water Resources Control Board Cleanup and Abatement Account (Cleanup

and Abatement Account). The remainder of \$2,375,000 is to be diverted to three specified environmentally beneficial projects known as (SEPs).

The settling parties designated \$2.2 million of the SEP funds for the Watershed Conservation Authority toward the development of an educational facility known as the San Gabriel River Discovery Center at Whittier Narrows (Discovery Center). The Kids Lead LA-Watershed and Marine Education Outreach Program (S.T.A.R., Inc.) is to receive \$50,000. Another \$125,000 is to go toward the development of a Model Program for Bacterial Source Identification and Abatement Plan – Redondo Beach Pier Pilot Project (Model Program) in accordance with the Order. The Model Program includes the design and development of identification methods and the implementation of a source identification study to determine fecal bacteria sources to the beach immediately adjacent to the Redondo Beach Pier. The Districts also committed to contribute, outside of the settlement, an additional \$200,000 of in-kind services to the Model Program. In the event that a SEP cannot be performed for any reason, the Districts are to direct funds in an amount determined by the Regional Board Executive Officer to another SEP as specified in the settlement agreement.

The Order requires the Districts to submit detailed workplans subject to approval by the Regional Board Executive Officer for the Discovery Center and Model Program SEPs. Each workplan must, among other requirements, describe how the applicable project benefits water quality and the public, while also qualifying as one or more of the following SEP



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categories: pollution prevention, environmental restoration, environmental auditing, public awareness/education, watershed assessment or management, facilitation services, and/or non-point source program implementation. The workplans must describe the primary project activities, implementation timetable, budget, criteria for assessing project success, entity retained to audit the project, and any plans to continue or maintain the project beyond the SEP-funded period. Any unused funds must be turned over to the Cleanup and Abatement Account. The Order also requires the Districts to submit quarterly progress reports for the SEPs.

If the Districts fail to abide by the terms of the settlement agreement, the Order specifies that the Districts must pay \$2,375,000, or any remaining portion thereof as determined by the Regional Board Executive Officer, to the Cleanup and Abatement Account. If the Districts publicize any of the SEPs or their results, the Districts must clearly indicate that the SEPs are being undertaken as part of the settlement agreement of an enforcement action taken by the Regional Board.

### **Conclusion and Implications**

The Districts entered into a settlement agreement with the Regional Board and Bay-

keeper to satisfy civil liability for 93 overflows between January 2001 and September 2006. On December 14, 2006, the Regional Board approved the agreement. As a result, a total of \$2.7 million dollars will be spent on projects that benefit the environment, including, but not limited to, cleanup and abatement, outreach, and water quality studies. The settlement agreement evinces that regulated, regulating, and local communities can collaborate to seize from violations of waste discharge requirements opportunities to improve and maintain the affected environment as well as to contribute to or create programs that address local water quality needs.