



Agenda Item #: _____



Staff Report

City of Manhattan Beach

TO: Honorable Mayor Montgomery and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Jim Arndt, Director of Public Works

Dana Greenwood, City Engineer

DATE: September 2, 2008

SUBJECT: First Street Storm Drain Low-Flow Diversion – Status Report

RECOMMENDATION:

Staff recommends that the City Council receive and file this status report.

FISCAL IMPLICATION:

There are no fiscal implications associated with the action recommended.

BACKGROUND:

In the mid-1970's, the Los Angeles County Flood Control District constructed a storm drain in the vicinity of First Street. This drain provides an outlet for a 215-acre watershed and discharges onto the beach. City staff developed a rough concept that provided for the diversion of low-flows to an adjacent Los Angeles County Sanitation District sewer. While the Los Angeles County Department of Public Works (current owner of the drain) and the City of Hermosa Beach supported the concept of diverting low-flows to the sanitary sewer, they were not willing to commit any funds to the project. City staff then submitted an application to the Los Angeles Regional Water Quality Board to have the project considered as a Supplemental Environmental Project (SEP). Once a project is approved and added to the SEP list, it becomes eligible in the future for funding whenever an agency commits a violation of the Clean Water Act. More information on this program is provided in the attached in-house memorandum.

The project has been approved by the Los Angeles Regional Water Quality Board and is now on the list of approved SEP projects. The Los Angeles County Sanitation District, in a recent letter dated August 5, 2008, has agreed to take the project one step further and design the diversion facility. Having design plans completed will improve the project's readiness and allow it to compete more effectively for funding in the future.

City staff will continue to work with the Los Angeles County Sanitation District to help move this project forward and enhance its ability to attract funding in the future.

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Attachments: a) Los Angeles County Sanitation District letter dated August 5, 2008
b) In-house Staff Memorandum (with attachments)

xc: Sona Kalapura, Environmental Programs Manager
Lindy Coe-Juell, Assistant to the City Manager
Bruce Moe, Director of Finance
Richard Thompson, Director of Community Development



FILE COPY

COUNTY SANITATION DISTRICTS
OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

STEPHEN R. MAGUIN
Chief Engineer and General Manager

August 5, 2008

Mr. Geoff Dolan
City Manager
City of Manhattan Beach
1400 Highland Ave.
Manhattan Beach, CA 90266-4728

Dear Mr. Dolan:

1st Street Drain

This is to confirm the agreement you and I reached at our meeting of July 31, 2008, which included Mr. Jim Arndt, the City's Director of Public Works.

The City, as part of its commitment to cleaner beaches, has for some time been interested in diverting the dry weather flow of the 1st Street drain from the beach to the Sanitation Districts' sewer. The Sanitation Districts had previously committed to facilitate the diversion. As a first step in the project, City and Sanitation Districts staffs in 2007 coordinated a request to the Los Angeles Regional Water Quality Control Board (Regional Board) to include the 1st Street drain diversion on its Approved Supplemental Environmental Project (SEP) List, to qualify the project for funding from that source.

In our meeting, we identified the key steps necessary to complete the project, and agreed that the Sanitation Districts will be responsible for the following:

- Providing the City a schedule for the design of the diversion facility
- Completion of the design of the diversion facility
- Continuing to work with the Regional Board to include construction of the 1st Street drain diversion facility on its SEP List
- Coordination with the Los Angeles County Department of Public Works on all permitting and ongoing cost issues.

Thank you for your cooperation in resolving the approach to completion of the diversion facility.

Very truly yours,

Stephen R. Maguin

Stephen R. Maguin

SRM:cs

RECEIVED
CITY OF MANHATTAN BEACH

AUG 06 2008

CITY OF MANHATTAN BEACH

MEMORANDUM

TO: Jim Arndt, Director of Public Works

FROM: Dana Greenwood, City Engineer *DAG*

DATE: August 22, 2008

SUBJECT: First Street Storm Drain Low-Flow Diversion – Status Summary

The subject storm drain is a Los Angeles County Flood Control District drain (Project No. 9815) constructed in the mid-1970's as part of the District's 1970 Bond Issue Program. The drain provides an outlet for a 215-acre watershed. The outlet is supported by concrete piles and discharges onto the beach in the vicinity of the surf line.

The California Environmental Protection Agency has established guidelines (copy attached) for developing projects known as Supplemental Environmental Projects or SEPs. When an agency such as the County Sanitation District has committed violation(s) of the Clean Water Act (such as the County's sewer spill at 28th Street), as part of the penalty for the violation(s), the agency may be required to fund the implementation of SEPs as part of the penalty. In accordance with this program, the City had submitted a proposal to the Los Angeles Regional Water Quality Control Board for a low-flow diversion. The proposal would collect low-flows from the District's Project No. 9815 drain and discharge them into a County Sanitation District sewer. The total cost estimate of the proposed low-flow diversion was \$450,000. In the County Flood Control District's informal comments on the application, they felt that \$450,000 may be too low of an estimate.

A copy of the City's application, which was submitted on May 17, 2007, is also attached to this memo. As part of the City's application, letters supporting the project were included from the Santa Monica Bay Keepers, Heal the Bay, the County Sanitation District, and the City of Hermosa Beach. None of these entities, however, were willing to provide any funding for the proposal.

In the case of the Los Angeles County Flood Control District (also known as LA County Department of Public Works), the City had formally requested that the District enter into a partnership with the City to help fund the proposal. In a response dated August 16, 2007 (copy attached), the District limited their support to in-kind services including design and specification review, permit processing, and to share maintenance responsibilities of the diversion. Declining to actually fund the proposal, they expressed the opinion that source reduction was the most cost-effective solution in reducing water-borne pollutants in their storm drain systems.

As you know, the County Sanitation District had an incident at their Manhattan Beach pump station on January 15-16, 2006. At this time, it was estimated that of the 1.5 million gallons spilled, approximately 65,000 gallons reached the ocean. Attached is a copy of an article that appeared in the Daily Breeze on December 11, 2006. This article discussed the Sanitation District's settlement with the Los Angeles Regional Quality Control Board. The article noted that the penalty was reduced to \$2.5 million. \$2.2 of this was to go to the San Gabriel River Discovery Center. A total of \$325,000 was to go to Redondo Beach's efforts to improve water quality at the beaches just south of the pier. Finally, a youth environmental outreach program focusing on Santa Monica Bay's watershed was to receive \$50,000. None of the \$2.5 million penalty was earmarked for the City of Manhattan Beach.

In summary, the low-flow diversion application by the Regional Board has been accepted and added to their list of SEP project candidates. At some point in the future, funds may become available for this work through the SEP program. But such a determination would be left to negotiations between an agency that is being penalized for a violation in the future and the Los Angeles Regional Quality Control Board.

Attachments:

- a. EPA Guidelines
- b. City's Application to Regional Quality Control Board
- c. Letters from the Santa Monica Bay Keepers, Heal the Bay, the County Sanitation District, and the City of Hermosa Beach
- d. August 16, 2007 letter from County
- e. Daily Breeze article from December 11, 2006

CAL/EPA RECOMMENDED GUIDANCE ON SUPPLEMENTAL ENVIRONMENTAL PROJECTS

October 2003

A. Introduction

In settlement of environmental enforcement cases, Cal/EPA's Boards, Departments and Offices (BDOs) and local counterparts must insist upon terms that require defendants/respondents achieve and maintain compliance with environmental laws and regulations and where appropriate, pay a penalty for violations. The recovery of economic benefit and the imposition of additional gravity based penalties should be considered in every case. Additional relief remediate the adverse public health or environmental consequences of the violations at issue should be included in the settlement to offset the effects of the particular violation. As part of the settlement, the agreement may require the defendant/respondent to undertake supplemental environmentally beneficial expenditures that exceed regulatory requirements. These additional projects are known as supplemental environmental projects, or SEPs.

Evidence of a violator's commitment and ability to perform a SEP is a factor in determining whether a SEP is appropriate. Although SEPs may not be appropriate in all instances, they can play an important part of an effective enforcement program. SEPs can play a role in securing additional significant environmental or public health protection. SEPs may be particularly appropriate to further the objectives in the statutes administered by the BDOs and local agencies, and to achieve policy goals such as pollution prevention and environmental restoration.

B. SEP Procedure

In evaluating a proposed project to determine if it qualifies as a SEP, the following five-step procedure may be used:

1. Ensure that the project meets the basic definition of SEP (See Section B).
2. Ensure that all legal guidelines, including nexus, are satisfied (See Section C).
3. Ensure that the project fits within one (or more) categories of SEPs (See Section D).
4. Ensure that the cost of the project is appropriate in relationship to the fines paid (See Section E).
5. Ensure that the project satisfies all of the implementation and other criteria. (See Section F, G, and H).

This guidance is intended to apply to all civil judicial and administrative enforcement actions taken under the authority of the environmental statutes and regulations administered by the Cal/EPA BDOs. It may also be used by local authorities enforcing related environmental ordinances and codes. Claims for stipulated penalties for violations of orders or settlement agreements should not be mitigated by the use of a SEP. This guidance is intended to assist in the settlement of an enforcement action, and thus is not intended for use by any party at a hearing or trial. In addition, the amount of any penalty mitigation that may be given for a SEP is strictly within the discretion of the administering agency, as is the determination of whether the use of a SEP is appropriate in any particular case.

C. Definition and Key Characteristics of a SEP

Supplemental environmental projects are defined as environmentally beneficial projects that a defendant/respondent agrees to undertake in settlement of an enforcement action, but which the defendant/respondent is not otherwise legally required to perform. The three key parts of this definition are elaborated as follows:

1. "Environmentally beneficial" means a SEP must improve, protect, or reduce risks to public health or the environment at large. While in some cases a SEP may provide the alleged violator with certain benefits, there must be no doubt that the project primarily benefits the public health or the environment.
2. "In settlement of an enforcement action" means (1) The enforcing agency has the opportunity to help shape the scope of the project before it is implemented; and (2) the project is not commenced until after the enforcing agency has identified a violation (e.g., issued a notice of violation, administrative order, or complaint).
3. "Not otherwise legally required to perform" means the SEP is not required by a federal, state, or local law or regulation. Further, SEPs cannot include actions that the defendant/respondent may be legally required to perform, such as:
 - a. Injunctive relief in the instant case, or in another legal action that an enforcement agency could bring;
 - b. part of an existing settlement or order in another legal action; or
 - c. federal, state or local requirements.

SEPs may include activities that the defendant/respondent will become legally obligated to undertake two or more years in the future. Such "accelerated compliance" projects are not allowable, however, if the regulation or statute provides a benefit (e.g., a higher emission limit) to the defendant/respondent for early compliance.

Performance of a SEP reduces neither the stringency nor timeliness requirements of applicable environmental statutes and regulations. Of course, performance of a SEP does not alter the defendant/respondent's obligation to remedy a violation expeditiously and return to compliance.

For many of these projects, the defendant/respondent may lack the experience, knowledge or ability to conduct and /or implement the project. In these instances the defendant/respondent should be required to contract with an appropriate expert to develop and implement the compliance promotion project

D. Legal Guidelines

Environmental regulatory agencies have broad discretion to settle cases, including the discretion to include a SEP as an appropriate part of the settlement. The legal evaluation of whether a proposed SEP is within the regulatory agencies' authority and consistent with all statutory and constitutional requirements may be a complex task and should be thoroughly evaluated by the individual agency.

As noted by the Attorney General, statutes and case law allow administrative agencies to settle cases prior to trial or hearing containing sanctions that an agency would not otherwise have the authority to impose (Attorney General Opinion No. 00-510, July 25, 2000). The Attorney General also notes the ability to enter into creative settlements is limited by the caveat that no such settlement shall violate public policy and must further the goals and purposes of the agency. The Opinion concluded that an agency may not enter into a settlement that requires payment of funds that support activities unrelated to the regulatory enforcement responsibilities of the agency.

With this in mind, the following are required when a SEP is considered:

1. A project cannot be inconsistent with any provision of the underlying statutes. In addition a project shall advance at least one of the declared objectives of the environmental statutes that are the basis of the enforcement action.
2. All projects should have adequate "nexus" to the regulatory enforcement responsibilities of the agency. Nexus is the relationship between the violation and the proposed project. This relationship exists if the project remediates or reduces the probable overall environmental or public health impacts or risks to which the violation at issue contributes, or if the project is designed to reduce the likelihood that similar violations will occur in the future.
3. The type and scope of each SEP should be clearly defined in the signed settlement document. Thus a SEP that has terms that are intended to be defined after the settlement document is entered into should be avoided.

E. Categories of Supplemental Environmental Projects

There are several types of projects that may be appropriate as SEPs:

1. Environmental Compliance Promotion

An environmental compliance promotion project provides training, technical support, or publication media to other members of the regulated community to: (1) identify, achieve and maintain compliance with applicable statutory and regulatory requirements; (2) avoid committing a violation with respect to such statutory and regulatory requirements; or (3) go beyond compliance by reducing the generation, release or disposal of pollutants beyond legal requirements. Acceptable projects may include, for example, producing or sponsoring a seminar directly related to correcting widespread or prevalent violations within the defendant/respondent's economic sector.

Environmental compliance promotion SEPs are acceptable where the primary impact of the project is focused on the same regulatory program requirements that were violated, and where the administering agency has reason to believe that compliance in the sector would be significantly advanced by the proposed project. The defendant/respondent should be required to note in any promotional material or credits that the production of the promotion is in response to an enforcement action against the respondent/defendant.

2. Enforcement Projects

Such projects may include contributions to environmental enforcement, investigation and training programs as provided in Penal Code section 14300 and/or contributions to nonprofit organizations such as the California District Attorneys Association, the Californian Hazardous Materials Investigators Association and the Western States Project. These supplemental projects should be consistent with the settlement contribution guidelines for these respective organizations,

3. Emergency Planning and Preparedness

An emergency planning and preparedness project provides assistance, such as computers and software, equipment, or training, to an emergency response or planning entity. This is to enable these organizations to fulfill their obligations under the federal Emergency Right to Know Act and state statutes to collect information to assess the dangers of hazardous chemicals present at facilities within their jurisdiction, to develop emergency response plans, to train emergency response personnel and to better respond to chemical spills.

Emergency planning and preparedness SEPs are acceptable where the primary impact of the project is within the same emergency planning district affected by the violations.

4. Pollution Prevention

A pollution prevention project is one which reduces the generation of pollution through "source reduction," i.e., any practice which reduces the amount of any hazardous substance, pollutant or contaminant entering any waste stream or otherwise being released into the environment prior to recycling, treatment or disposal. (After the pollutant or waste stream has been generated, pollution prevention is no longer possible, and the waste must be handled by appropriate recycling, treatment, containment, or disposal methods.)

Source reduction may include equipment or technology modifications, process or procedure modification, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, inventory control, or other operation and maintenance procedures. Pollution prevention also includes any project that protects natural resources through conservation or increased efficiency in the use of energy, water, or other materials. "In-process recycling," wherein waste materials produced during a manufacturing process are returned directly to production as raw materials on site, is considered a pollution prevention project.

In all cases, for a project to meet the definition of pollution prevention, there must be an overall decrease in the amount and/or toxicity of pollution released to the environment, not merely a transfer of pollution among media. This decrease may be achieved directly or through increased efficiency (conservation) in the use of energy, water, or other materials.

5. Pollution Reduction

If the pollutant or waste stream already has been generated or released, a pollution reduction approach, which employs recycling, treatment, containment or disposal techniques, may be appropriate. A pollution reduction project is one which results in a decrease in the amount and/or toxicity of any hazardous substance, pollutant or contaminant entering any waste stream, or otherwise being released into the environment by an operating business or facility by a means which does not qualify as "pollution prevention." This may include the installation of more effective end-of-process control or treatment technology. This also includes "out-of-process recycling," wherein industrial waste collected after the manufacturing process and/or consumer waste materials are used as raw materials for production off-site, reducing the need for treatment, disposal, or consumption of energy or natural resources.

6. Environmental Restoration and Protection

An environmental restoration and protection project is one that goes beyond repairing the damage caused by the violation to enhance the condition of the ecosystem or immediate geographic area adversely affected. These projects may be used to restore or protect natural environments (such as ecosystems) and man-made environments such as facilities and buildings. Also included, is any project that protects the ecosystem from actual or potential damage resulting from the violation or improves the overall condition of the ecosystem. Examples of such projects include: restoration of a wetland in the same ecosystem in which the

facility is located; projects which provide for the protection of threatened or endangered species by improving critical habitat impacted by facility operations; or purchase and management of a watershed area by the defendant/respondent to protect a drinking water supply where the violation, e.g., a reporting violation, did not directly damage the watershed, but potentially could lead to damage due to unreported discharges.

With regards to man-made environments, such projects may involve the remediation of facilities and buildings provided such activities are not otherwise legally required. This includes the removal/mitigation of contaminated materials, such as soils, asbestos and leaded paint, which are a continuing source of releases and/or threat to individuals.

7. Public Health

A public health project provides diagnostic, preventative and/or remedial components of human health care that is related to the actual or potential damage to human health caused by the violation. This may include epidemiological data collection and analysis, medical examinations of potentially affected persons, collection and analysis of blood/fluid/tissue samples, medical treatment and rehabilitation therapy. Public health SEPs are acceptable only where the primary benefit of the project is to the population that was harmed or put at risk by the violations.

8. Other Types of Projects

Other types of projects may be determined to have environmental merit that do not fit within the above categories but are otherwise fully consistent with all other provisions of this guidance.

9. Projects that are Not Acceptable as SEPs

The following are examples of the types of projects that should not be allowable as SEPs:

- a. General education or public environmental awareness projects, e.g., sponsoring public seminars, conducting tours of environmental controls at a facility, or promoting recycling in a community.
- b. Conducting a project, which, though beneficial to a community, is unrelated to environmental protection, e.g., making a contribution to charity, or donating playground equipment.

F. Penalties

Even when conditions exist which justify the approval of a SEP, the penalty policies of the BDOs should still require that an adequate monetary penalty be assessed. This penalty should be sufficient to provide a deterrent effect as well as to remove any unfair competitive advantage or economic benefit gained by the facility defendant/respondent's prior noncompliance. Penalties help create the level playing field that businesses require to adequately address their environmental compliance needs, by ensuring that violators do not obtain an unfair economic

advantage over their competitors. Allowing "one free bite of the apple" is a disincentive for voluntary compliance, hurts law abiding businesses and requires the regulator to become the compliance manager for business, a function that is neither appropriate or within our limited resources. Penalties also encourage regulated entities to adopt pollution prevention and recycling strategies in order to minimize their pollutant discharges and reduce their potential liabilities.

In general, supplemental projects should be no more than 25 percent of the total settlement, exclusive of projected administrative costs.

G. Oversight and Drafting Enforceable SEPs

The settlement agreement should accurately and completely describe the SEP. It should describe the specific actions to be performed by the defendant/respondent, and provide for a reliable and objective means to verify that the defendant/respondent has timely completed the project. This may require the defendant/respondent to submit periodic reports to the appropriate government agency or court. If an outside auditor is necessary to conduct this oversight, the defendant/respondent should be made responsible for the cost of any such activities in the settlement document. The defendant/respondent remains responsible for the quality and timeliness of any actions performed or any reports prepared or submitted by the auditor. A final report certified by an appropriate corporate official, and evidencing completion of the SEP, should be required.

The defendants/respondents should be required to quantify the benefits associated with the project and provide a report setting forth how the benefits were measured or estimated. The defendant/respondent should agree that whenever it publicizes a SEP or the results of the SEP, it will state in a prominent manner that the project is being undertaken as part of the settlement of an enforcement action.

Settlements should specify that enforcing agencies are entitled to oversee SEP implementation to ensure that a project is conducted pursuant to the provisions of the settlement. The settlement should specify the legal recourse if the SEP is not adequately performed to the agency's satisfaction whether the SEP is performed by the violator or a third party contractor. Government should not retain authority to manage or administer the SEP.

The type, scope, and timing of each project are determined in the signed settlement agreement. Settlements in which the defendant/respondent agrees to spend a certain sum of money on a project(s) to be determined later are not recommended, however on a case by case basis where it is impractical to include the specifics of a project because it is not identified or fully developed at the time of the settlement, the violator should be required to open an escrow account and place funds in the account prior to finalizing settlement. This account would then be utilized to finance the projects as they are developed.

If necessary, there should also be a commitment in the SEP for long term monitoring and upkeep of the SEP. For example, if the SEP requires the construction of a wetland, then there should be a continuing input of water to the wetland so it retains its wetland character.

Pollution prevention, reduction, or environmental restoration projects should be defined narrowly for purposes of meeting supplemental environmental project policy guidelines. They should only be eligible as supplemental projects if they are designed to reduce, prevent, or ameliorate the effects of pollution at the defendant/respondent's facility or environ, as appropriate.

A defendant/respondent's offer to conduct a study regarding they own facility and/or operations, without an accompanying commitment to implement the results should not be eligible for penalty reduction.

The enforcing agency has sole discretion to decide whether it is technically and/or economically feasible to implement the results. There should be a clause in the agreement specifying that the penalty "offset" will be rescinded and the final assessed penalty reinstated in full should the agency decide that the results can be implemented but the defendant/respondent is unwilling to do so.

The form of SEPs easiest to oversee and implement are those that require a donation to a third party made at the time settlement is entered into. More difficult are those that require defendant/respondent to carry on activity over a period of time. These SEPs can require significant staff time to oversee and may be difficult to enforce if difficulties re encountered.

H. Failure of a SEP and Stipulated Penalties

If a SEP is not completed satisfactorily, the defendant/respondent should be required pursuant to the terms of the settlement document, to pay stipulated penalties for its failure. The determination of whether the SEP has been satisfactorily completed (i.e., pursuant to the terms of the agreement) and whether the defendant/respondent has made a good faith, timely effort to implement the SEP is at the sole discretion of the enforcing agency.

I. Documentation and Confidentiality

In each case in which a SEP is included as part of a settlement, an explanation of the SEP with supporting materials must be included as part of the settlement agreement. The explanation of the SEP should demonstrate that the criteria set forth herein are met by the project and include a description of the expected benefits associated with the SEP. Settlement agreements should not allow that documentation and explanations of a SEP are confidential.



City Hall 1400 Highland Avenue Manhattan Beach, CA 90266-4795
Telephone (310) 802-5000 FAX (310) 802-5001 TDD (310) 546-3501

May 17, 2007

Kristie Chung
Los Angeles Regional Water Quality Control Board
Suite 200
Los Angeles, CA 90013

Dear Ms. Chung,

Please find enclosed a *revised* Supplemental Environmental Project application form from the City of Manhattan Beach for the Regional Board's consideration. The previously submitted form did not accurately reflect the County's department designation, which is not "Flood Control District" in lieu of "Department of Public Works." Other minor clarifications were also made based on the County's review and suggestions, including a slightly extended timeline.

Although the prior application attachments are not included with this revised application, they are still relevant. Also, I am still actively working on getting LAC DPW to send its letter of support.

Please let me know if you have any questions. I appreciate your receiving this via email.

Sincerely,

Stephanie Katsouleas
Senior Civil Engineer

SEP PROPOSAL/WORK PLAN REQUIREMENTS

1. Name of organization proposing the SEP, contact person, and phone number.

City of Manhattan Beach
1400 Highland Ave
Manhattan Beach, CA 90266

Contact: Stephanie Katsouleas
(310) 802-5368

2. Name and location of the project, including watershed (creek, river, bay) where it is located.

Name: 1st Street Storm Drain Diversion
Location: Storm Drain outfall on the beach at the extension of 1st Street in
Manhattan Beach
(lat/lon: -118.41, 33.88)
Watershed: Santa Monica Bay beaches

3. Describe the project and how it fits into one or more of the following SEP categories:

The City of Manhattan Beach proposes to divert dry weather flow from the Los Angeles County Flood Control District's (LACFCD) 1st Street storm drain to a County Sanitation Districts of Los Angeles County (LACSD) sewer for transport to the Joint Water Pollution Control Plant (JWPCP) where the flow will receive secondary treatment prior to ocean discharge. The diversion will comply with all LACSD requirements for accepting diverted dry weather flows and FCD requirements.

The 1st Street storm drain drainage basin is located on the border between the Cities of Manhattan Beach and Hermosa Beach, and includes approximately 215 acres of predominantly residential parcels with only a few commercial properties (see attached map). The 1st Street Storm Drain discharges onto the beach approximately 20 yards from the shoreline (at mean high tide) and contains total coliform, fecal coliform, and enterococcus counts which consistently exceed the Regional Board's water contact recreation (REC-1) and TMDL limits. Although the storm drain flows do not typically reach the shoreline during dry weather, accumulated pathogens can reach the ocean during storm events.

The Santa Monica Bay Restoration Commission's 1996 Epidemiological Study identified polluted storm drain outflows as one of the primary contributors to the total and fecal coliform (commonly used indicators of water borne pathogens) found along the Santa Monica Bay shoreline. It stated, in part, that people who swam within 100 yards of a flowing storm drain had an increased risk of getting gastroenteritis with symptoms including vomiting, fever, stomach pain and diarrhea. Other commonly reported health

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SUPPLEMENTAL ENVIRONMENTAL PROJECT LIST**

effects include eye, ear, and skin infections, and respiratory disease. The Commission's Bay Restoration Plan also identified as a high priority removal of pathogens from the storm drain system which impact the swimming surf zone.

1. **Pollution Prevention:** Monitoring results show that the dry weather discharges from the 1st Street Storm Drain exceed the total and fecal coliform limits set by the Regional Board. Because pathogens are a high priority pollutant to control for Santa Monica Bay beaches, this diversion will help ensure that Manhattan Beach and Hermosa Beach meet that objective.
2. **Watershed Management:** Diverting storm drain flows with high bacteria counts will effectively mitigate adverse water quality impacts and ensure full use of the water contact recreation (REC-1) beneficial use objective for the Santa Monica Bay beaches and surf zone in Manhattan Beach and Hermosa Beach.
3. **Non-Point Source Program Implementation:** This sub-watershed is predominantly residential, and as such the poor water quality comes from urban, non-point sources. Diverting these flows for treatment at the JWPCP will eliminate this non-point source from reaching the Bay and adversely affecting water quality.

4. Describe how the project benefits water quality.

The storm drain diversion will effectively prevent upstream total and fecal coliform from reaching Santa Monica Bay's beaches and shoreline in dry weather, thus ensuring that the Bay's water quality is not adversely impacted by pathogens discharged at this location during the majority of the year.

5. Describe how the project benefits the public.

Eliminating dry weather discharge of total and fecal coliform will ensure that beach goers are not exposed to health-threatening pathogens from this drain, particularly during the warmer months when beaches are used extensively. It will also help achieve the REC-1 objective of the Regional Board's Basin Plan.

6. Include documented support by one or more of the following:

1. Other agencies: County Sanitation Districts of Los Angeles County, County of Los Angeles Flood Control District (to be sent separately) and Hermosa Beach letters of support attached.
2. Public groups: Santa Monica BayKeepers and Heal the Bay letters attached
3. Impacted persons: N/A
4. Compliance with the California Environmental Quality Act: N/A

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7. Key personnel involved with the project

City of Manhattan Beach
County Sanitation Districts of Los Angeles County
County of Los Angeles, Department of Public Works/Flood Control District

8. Provide a description of the primary project activities.

In coordination with the key personnel listed above, the project will be accomplished in three primary steps (design, construction, operation):

- The City will design a pumped dry weather diversion for the 1st Street drain to divert dry weather flows from this small 215 acre sub-watershed. Both LACSD and LACFCD will review and the design prior to its construction. The design will include:
 - i. A pump with a check valve between the pump and the sewer
 - ii. Facilities to remove trash and sediment
 - iii. An effluent flow meter
 - iv. A rain shut off switch capable of activating at 0.1" of rainfall
 - v. Unencumbered access for LACSD to the power or controls to the discharge pump
- The new diversion will be constructed based on the design plans. The City will oversee construction activities and LACFCD will be invited to also oversee construction. The City will assist LACFCD in applying for and obtaining an Industrial Wastewater Discharge Permit prior to activating the diversion. A Quality Assurance Program Plan will be developed at that time to meet all LACSD permit requirements.
- The new diversion will be operated and maintained by LAC DPW to ensure proper performance of the diversion. LAC DPW will also comply with all diversion permit requirements issued by LACSD.
-

9. Describe what the project hopes to achieve and a detailed plan for doing so.

The project will achieve improved water quality at the discharge point and surf zone in Manhattan and Hermosa Beach because pathogens will be diverted to the sanitary sewer system rather than discharged untreated onto the beach. The project plan includes the following:

- Receive letters of authorization from or enter partnership agreements with the Los Angeles County Sanitation Districts and Los Angeles County Flood Control District to divert the storm drain to the sanitary sewer system.
- Work with the Los Angeles County Flood Control District/consultant to design the storm drain diversion at 1st Street and The Strand.
- Release a bid package, receive open market bids and award the project to construct the diversion.

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SUPPLEMENTAL ENVIRONMENTAL PROJECT LIST**

- Construct the project. It is anticipated that construction activities will last approximately four months. We hope to time the construction activities with the dry season to minimize impacts from storm events.
- Monitor the diversion as required by the LACSD permit.

10. Include a monitoring plan or Quality Assurance Program Plan (if applicable).

A QAPP will be developed once the project is funded to address all LACSD permit requirements. The monitoring plan will also include visual inspections of the outfall for a six month period during dry weather to confirm that the diversion is successful in eliminating dry weather flows to the beach.

11. Describe the specific goals of the project, including numerical objectives where appropriate (i.e. number of participating students, student-hours, workshops held, acres restored). Would the project create any lasting programs, structures, or documents?

The specific goal of the project is to reduce/eliminate contaminated dry weather discharges from reaching the beach at 1st Street, thereby protecting water quality at the adjacent surf zone. Once implemented, we expect total coliform, fecal coliform, and enterococcus counts to be below TMDL limits during dry weather. The project would create a permanent diversion at 1st Street and The Strand.

12. Provide a timetable for project implementation, including any project milestones.

The project would commence once funds are awarded for the diversion and would take approximately two years before the diversion is fully operational. An additional six months of monitoring would be included. The following timeline is anticipated:

Time Line	Activity
Month 1-3	Enter into a partnership agreement with the Los Angeles County Flood Control District to divert its storm drain to the sanitary sewer system. Obtain a hydraulic capacity check from LACSD.
Month 4-7	Plan and design the storm drain diversion at 1 st Street and The Strand per LACFCD's and LACSD's design requirements.
Month 8-10	LACFCD and LACSD review the design and modifications are made as necessary. Final design is approved
Month 11-14	Industrial Waste Discharge Permit application is submitted and a permit obtained from LACSD.

**LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD
SUPPLEMENTAL ENVIRONMENTAL PROJECT LIST**

Month 15-18	Release a bid package, receive open market bids and award the project to construct the diversion.
Month 19-24	Construct the project.
Month 24-30	Diversion is operational. Monitoring plan is implemented for the diversion.

13. Include a detailed budget for the project.

Planning, Design and Contract Management Services (consultant) \$100,000
Construction of the Diversion Facility: \$350,000

Total Project Cost: \$450,000

14. Describe what measures, if any, you would take to offset or overcome any impediments affecting project implementation.

The only foreseeable impediment would be the proposed location of the diversion. Should it prove unsuitable during the planning and design stage, an alternative location will be selected to achieve this project's goal.

15. Describe the criteria that will be used to assess project success.

The project will be considered a success once upstream, dry weather sources of total coliform, fecal coliform, and enterococcus are effectively diverted. The monitoring results obtained will be the criteria used to assess the project's success.

16. Identify a company or organization retained to audit the project.

The City's auditor is Lance, Soll and Lunghard, LLP. The project will be audited as part of the City's annual auditing process.

17. Describe plans to continue and/or maintain the project beyond the SEP-funded period. Identify potential funding sources for maintenance/continuation activities. For restoration projects, describe the monitoring plan, who will implement the plan, and length of time the plan will be in place.

The storm drain will be maintained and monitored to meet all LACSD and LACFCD permit/monitoring requirements. Maintenance will include ensuring that the storm drains are routinely cleaned and do not become clogged or prevent dry weather flows from being diverted.

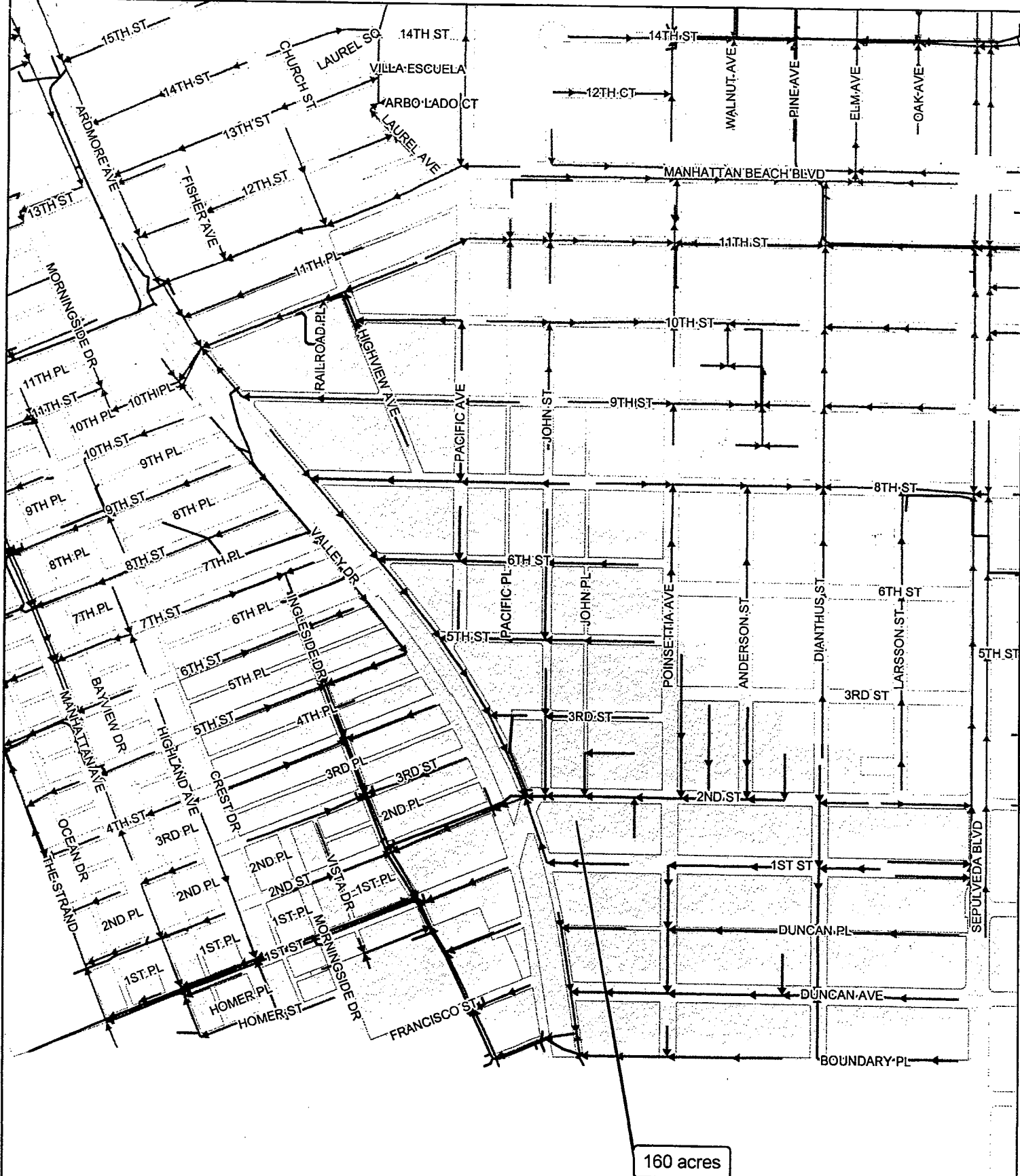
**LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD
SUPPLEMENTAL ENVIRONMENTAL PROJECT LIST**

18. Include a statement which states that after successful completion of the SEP, any funds left over must be turned over to the State Cleanup and Abatement Account.

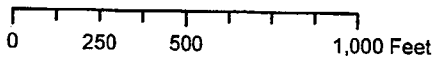
A the conclusion of the project, the City of Manhattan Beach will return to the State Board's Cleanup and Abatement Account any funds awarded that were not spent on implementing the project.

19. Reporting procedures (Quarterly Progress Reports, Final Report)

The City of Manhattan Beach will submit eight quarterly reports to the Regional Board on the status of project implementation, starting from the date project funds are awarded (TBD). The City will conclude with a final report to the Regional Board on the successful implementation of the project at the end of the two year project.













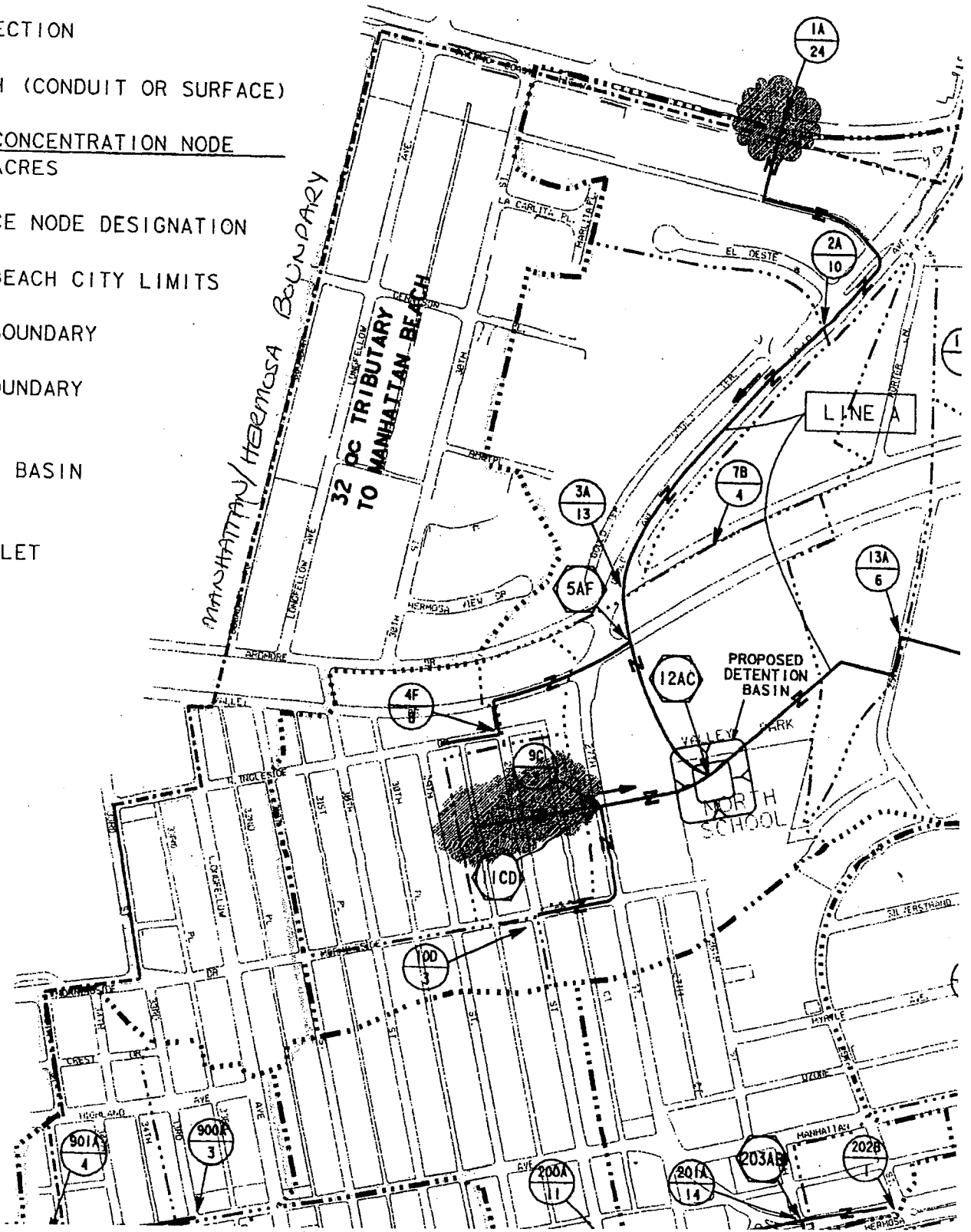
— Storm drain
 — Sewer line
 1st St Drainage Basin

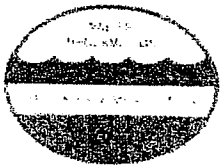


Hermosa Beach

LEGEND

-  FLOW DIRECTION
-  FLOW PATH (CONDUIT OR SURFACE)
-  SUBAREA/CONCENTRATION NODE
AREA IN ACRES
-  CONFLUENCE NODE DESIGNATION
-  HERMOSA BEACH CITY LIMITS
-  SUBAREA BOUNDARY
-  SYSTEM BOUNDARY
-  DETENTION BASIN
-  OCEAN OUTLET
-  SUMP AREA





COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

STEPHEN R. MAGUIN
Chief Engineer and General Manager

March 8, 2007
File No. 31-370.40.4A

Mr. Jonathan Bishop, Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Dear Mr. Bishop:

Support for the Manhattan Beach 1st Street Dry Weather Diversion Proposed SEP

The Sanitation Districts¹ support the effort of the City of Manhattan Beach to include the 1st Street Storm Drain Dry Weather Diversion Project on the Los Angeles Regional Water Quality Control Board's List of Approved Supplemental Environmental Projects (SEPs). The Districts believe it is important for the protection of public health to prevent dry weather urban runoff from flowing overland into the wave wash of swimming beaches. Specifically, we believe that these storm drains present a potential risk to public health, in terms of contact with the pathogens that may be present in urban runoff. The Districts are supportive of this diversion subject to the availability of sufficient capacity in the downstream Districts' sewers to ensure the diversion does not interfere with the Districts' primary mission to safely convey and treat wastewater, and subject to the Los Angeles County Department of Public Works' approval of the diversion of their storm drain. The Districts believe that the 1st Street Storm Drain is a good candidate for a diversion and warrants further investigation, and the diversion would be an excellent use of SEP funds.

We appreciate your consideration of this project. If you have any questions concerning this letter, please contact me at (562) 908- 4288, extension 2502.

Very truly yours,

Stephen R. Maguin

Victoria O. Conway
Assistant Department Head
Technical Services Department

VOC:KMR:drs

cc: Stephanie Katsouleas, P.E., City of Manhattan Beach

¹ In this case, the County Sanitation Districts of Los Angeles County refers to the Districts that jointly own and operate the Joint Outfall System. These Districts include County Sanitation Districts Nos. 1, 2, 3, 5, 8, 15, 16, 17, 18, 19, 21, 22, 23, 28, 29, and 34 of Los Angeles County, and South Bay Cities Sanitation District of Los Angeles County.



City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, CA 90254-3885

March 5, 2007

Mr. Jonathan Bishop, Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Dear Mr. Bishop:

Reducing bacteria and pathogen discharges into the Santa Monica Bay is one of our organization's top priorities. Diverting dry weather flows from storm drains which show increased levels of total and fecal coliform helps achieve this mission, and it is particularly true for storm drains discharging directly along the Santa Monica Bay shoreline.

Therefore, we support the City of Manhattan Beach's effort to divert dry weather flows from its 1st Street storm drain to the County Sanitation District's treatment facility. The diversion will reduce the amount of total and fecal coliform currently reaching the shoreline, and it will undoubtedly improve water quality for swimmers, surfers and other beach-goers visiting the Santa Monica Bay. Lastly, it will help achieve the Regional Board's REC-1 beneficial use for Santa Monica Bay.

If you have any questions, please do not hesitate to contact me at 310/318-0211 or via email at rmorgan@hermosabch.org.

Sincerely,

Richard D. Morgan, P.E.
Director of Public Works/City Engineer

cc: Stephanie Katsouleas, P.E., City of Manhattan Beach

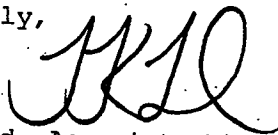
Jonathan Bishop Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. 4th Street,
Suite 200 Los Angeles, CA 90013

March 5, 2007

Dear Mr. Bishop,

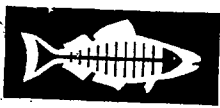
Reducing bacteria and pathogen discharges to Santa Monica Bay is one of our organization's top priorities. Diverting dry weather flows from storm drains which show increased levels of total and fecal coliform helps achieve this mission, and it is particularly true for storm drains discharging directly at the Santa Monica Bay shoreline. Therefore, we support the City of Manhattan Beach's effort to divert dry weather flows from its 1st Street storm drain to the County Sanitation Districts treatment facility. The diversion will reduce the amount of total and fecal coliform currently reaching the shoreline, and it will undoubtedly improve water quality for swimmers, surfers and other beach-goers visiting Santa Monica Bay. Lastly, it will help achieve the Regional Board's REC-1 beneficial use for Santa Monica Bay. If you have any questions, please do not hesitate to contact me at 310-305-9645#2 or via email to captainkelp@smbaykeeper.org.

Sincerely,



Tom Ford, Associate Director
Santa Monica Baykeeper
P.O. Box 10096
Marina Del Rey CA, 90295

Cc: Stephanie Katsouleas, P.E.,
City of Manhattan Beach
Manhattan Beach City Hall
1400 Highland Ave, 90266



1444 9th Street
Santa Monica CA 90401

tel 310-451-1500
fax 310-496-1902

info@healthebay.org
www.healthebay.org

Heal the Bay.

March 13, 2007

Jonathan Bishop
Executive Officer
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Dear Mr. Bishop,

As you know, reducing fecal bacteria densities on Santa Monica Bay beaches is one of Heal the Bay's top priorities. Diverting dry weather flows from storm drains off the beach and into the sewer system has proven to be the most effective way from turning an "F" beach into an "A" beach during the dry season. Any implemented dry weather runoff diversion will result in reduced fecal bacteria densities on the beach and a reduction in public health risks to swimmers and surfers in Santa Monica Bay.

Therefore, we strongly support the City of Manhattan Beach's effort to divert dry weather flows from its 1st Street storm drain to the Los Angeles County Sanitation Districts JWPCP. The diversion will reduce the densities of total and fecal coliforms and enterococcus reaching the shoreline, and it will undoubtedly improve water quality for swimmers, surfers and other beach-goers visiting Santa Monica Bay. Lastly, it will help achieve the Regional Board's REC-1 beneficial use for Santa Monica Bay during dry weather.

If you have any questions, please do not hesitate to contact me at 310-451-1500 x123.

Sincerely,

Mark Gold, D.Env.
Executive Director

cc: Stephanie Katsouleas, P.E., City of Manhattan Beach



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

DONALD L. WOLFE, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: **WM-7**

August 16, 2007

Ms. Stephanie Katsouleas
Senior Civil Engineer
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

Dear Ms. Katsouleas:

REQUEST FOR PARTNERSHIP BY CITY OF MANHATTAN BEACH 1ST STREET STORM DRAIN DIVERSION

We have reviewed your Request for Partnership regarding the diversion of the 1st Street storm drain located at the intersection of 1st Street and The Strand in Manhattan Beach.

We support the proposed project and look forward to partnering with the City of Manhattan Beach. Based on the project description, we will provide in-kind services including design and specification review, permit processing, and share maintenance responsibilities of the diversion.

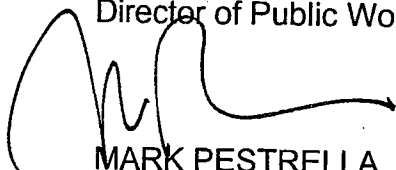
Although we expect that the proposed project will make a significant impact on the reduction of dry-weather runoff reaching the shoreline, we encourage the City to address the sources of this runoff. We have found that source reduction is the most cost-effective solution to reducing water-borne pollutants in our storm drain systems.

Ms. Stephanie Katsouleas
August 16, 2007
Page 2

If you have any questions regarding our commitment to the project, please contact Ms. Angela George at (626) 458-4341 or ageorge@dpw.lacounty.gov.

Very truly yours,

DONALD L. WOLFE
Director of Public Works

A handwritten signature in black ink, appearing to read 'M. Pestrella', with a long horizontal stroke extending to the right.

MARK PESTRELLA
Assistant Deputy Director
Watershed Management Division

JP:lm

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MB Spillage Fine is Downsized to \$2.5 Million

By Lee Peterson DAILY BREEZE

Authorities are expected to settle next week on a \$2.5 million penalty against a regional wastewater treatment agency not only for the massive sewage spill at Manhattan Beach in January this year, but also for more than five years worth of sanitary indiscretions.

The fine to be paid by the Los Angeles County Sanitation Districts represents a compromise, a reduction from the \$4.6 million proposed in July, but also the lumping in of various leaks and other violations from January 2001 through September 2006.

Although the South Bay spill was far and away the largest single incident covered in the agreement, only a small part of the settlement will stay local.

Of the \$2.5 million, \$2.2 million would go toward development of the planned San Gabriel River Discovery Center, an 8.1-acre environmental education facility to be located near the junction of the Pomona (60) and San Gabriel River (605) freeways.

Closer to the site of the Jan. 15 spill, \$125,000 would be directed to Redondo Beach's efforts to improve water quality at its beaches just south of the pier. And over and above the settlement, the sewerage agency will also provide \$200,000 more in testing and analysis services to Redondo Beach's effort.

A youth environmental outreach program focusing on Santa Monica Bay's watershed will receive \$50,000.

The Los Angeles Regional Water Quality Control Board is scheduled to consider the settlement at its meeting Thursday.

It is endorsed by the regional board's staff, the Sanitation Districts' board of directors and the Santa Monica Baykeeper environmental organization.

"In general, this proposed settlement has turned out to be a pretty positive thing. The resulting funds, instead of being spent on attorneys fighting each other, are going back to the region," said regional board Executive Officer Jonathan Bishop.

The proposal would lump together 93 spills representing 3.3 million gallons of sewage, about 970,000 gallons of which was recovered before reaching waterways or soaking into the ground.

The Jan. 15 incident, which lasted into the early hours of Jan. 16, is the granddaddy with 1.5 million gallons, 65,000 of which reached the ocean. Unlike sewage spills that occur during heavy rainstorms, this one came on a sunny day, the result of coinciding failures of primary and backup pump control systems at a Manhattan Beach pumping station. The telephone network upon which the monitoring system relied failed earlier.

Much of the spill was contained on the beach at spots in Manhattan and Hermosa, but sand there proved difficult to clean up. Although the waters were reopened quickly, the sand itself wasn't finally reopened for two months.

Before this settlement, Bishop said the board had not pursued penalties on the other 92 spills, due to limited staff resources.

Heal the Bay did not choose to become a party to the settlement, due to concerns about lumping in the 92 smaller violations. In the end, however, considering the funds for Redondo Beach and the fact that a costly trial was avoided, "it's basically a settlement we can live with," said Executive Director Mark Gold.

The allocation of the lion's share of the project to the discovery center on the other side of the county was viewed by the parties to the settlement as something that would serve the entire region, across which the 93 incidents occurred.

The San Gabriel River center would provide outreach to schoolchildren and the public in general on watershed and pollution issues.

Each of the three proposed supplemental environmental projects "will help improve water quality in the region," said Victoria Conway, Sanitation Districts assistant departmental engineer for technical services.

Santa Monica Baykeeper Executive Director Tracy Egoscue said considering the legal battle her group had expected to face, the settlement was a good one. The matter was handled administratively, so there are no legal fees and almost all of the settlement goes to beneficial community projects rather than to some agency's coffers, she noted.

Although the parties were far apart at the beginning, the Sanitation Districts showed a willingness to address its history of spills and accept a significant penalty, she said.

She noted that the districts have also spent money outside of the agreement to address the problems at the pumping station, building in extra redundancy to the warning system.

The \$325,000 in cash and services for Redondo Beach's project to address water quality problems at the beach just south of the pier was a very important part of the settlement, a component that Egoscue said Baykeeper is proud of.

Redondo Beach City Councilman Chris Cagle said the hope is to conduct comprehensive water-quality sampling, as well as DNA analysis of bacterial contamination, to track down its source.

"The Redondo Beach part of the settlement is exemplary," said Heal the Bay's Gold, because it addresses a persistently contaminated beach, one of the bay's perennial "beach bummers." The process will cause the Sanitation Districts to develop the capability to test for the DNA of contamination, which will aid future investigations.

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Story from REDORBIT NEWS:
<http://www.redorbit.com/news/display/?id=762758>

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