

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

In the matter of:))))	Complaint No. R4-2010-0028
))))	Administrative Civil Liability
))))	Violations of California Water Code
Los Angeles County))))	§13376 and Order No. 01-182,
))))	amended by Orders Nos. R4-2006-0074,
))))	R4-2007-0042, and R4-2009-0130
Flood Control District))))	(NPDES Permit No. CAS004001)

1. The Los Angeles County Flood Control District (District), County of Los Angeles (County), and 84 incorporated cities discharge or contribute to discharges of storm water and urban runoff from municipal separate storm sewer systems (MS4s). The discharges flow to water courses within Los Angeles County and into receiving waters of the Los Angeles Region, including Marina del Rey Harbor (MdrH). These discharges are covered under countywide waste discharge requirements contained in Order No. 01-182 adopted by the California Regional Water Quality Control Board Los Angeles Region (Regional Board) on December 13, 2001. Order No. 01-182 was amended by Order No. R4-2006-0074 on September 14, 2006, Order No. R4-2007-0042 on August 9, 2007, and Order No. R4-2009-0130. Order No. 01-182 as amended (Order or Permit) serves as the National Pollutant Discharge Elimination System (NPDES) permit (NPDES Permit No. CAS004001) (Permit) for the discharges from the Los Angeles County Municipal Separate Storm Sewer System (LA MS4).
2. The District is alleged to have violated requirements contained in the Order, for which the Regional Board may impose administrative civil liability under CWC § 13385.
3. A hearing will be conducted on this Complaint by the Regional Board or a Regional Board Hearing Panel (Hearing Panel) within 90 days after service of this Complaint on the District pursuant to CWC §§ 13228.14 and 13323, unless the District waives the hearing and pays the recommended penalty of \$274,896 by May 10, 2010. The

District and/or District's representative(s) will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of administrative civil liability by the Regional Board. A notice containing the date, time, and location of the hearing will be mailed to the District not less than ten (10) days prior to the hearing date.

4. The Regional Board will consider whether to affirm, reject, or modify the proposed administrative civil liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability in a greater amount.
5. The District is alleged to have violated waste discharge requirements contained in the Order by discharging waste from the LA MS4 on at least 186 days between August 9, 2007 and October 31, 2009 that caused or contributed to the exceedances of bacterial standards at Basin E of MdrRH, a navigable water of the United States. These violations resulted in: (i) a condition of public nuisance from the discharge of waste into MdrRH; and (ii) adverse impacts to the beneficial uses of MdrRH.

LOS ANGELES COUNTY MUNICIPAL SEPARATE STORM SEWER PERMIT

6. The District designs, constructs, operates, maintains, and repairs an extensive infrastructure of flood control facilities including 15 major dams, nearly 500 miles of open channel, 2,500 miles of underground storm drains, over 70,000 catch basins, about 300 debris retaining structures, 230 concrete stream bed stabilization structures, 40 pumping plants, nearly 27 spreading grounds, and numerous outfalls throughout Los Angeles County, including outfalls that discharge into MdrRH. Catch basins, pumping plants, underground storm drains and outfalls constitute the Los Angeles County municipal separate storm sewer system LA MS4.
7. The Regional Board has issued the Order and amended the NPDES Permit to regulate discharges of storm water and urban runoff from the MS4 into waters of the United States as required by the Clean Water Act (33 U.S.C. § 1251 et seq.). The LA MS4 Permit includes Discharge Prohibitions, Receiving Water Limitations, and a Monitoring and Reporting Program, among other requirements. Requirements in the Order that are particularly relevant to this complaint are provided in Attachment A and summarized below:
 - Part 1, Discharge Prohibitions, the LA MS4 Permit requires that the Permittees “effectively prohibit non-storm water discharges into the MS4 and watercourses,”
 - Part 3, Section B, Best Management Practice Implementation, the LA MS4 Permit requires implementation of the most effective combination of best management practices (BMPs) for storm water/ urban runoff control.
 - Part 3, Section D, Designation and Responsibilities of the Principal Permittee. The District is designated as the Principal Permittee for the LA MS4 Permit with requirements to coordinate and facilitate activities necessary to comply with the

requirements of the Order and coordinate permit activities among Permittees.

- Part 3, Section E, Responsibilities of the Permittees. The District is required to coordinate among its internal departments and agencies to facilitate the implementation of the requirements of the Stormwater Quality Management Program in an efficient and cost-effective manner.
 - Section G - General Provisions Proper Operation and Maintenance The Permittees shall at all times properly operate and maintain all facilities and systems of treatment (and related appurtenances) that are installed or used by the Permittees to achieve compliance with this Order. This provision requires the operation of backup or auxiliary facilities or similar system that is installed by a Permittee only when necessary to achieve compliance with the conditions of this Order.
8. Federal regulations (40 CFR 122.44(d)(1)(vii)(B)) require that NPDES permits contain provisions that are consistent with wasteload allocations (WLAs) of any available TMDLs. Therefore, the Regional Board amended Order 01-182 to incorporate (among others) Total Maximum Daily Loads (TMDLs) that were adopted by the Regional Board that addressed excessive levels of bacteria that were impairing beneficial uses of Santa Monica Bay and MdrRH. The MdrRH Bacteria TMDL provisions were adopted into the Permit on August 9, 2007 via Order No. R4-2007-0042 and described below. Summer dry weather WLAs were incorporated into the Order as Receiving Water Limitations (RWLs) for fecal indicator bacteria and as a prohibition on discharges from the MS4 that cause or contribute to exceedances of the bacteria RWLs in the LA MS4 Permit. Requirements in the Order particularly relevant to this Complaint are summarized below:
- Part 1.B, Discharges of Summer Dry Weather flows from MS4s in MdrRH that cause or contribute to exceedances of the bacteria RWLs in Part 2.6 are prohibited.
 - Part 2.6, During Summer Dry Weather there shall be no discharges of bacteria from MS4s into MdrRH Basins D, E, F, including Mothers' Beach that cause or contribute to exceedances of the applicable bacteria objectives. The applicable bacteria objectives include both the single sample and geometric mean bacteria objectives set to protect the Water Contact Recreation (REC-1) beneficial use, as set forth in the Basin Plan.

These sections of the Order are included in Attachment A.

9. The Order also includes a finding (Finding No. 37) that describes the methodology for compliance determinations for bacterial exceedances of RWLs. In summary, Finding No. 37 states that if the Regional Board determines that the exceedance did not result from discharges from the MS4, or if the Regional Board determines that

Permittees have demonstrated that their MS4 does not discharge dry weather flow or if the Regional Board determines that Permittees in the relevant subwatershed have demonstrated that their MS4 summer dry weather discharge is treated to a level that does not exceed either the single sample or the geometric mean bacteria objectives, then the Permittee shall not be responsible for violations of the Receiving Water Limitations. Also, a Permittee would not be responsible for violations of these provisions if the Regional Board Executive Officer determines that the Permittee has adequately documented through a source investigation of the subwatershed, pursuant to protocols established under Cal. Water Code 13178, that bacterial sources originating within the jurisdiction of the Permittee have not caused or contributed to the exceedance of the Receiving Water Limitations. Finding No. 37 is included in Attachment A.

MARINA DEL REY HARBOR WATERSHED AND BENEFICIAL USES

10. MdrRH was developed in the early 1960s in wetlands that were part of the Ballona Creek estuary. MdrRH is the largest artificial small-craft harbor in the United States with more than 6,000 wet berthed slips for privately owned pleasure craft, dry storage of approximately 3,000 boats, and launch facilities that can accommodate approximately 240 trailered boats. MdrRH is located south of Venice, north of Playa del Rey, and approximately 15 miles southwest of downtown Los Angeles. The Marina del Rey watershed is approximately 2.9 square miles and consists of:
 - The Harbor water area including the back basins, Marina Beach and the Oxford Retention Basin;
 - The land adjacent to the MdrRH back basins, which is Los Angeles County unincorporated land;
 - The land outside of the Los Angeles unincorporated area including Cities of Los Angeles and Culver City and Caltrans right of ways.
 - The MdrRH watershed land uses are residential (46.4%), commercial/office (12.2%), marina facilities (9.2%), open space/recreational (4.8%), light industrial/vacant (4.7%), and educational/transportation/other (10.9%). The waters of MdrRH make up the remaining 11.6% of the MdrRH watershed.
11. MdrRH receives urban runoff and stormwater from the LA MS4. Basin E of MdrRH receives discharges from the LA MS4 via the District's Boone Olive Pump Plant. The Boone Olive Pump plant delivers stormwater and urban runoff from a low-elevation portion of the MdrRH watershed north of MdrRH. The Boone Olive Pump Plant, including its inlet and outlet drains, is part of the LA MS4 system. Attachment B is a map of the MdrRH watershed.
12. The Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (*Basin Plan*) designates beneficial uses of waters and establishes water quality objectives for inland surface waters, groundwaters, coastal waters, and wetlands, including the coastal and tidal waters of the Pacific Ocean. The Regional Board adopted the *Basin Plan* on June 13, 1994.

13. Beneficial uses designated in the *Basin Plan* for MdrRH include:
- Water Contact Recreation (REC-1)
 - Non-Contact Water Recreation (REC-2)
 - Commercial and Sport Fishing (COMM)
 - Marine Habitat (MAR)
 - Shellfish Harvesting (SHELL)
 - Wildlife Habitat (WILD)
14. The 1972 amendments to the Clean Water Act (CWA) of 1972 CWA of 1972 requires States to assess the quality of waters within the state and develop a list of waters impaired for one or more (303 (d) List). Subsequently, States must establish a watershed-based pollutant-specific TMDL to bring impaired water bodies into compliance with the relevant water quality standard. In California, most TMDLs are established as regulatory amendments to the *Basin Plan*, which sets forth the substantive provisions that must be incorporated into permits such as the Order. Once a TMDL is established, it is incorporated into the relevant permits or order and the designated responsible discharger must then comply with the TMDL, typically in accordance with a compliance schedule determined by the Regional Board.
15. The State conducted a water quality assessment (WQA) in 1996 that included an assessment of MdrRH. The 1996 WQA found that the fecal coliform standard of 400 organisms per 100 ml (MPN/100 ml) was exceeded in more than 15% of samples and that the total coliform standard of 10,000 MPN/100 ml was exceeded in more than 20% of samples. The MdrRH back basins were listed on the state's 1998 303(d) list as impaired by bacteria because total and fecal coliform water quality standards contained in the Water Quality Control Plan for Ocean Waters of California (California Ocean Plan) were exceeded. The 2002 WQA found that 22% of the fecal coliform samples in MdrRH exceeded the California Ocean Plan bacteria standards and supported maintaining MdrRH back basins as impaired for coliform on the 2002 303(d) list. The MdrRH back basins fecal coliform ranged from 10 to 4,106 MPN/100 ml and exceeded the standard in 22% of the samples.
16. In 2002, Regional Board staff initiated development of a bacteria TMDL for MdrRH Mothers' Beach and Back Basins. The MdrRH Mothers' Beach and Back Basin Bacteria TMDL (MdrRH TMDL) was adopted by the Regional Board on August 7, 2003, approved by the State Board on November 19, 2003, the Office of Administrative Law on January 30, 2004, and United States Environmental Protection Agency on March 18, 2004. A MdrRH TMDL Implementation Plan was adopted by the Regional Board on April 6, 2006.
17. The MdrRH TMDL Numeric Targets are based on the *Basin Plan* standards for Water Contact Recreation and include single sample and rolling 30-day geometric mean limits:

Single Sample Limits

- Total coliform density shall not exceed 10,000/100 mL

- Fecal coliform density shall not exceed 400/100 mL
- Enterococcus density shall not exceed 104/100 mL
- Total coliform density shall not exceed 1,000/100 mL if the ratio of fecal-to-total coliform exceeds 0.1

Rolling 30-day Geometric Mean Limits

- Total coliform density shall not exceed 1,000/100 mL
- Fecal coliform density shall not exceed 200/100 mL
- Enterococcus density shall not exceed 35/100 mL

18. The MdrRH TMDL Waste Load Allocations (WLAs) were established for summer dry weather, winter dry weather, and wet weather. The TMDL WLAs are expressed as the number of allowable days that Mothers' Beach and the Back Basins of MdrRH may exceed the Basin Plan bacteria water quality objectives for protection of Water Contact Recreation (REC-1) in marine waters. The TMDL WLAs require that during Summer Dry Weather there shall be zero exceedance days of the single sample and the geometric mean bacteria objectives set to protect the REC-1 beneficial use in marine water. The TMDL established that the numeric targets were to be achieved within three (3) years of the effective date of the TMDL (March 18, 2007) for summer dry weather. In MdrRH, there are three TMDL compliance monitoring sites at Marina Beach, one site in Basin F, and three sites in Basin E.
19. The County of Los Angeles, City of Los Angeles, Culver City, and California Department of Transportation (Caltrans) were established as responsible jurisdictions and responsible agencies for compliance with the MdrRH TMDL. On July 16, 2004, the responsible agencies submitted a Coordinated Monitoring Plan (CMP) for the MdrRH TMDL. The MdrRH TMDL requires agencies to analyze water samples for indicator bacteria (i.e., total coliform, e. coli, enterococcus, and total coliform to fecal coliform ratio) at compliance sites located at major drains within MdrRH, including Basins E where a monitoring point is established at the outfall from the Boone Olive Pump Plant (MdrRH-7). The Monitoring Plan also requires the reporting of visual observations of conditions at the monitoring station at the time of sample collection, including the presence of flow from the outfall, trash, oil, tar, foam, and birds. The City of Los Angeles Environmental Monitoring Division conducts the monitoring for MdrRH TMDL on a weekly basis and submits monthly reports to the Regional Board. If exceedances of TMDL occur, monitoring must be repeated within 48 hours. The MdrRH TMDL monitoring requirements were made part of the MS4 Permit when the Permit was amended.

TMDL IMPLEMENTATION

20. The responsible jurisdictions and agencies submitted an Implementation Plan for the MdrRH TMDL to the Regional Board on October 31, 2005. The Implementation Plan included structural and non-structural Best Management Practices (BMPs) to reduce bacterial loadings to MdrRH. Structural BMPs included a low flow diversion (LFD) at the Boone Olive Pump Plant to reduce bacteria loadings to Basin E. The planned Boone Olive LFD would divert urban runoff (non-storm water) from the storm drain that discharges into MdrRH Basin E into a sanitary sewer system for treatment. The

Boone Olive LFD would collect urban runoff from twenty-two storm drain catch basins in the City of Los Angeles (one of which is owned and operated by the District) to a sanitary sewer for treatment at the Hyperion Wastewater Treatment Plant. The Regional Board approved the Implementation Plan on April 6, 2006.

21. On March 14, 2007, the responsible jurisdictions submitted the results of a non-point source study (Non-Point Source Study) conducted over a one year period between July 2005 and July 2006 to the Regional Board. The study was designed to determine the relative bacterial loading to the harbor from storm drains, boats, birds, and other non-point sources. The study showed that avian bacteria were the largest bacterial type in MdrRH Basin E, and these bacteria loads were delivered to Basin E from the Boone Olive Pump Plant outfalls and Oxford Basin culvert, both part of the of the LA MS4.
22. Construction of the Boone Olive LFD was started on July 31, 2006 and completed on March 23, 2007. The project consisted of installing a submersible pump in the existing Boone Olive Pump Plant control house to divert non-storm water runoff to a sanitary sewer line. The LFD includes an electrical control cabinet, a discharge line with valve and appurtenant connections to an adjacent sanitary sewer line, flow meter and sampling vault. The water level in the pump inlet sump is controlled by a pressure transducer which automatically turns on the pumps when the water level in the sump goes above a preset level. It is unclear from the reports submitted by the District to the Regional Board whether there are one or two pumps in the Boone Olive LFD. However, maintenance logs (Attachment E) from the Project 3874 LFD Final Report indicate two pumps are present. The District is responsible for maintaining the LFD. Maintenance of the LFD includes cleaning the trash rack and sump forebay, annual recalibration of flow meters, and hydraulic recalibration as needed.
23. The District budgeted \$320,000 for design and construction of the Boone Olive Pump Plant LFD. The District obtained funding from the State Water Resources Control Board Proposition under a Proposition 50 Grant (Grant) in the amount of \$200,000. The Santa Monica Bay Restoration Commission (Commission) provided technical management of the Grant. In the "Final Project Report for the Boone Olive Low-Flow Diversion Proposition 50" (Final Project Report) submitted to the State Board and Commission, the District reported that the total construction costs, originally estimated at \$200,000, were \$177,011, about \$22,989 less than the estimated construction costs. The District requested and the SWRCB approved reallocation of the \$22,989 to District personnel services. In the Boone Olive Final Project Report (Final Project Report) the District stated that total project costs to the date of the report, March 2008 were \$461,511.
24. The Final Project Report provided a description of the construction, a summary of maintenance operations, an assessment of the Boone Olive LFD and recommendations to improve its performance. The Final Report also contained copies of field maintenance sheets for the period from June 19, 2007 to October 30, 2007. The District included the following key findings in the Final Report:
 - "Our maintenance personnel report that some urban dry weather flows exceeded

the design capacity of the system and resulted in storm drain flows going to the ocean.”

- “A limitation on the effectiveness of the system is the capacity of the sanitary sewer. It has been observed that the electrical control panels are different on most every LFD installed by the County of Los Angeles. This makes it difficult to operate and maintain these systems since each LFD requires development of specific training.”
- “It is recommended that Design Division coordinate with Flood Maintenance and Operational Service divisions at the field supervisor level to develop a single control panel system for use in all LFDs. This will streamline the design, construction and maintenance processes, saving time and taxpayer dollars.”
- Comments from the Low-Flow Diversion Data Sheets contained in the Final Project Report include:
 - “Outlet under water; can’t access each pump reading due to panel stuck”
 - “one pump only/panel no access”
 - “no access to gallons meter”.

COMPLIANCE EVALUATION

25. Monitoring reports submitted for the Santa Monica Bay and MdrRH TMDLs for the period prior to the Order amendment (August 9, 2007) show bacterial levels at MdrRH-5 in MdrRH Basin E exceeding the TMDL numeric targets. Regional Board staff issued an Investigative Order to the District under CWC §13267 on May 21, 2007 requiring preparation of a Technical Report investigating the causes of the bacterial exceedances and describing actions to be implemented to correct the exceedances. In response, the District submitted a Technical Report (13267 Report) on June 21, 2007. The District’s findings as adopted in the Final Project Report, the District stated as part of the 13267 Technical Report that the Boone Olive Pump Plant LFD “...operate[s] year round during dry-weather conditions and [was] operating properly on May 7, 2007. It is important to note that no exceedance occurred on May 7, 2007, at monitoring station MdrRH-7, which lies at the outlet of Boone Olive Pump Plant in Basin E.”
26. The 13267 Report also provided a list of recommendations to address the sources of bacteria in Basin E, including installation of catch basin inserts on drains within the Basin E subwatershed. The District stated that it had not yet developed time schedules for the implementation of its recommendations because the Boone Olive Pump Plant LFD only had been completed recently.
27. The data submitted in the Permittees’ monitoring reports for the summer dry weather compliance periods beginning on September 14, 2006 through October 31, 2006 and April 1, 2007 through October 31, 2007 indicate bacterial exceedances of the Order’s Receiving Water Limitations at sites located along Santa Monica Bay beaches, Malibu Creek and within MdrRH. The monitoring reports identified 5 exceedances of the single sample limits and 5 exceedances of the geomean samples at MdrRH-7 from August 9, 2007 through October 31, 2007.

28. On March 4, 2008, the Regional Board issued a Notice of Violation (NOV) and investigative order (§13383 Order) pursuant to California Water Code (CWC) §13383 to the County, District, and twenty cities that discharge urban runoff through the MS4 to Santa Monica Bay, Malibu Creek and MdrRH for exceedances of the RWLs Limitations of the Order. The § 13383 Order required Permittees, including the District to provide information evaluating and documenting (i) the causes of the violations, (ii) remedial actions taken prior to incorporation of the TMDL summer dry weather requirements into the LA MS4 Permit and those taken since, and (iii) the Permittee's plans for additional corrective and preventative actions to bring MS4 discharges into compliance with the bacteria RWLs applicable to the Santa Monica Bay for the upcoming summer dry weather period, beginning on April 1, 2008.
29. The District's May 14, 2008 response to the §13383 Order stated: "The bacteria that caused the reported exceedances at this shoreline monitoring point is unknown. Boone Olive Pump Plant outlets directly into Basin E through a submerged pipe at MdrRH-7. The Flood Control District did not measure dry weather flows at this location, but flows are very unlikely considering a dry weather diversion was operational inside the pump plant between September 09, 2007 to October 31, 2007." The District also indicated that there were no further remediation efforts that they were implementing at MdrRH-7 after August 9, 2007.
30. The monitoring reports for Santa Monica Bay and MdrRH for the 2008 and 2009 dry weather seasons demonstrated continued bacterial exceedances in Santa Monica Bay and MdrRH, including MdrRH-7. Based on its evaluation of the Technical Report that the District submitted in response to the §13383 Order and its review of monitoring reports that showed continued exceedances of bacteria RWLs throughout Santa Monica Bay and MdrRH, including MdrRH-7, the Regional Board issued a Second NOV on October 15, 2009. The Second NOV informed Permittees, including the District, that they continued to be in violation of waste discharge requirements established in the Order, and have therefore violated CWC §13376 and were subject to liability pursuant to CWC §13385. The Second NOV informed Permittees that their §13383 Technical Report did not provide adequate information to contradict or mitigate that determination. Furthermore, the Second NOV informed Permittees, including the District, that exceedances of bacteria RWL stations, including MdrRH-7, continued. The Second NOV invited Permittees, including the District, to supplement its §13383 Technical Report with information pertaining to any additional studies, BMPs, remedial actions, corrective actions, and preventative actions that Permittees, including the District, had taken to date and planned to take to bring discharges from the MS4 into compliance with bacteria RWLs.
31. The District submitted a Technical Report "Project No. 3874 at Boone Olive Pump Plant" (Project 3874 Report) in response to the Second NOV. The Project 3874 Report described the effectiveness of the dry weather diversion, and concluded, contrary to the Final Technical Report that was submitted to the State Board and Commission, that "This project successfully diverted 26 million gallons of water to the sanitary sewer for treatment during the 2007 AB 411(i.e., summer dry weather) year. Bacteria concentrations in the diverted water generally exceeded AB 411 standards for contact recreation. Visual inspections of flow bypass, or the water that

went past the diversion, were made during the LFD sampling events. No flow was observed going past (bypassing) the diversion structure, but flows are easiest to control when a pump station is used. The outlet to the drain was usually submerged. As mentioned above, this project indicated that there are natural and anthropogenic bacteria sources that do not use the storm drain system to reach the marina. They could also be local natural sources.”

32. The Project 3874 Report found that the Project 3874 Report failed to evaluate or document the cause of the exceedances, failed to provide information regarding the design, construction and operation of the Boone Olive LFD, and failed to provide the District’s plans to correct the design flaws and operational limitations of the Boone Olive LFD that were identified by the District in the District’s Final Project Report that was submitted to the State Board and the Commission.

33. Regional Board staff concluded that the Project 3874 Report submitted by the District:

- Did not provide adequate information for the Regional Board to determine that the exceedance did not result from the MS4.
- Did not provide adequate information for the Regional Board to determine that the MS4 did not discharge dry weather flow into MdrRH at MdrRH-7.
- Did not provide adequate information for the Regional Board to determine that that the summer dry weather flow from the MS4 is treated by the District.
- Did not demonstrate that the District had conducted a source investigation that identified non-point sources that caused or contributed to the exceedance of the RWL at MdrRH-7.

34. On December 1, 2009 the District submitted a supplement to its §13383 Technical Report (Supplemental Report) that again did not contain information showing that the District had not undertaken a source investigation, which would have shown whether the exceedances were not caused by flow from the LA MS4. The Supplemental Report failed to provide information concerning whether the District had undertaken any action to correct the design flaws and operational limitations that were documented in the Project 3874 Final Report. The Supplemental Report documented that the District did not conduct a source investigation. The Supplemental Report failed to provide adequate information that:

- Would allow the Regional Board to determine that the exceedance did not result from the LA MS4.
- Would allow the Regional Board to determine that the MS4 does not discharge dry weather flow into Santa Monica Bay.
- Would allow the Regional Board to determine that that the summer dry weather flow is treated by the District.
- Demonstrated that the District has adequately documented through a source investigation of the subwatershed that its discharges have not caused or contributed to the exceedance of the Receiving Water Limitations.

35. The exceedances of RWLs at MdrRH-7 are presumptively violations of the MS4

Permit. The LA MS4 system is a joint system, and that by design commingles the discharges of multiple jurisdictions. The Permit reflects the Permittees' chosen in-stream monitoring system that the Permittees requested (rather than an outfall monitoring regime that would specifically identify which of the jurisdictions' discharges contain pollutants in excess in RWLs). Moreover, the District failed to provide information described in Finding 37 that would allow the Regional Board to determine that there are causes of bacteria exceedances other than discharges from the LA MS4 into MdrH at MdrH-7, at any relevant time. Nonetheless, the Prosecution Team undertook a statistical analysis of water quality at the Boone Olive Pump Plant inlet and at MdrH-7 based on data provided in the Non-Point Source Study (see para. 21). The Prosecution Team analysis, "Evaluation of Bacterial Sources for Basin E in Marina del Ray Harbor," Jan. 6, 2010") shows a high correlation of the water quality in the Boone Olive Pump Plant inlet and the water quality at MdrH-7, indicating that the exceedances are caused when the LFD is not operating properly and urban runoff is bypassing the Boone Olive LFD. The analysis is provided in Attachment C.

36. The Prosecution Team finds a discrepancy in the Supplemental Report regarding the number of gallons of urban runoff diverted from MdrH to the sanitary sewer for treatment. The Supplemental Report states that 26 million gallons of urban runoff are diverted during the seven month summer dry weather season. This rate is equivalent to a continuous flow rate of approximately 84 gallons per minute. According to the Supplemental Report, however, the Boone Olive LFD pump is rated at 45 gallons per minute. The Prosecution Team therefore concludes that the actual flow diverted may be only 13 million gallons during the dry season.

PAST DISCHARGES FROM THE MS4 MANAGED AND OPERATED BY THE PERMITTEE

37. The City of Los Angeles Environmental Monitoring Division (EMD) submitted monitoring reports for the summer dry weather compliance periods of August 9, 2007 through October 31, 2007; April 1, 2008 through October 31, 2008; and April 1, 2009 through October 31, 2009. The Monitoring Reports show there were 5 exceedance days of the single sample limit and 5 exceedance days of the geomean sample limit in 2007, twenty-three exceedance days of the single sample limit and 145 exceedance days of the geometric mean limits in 2008, and six exceedance days of the single sample limit and twenty-one exceedance days of the geomean at MdrH-7. There were nineteen exceedance days in which both the single sample and geomean were exceeded. These exceedances constitute violations of the RWLs set forth in Part 2.6 of the Order. The violations are summarized in Attachment D.

IMPACTS - BENEFICIAL USES

38. a. Potential impacts to REC-1 and REC-2:

The discharge of urban runoff from the Boone Olive Pump Plant contains high levels of bacteria as documented in the Non-Point Sources study (see para. 39). These levels of bacteria impact water contact (REC-1) and non-water contact (REC-2)

recreation beneficial uses in Marina del Rey Basin E. Water quality monitoring at other monitoring stations in Basin E indicate that REC-1 water quality objective exceedances were generally limited to a relatively small area. The number of people swimming in the vicinity of MdrRH-7 is unknown but likely to be small because Basin E does not contain a beach. Nonetheless, people may enter the water of the MdrRH Back Basins to maintain boats or recreate. The impacts to REC-2 are likely to be more substantial as Basin E is used for recreational boating where incidental contact with water is likely.

b. Potential impacts to COMM:

Live bait fishing takes place offshore in deeper water beyond the maximum extent of the urban runoff discharge, therefore there is little effect from the discharge of urban runoff containing bacteria on commercial fishing in the Bay. There may be impacts to recreational fishing from the bacteria exceedances in Basin E.

c. Potential impacts to MAR:

MdrRH Back Basins is a highly modified environment. Any loss of abundance or species diversity in the intertidal community in the area of the urban runoff is expected to be temporary and short term. The effect of the urban runoff discharges on the nearshore plankton community is likely insignificant. The effect of the urban runoff discharge flows on nearshore fish habitat beneficial uses is likely to be transitory and insignificant.

d. Potential impacts to SHELL:

Typically, shellfish harvesting in the Marina del Rey is of low intensity. Losses to the shellfish fishery of the bay as a result of the urban discharge are likely to be relatively minor, restricted in area and duration because there is no known shell fish harvesting in the vicinity of Basin E.

e. Potential impacts to WILD:

The discharge of urban runoff containing bacteria is not expected to impact wildlife habitat beneficial use.

SOURCES OF INFORMATION

39. The facts set forth above were obtained from the following sources:

a. Marina del Rey Watershed responsible agencies, "Coordinated Monitoring Plan (CMP) for the MdrRH TMDL" July 16, 2004

b. County of Los Angeles Department of Public Works, "State Water Resources Control Board Acceptance of Proposition 50 Grants for the Santa Monica Bay Watershed Trash Excluders Project, and for Project No. 286 Low Flow Diversion at 28th Street, and Project No. 3874 Low Flow Diversion at Boone Olive Pump Station," December 29, 2005

- c. Marina del Rey Watershed responsible agencies, "Marina del Rey Harbor Mothers' Beach and Back Basins Bacteria TMDL Implementation Plan," October 31, 2005
- d. "Mothers' Beach and Back Basins Bacteria TMDL Non-Point Source Study," Weston Solutions, February 2007
- e. County of Los Angeles Department of Public Works, "Information on Water Quality Exceedance at Basin E MDRH (MDRH-5) Pursuant to California Water Code §§ 13225 and 13267, June 21, 2007
- f. July 15, 2004: The "Marina del Rey Vessel Discharge Report" was completed by Los Angeles County Department of Beaches and Harbors.
- g. July 15, 2004: The "Marina del Rey Harbor Mothers' Beach and Back Basins Report of Small Drain Identification" was completed by the agencies responsible for compliance with the Bacteria TMDL.
- h. September 2004: The "Marina Beach Water Quality Improvement Project - Bacterial Source Studies and Recommendations" was completed by the agencies responsible for compliance with the Bacteria TMDL.
- i. March 2007: The "Marina del Rey Mother's Beach and Back Basins Bacteria TMDL Non Point Source Study" was completed by the agencies responsible for compliance with the Bacteria TMDL.
- j. Los Angeles County Flood Control District, "Final Project Report for the Boone Olive Low-Flow Diversion Proposition 50 Project" March 2008.
- k. Los Angeles County, Response to Notice of Violation dated March 4, 2008, Technical Report dated May 14, 2008.
- l. Los Angeles County, Response to Notice of Violation dated October 15, 2009 Technical Report dated December 1, 2009.
- m. City of Los Angeles Environmental Management Division, "Examination of TMDL Stations at MDRH Month of August 2007"
- n. City of Los Angeles Environmental Management Division, "Examination of TMDL Stations at Marina del Rey Harbor Month of September 2007"
- o. City of Los Angeles Environmental Management Division, "Examination of TMDL Stations at Marina Del Rey Harbor Month of October 2007"
- p. City of Los Angeles Environmental Management Division, "Examination of

TMDL Stations at Marina del Rey Harbor Month of April 2008”

q. City of Los Angeles Environmental Management Division, “Examination of TMDL Stations at Marina del Rey Harbor Month of April 2008”

r. City of Los Angeles Environmental Management Division, “Examination of TMDL Stations at Marina del Rey Harbor Month of May 2008”

s. City of Los Angeles Environmental Management Division, “Examination of TMDL Stations at Marina del Rey Harbor Month of June 2008”

t. City of Los Angeles Environmental Management Division, “Examination of TMDL Stations at Marina del Rey Harbor Month of July 2008”

u. City of Los Angeles Environmental Management Division, “Examination of TMDL Stations at Marina del Rey Harbor Month of August 2008”

v. City of Los Angeles Environmental Management Division, “Examination of TMDL Stations at Marina del Rey Harbor Month of Sept 2008”

w. City of Los Angeles Environmental Management Division, “Examination of TMDL Stations at Marina del Rey Harbor Month of October 2008”

x. City of Los Angeles Environmental Management Division, “Examination of TMDL Stations at Marina del Rey Harbor Month of April 2009”

y. City of Los Angeles Environmental Management Division, “Examination of TMDL Stations at Marina del Rey Harbor Month of May 2009”

z. City of Los Angeles Environmental Management Division, “Examination of TMDL Stations at Marina del Rey Harbor Month of June 2009”

aa. City of Los Angeles Environmental Management Division, “Examination of TMDL Stations at Marina del Rey Harbor Month of July 2009”

bb. City of Los Angeles Environmental Management Division, “Examination of TMDL Stations at Marina del Rey Harbor Month of August 2009”

cc. City of Los Angeles Environmental Management Division, “Examination of TMDL Stations at Marina del Rey Harbor Month of September 2009”

dd. City of Los Angeles Environmental Management Division, “Examination of TMDL Stations at Marina del Rey Harbor Month of October 2009”

ee. “Mothers’ Beach and Back Basins Bacteria TMDL Non-Point Source Study,” Weston Solutions, February 2007

PROSECUTION TEAM REVIEW AND ANALYSIS

40. The Low Flow Diversion at the Boone Olive Pump Station is effective, when operating, in reducing bacterial loads and attaining compliance with bacterial standards at MdrH-7.

The Prosecution Team reviewed the response to the Investigative Order issued on May 7, 2005 regarding exceedances at MdrH-5 in Basin E. As part of the response, the discharger notes that on the day of exceedance at MdrH-5, there were no bacteria exceedances at MdrH-7. The discharger also noted that the Boone Olive Low Flow Diversion was operational. The Prosecution Team concludes that the proper operation of the Boone Olive pump station LFD can maintain compliance at MdrH-7 despite significant loading of bacteria into Basin E from the Oxford Basin.

41. Discharges from the Boone Olive Pump Station caused exceedance of water quality limitations at MdrH-7.

The Prosecution Team reviewed the Non-point Source Study and found that the that urban runoff from the Boone Olive Pump station represents a significantly greater bacteria load to Basin E than that of other non-point sources, except for the Oxford Basin discharge. The Prosecution Team performed a statistical analysis of the data presented in the Non Point Source Study which a high correlation between bacterial levels at MdrH-7 bacterial levels within the Boone Olive Pump Plant. By contrast, bacterial levels are not highly correlated to non-point sources and discharges from the Oxford Basin into Basin E (Attachment C). Further, the Project 3874 Report stated that flows from the Boone Olive Pump Plant reached receiving waters, even after the LFD was constructed. Therefore, the Prosecution Team concludes that exceedances of bacteria levels at MdrH-7 are caused by discharges from the Boone Olive Pump Plant that bypassed the Boone Olive LFD.

42. The Boone Olive Low Flow Diversion is designed differently from typical MS4 low flow diversions.

The Prosecution Team reviewed the engineering drawings of the Boone Olive Pump Plant Low Flow Diversion that were provided by the District in response to the Second NOV and the concept design for low Flow Diversions provided in the TMDL Implementation Plan. The Prosecution Team noted that the low flow diversion is configured differently from typical low flow diversions that are installed in storm sewers. Although both types of LFDs use a pump to convey urban runoff from the MS4 discharge structure to the sanitary sewer; the Boone Olive Pump Plant LFD does not segregate the low urban runoff flows from the drain prior to its entering the pump inlet. The engineering drawings provided by the District in the Supplemental Report for the Boone Olive Pump Plant do not show a separate well for the pump inlet. The Prosecution Team concludes that the Boone Olive Pump Plant is more susceptible to misoperation and bypass due to a shared pump inlet bay with the main pump(s) of the Boone Olive Pump Plant that direct flow to MdrH at MdrH-7.

43. BMPs were not installed in the Boone Olive Pump Plant Subwatershed to prevent accumulation of trash in the Boone Olive Pump Plant.

The TMDL Implementation Plan identified catch basin screens and inserts as methods to reduce bacteria loading to the Boone Olive Station and Basin E of Marina del Rey Harbor. The Technical Reports submitted by the City of Los Angeles indicated that there are twenty-two catch basins in the Boone Olive Pump Plant subwatershed. The City of Los Angeles' Technical Report states that only five catch basin screens have been installed to date in the entire MDRH subwatershed, none of which appear to be in the catch basins that drain to the Boone Olive Pump Plant. Based on the Technical Reports, the Prosecution Team concludes that the dischargers have not implemented BMPs to the maximum extent practicable to effectively eliminate trash or other pollutants to Basin E through the Boone Olive Pump Plant. The District submitted reports recommending that additional Best Management Practices be installed. To date, the District has not reported implementation the BMPs recommended. Neither full capture devices nor partial capture devices have been installed on catch basins draining to the Boone Olive Pump Plant.¹

44. Operational Records for the Boone Olive LFD indicate both design flaws and maintenance difficulties. These records were not included in any of the District's Technical Reports submitted to the Regional Board.

The Prosecution Team reviewed the responses to the First and Second NOV's regarding bacteria exceedances in the Santa Monica Bay and MDRH and noted that for many LFDs discharging into Santa Monica Bay that the dischargers summarized visual observations of flow from the MS4 outlet structures at the time of sample collection. These visual observations were used to assess the operational status of the LFD to determine flow from the MS4 was causing or contributing to an exceedance. However, visual observations of discharge are not an appropriate method to determine operational status of the Boone Olive Pump Plant low flow diversion. The District did not provide maintenance reports or data showing that the LFD operated in the manner designed. These maintenance reports were readily available to the District because the District provided them to the State Board and the Commission.

45. Visual observations of flow from the Boone Olive are not possible because the discharge pipe is typically submerged.

The Prosecution Team reviewed the sample collection data sheets provided with the City of Los Angeles EMD monthly monitoring reports and note that for every day of single sample exceedance from August 9, 2007 through October 31, 2009, the discharge pipe was submerged and the absence of flow from the Boone Olive Pump Plant could not be determined. The Prosecution Team also notes that the engineering drawings for the Boone Olive Pump Plant LFD show an operational status indicator and recorder for the LFD submersible pumps. However, records for this instrument were not provided in the Technical Report submitted by the

¹ While the Maximum Extent Practicable (MEP) standard does not apply to non-storm water, the Prosecution Team nevertheless notes that these treatment mechanisms are in fact practicable.

District even though the NOV and 13383 Order requested such information.

Based on the above, the Prosecution Team concludes that that there is no evidence showing that the Boone Olive Pump Plant LFD was operating on the days the violations occurred. Further, the Prosecution Team concludes that the pump or pumps may have failed to operate properly on days which were not monitored.

46. Birds or Other Non-Point Sources did not Cause Exceedances at MdrRH-7

The Technical Report submitted by the District acknowledged that the cause of exceedances at MdrRH-7 is unknown, but states, "Contamination could be coming from a myriad of non-point sources. Marina del Rey Mother's Beach and Back Basins Bacteria TMDL Non Point Source Study, March 2007 cites birds as the primary source of bacteria in the Marina."

Although the NonPoint Source Study indicated that avian bacteria were the predominant type of bacteria in MdrRH, the Non Point Study clearly showed that these bacteria are loaded into Basin E by the MS4, including the Boone Olive Pump Plant. The Prosecution Team reviewed the monitoring data sheets submitted by the City of Los Angeles for the Mdr-7 exceedance days from August 9, 2007 through October 31, 2009. The Prosecution Team found there was no ocean debris, tar, sewage, grease, or dead marine animals. At each sampling event there were only between 1 to 5 shoreline birds in the vicinity of MdrRH-7, which is the same number as reported as on days without exceedances. Based on review of the monitoring observational data, the Prosecution Team concludes that nonpoint source bacteria loading from shoreline birds did not cause exceedances of bacteria standards at MdrRH-7.

47. There are a number of design and operational flaws with the Boone Olive LFD that were documented by the District in its Final Project Report to the State Water Resources Control Board (State Board) and the Santa Monica Bay Restoration Commission. The District also acknowledged that the Boone Olive LFD was not operational at all times in preventing urban runoff flows that contain bacteria to MdrRH. The District also set forth a number of recommendations for improving the performance of the Boone Olive LFD in its report to the State Board and Commission. None of the design and performance concerns with the Boone Olive Pump Plant LFD were reported in the District's Technical Reports to the Regional Board in response to the NOV's. Rather, the District stated that birds were the likely source of the bacterial exceedances at MdrRH-7, but the District did not provide any data to support its assertions. Further, the District did not include any plans to the Regional Board to implement its own recommendations made to the State Board and Commission to improve the performance of the Boone Olive LFD, even though despite the fact that the Regional Board explicitly requested information about corrective action in its 13383 Order.

48. Based on the Prosecution Team's review of the technical documents and monitoring

reports,

- The Prosecution Team determines that the bacteria exceedances resulted from discharges from the LA MS4 through the Boone Olive Pump Plant.
- The Prosecution Team cannot determine that Permittees in the Boone Olive Pump Plant subwatershed have not demonstrated that their summer dry weather discharge into Basin E in MDRH is treated to a level that does not exceed either the single sample or the geometric mean bacteria objectives.
- The Prosecution Team determines that the District has caused or contributed to violations of the bacteria Receiving Water limits at MDRH-7 through discharges of urban runoff containing bacteria, through the Boone Olive Pump Plant, and by failing to correct design and operational flaws of the LFD.
- Rather, the Prosecution Team concludes that the exceedances resulted from the inoperable LFD, which allowed dry weather flows to discharge to the receiving waters.

49. The Prosecution Team concludes that the discharges of urban runoff during the dry seasons of 2007, 2008 and 2009 impacted beneficial uses of waters.

50. Regional Board Prosecution Team makes its determinations because:

- The District could not actually observe (as it alleged) whether the MS4 was discharging urban runoff at the time of the exceedance because the discharge was submerged. The District did not implement other measures, such as flow indication devices, to demonstrate that the MS4 was not discharging at the time of exceedance.
- The District submitted studies showing that avian sources were the largest bacterial sources in Basin E. However, the studies cited by the District showed that the avian bacteria were loaded into Basin E from the LA MS4. Further, the monitoring report observations showed that the bird population in the vicinity of MDRH-7 was not larger at the time of exceedances than non-exceedances indicating that non-point sources do not cause exceedances at MDRH-7.
- The bacterial levels at the time of discharge are significantly higher than levels during time of non-exceedance. Further, the levels are within the range of the urban runoff that is diverted when the low flow diversion is operating properly. This indicates that conditions at the time of exceedance are significantly different from times of non-exceedance.
- The design of the Boone Olive Pump Plant LFDs renders it susceptible to misoperation. The City of Los Angeles's Technical Report in response to the

Second NOV indicated that a greater frequency of trash cleaning from the Boone Olive LFD is required to reduce exceedances.

- Therefore, the Prosecution Team determines that the District has caused or contributed to violations of these RWLs and that an appropriate enforcement action is warranted.

ALLEGED VIOLATIONS

51. The discharge of urban runoff from August 9 through October 31, 2007, from April 1 through October 31, 2008, and from April 1 through October 31, 2009 violated the following requirements of the Order:

a. Part 1.A Discharge Prohibitions.

The Project 3874 Technical Report stated that flows into the Boone Olive Pump Plant exceeded the capacity of the Boone Olive Pump Plant LFD. Flow in excess of the Boone Olive Pump Plant LFD capacity could be discharged to MdrRH. The District did not effectively limit the flow of urban runoff into the MS4 to ensure that the Boone Olive Pump Plant LFD could operate effectively at flows that did not exceed its rated capacity. This is a violation of Part 1.A because the District did not implement measures to effectively prohibit the discharge.

b. Section 2.6 Receiving Water Limitations “During Summer Dry Weather there shall be no discharges of bacteria from MS4s into MdrRH Basins D, E, or F, including Mothers’ Beach that cause or contribute to exceedances of the applicable bacteria objectives. The applicable bacteria objectives include both the single sample and geometric mean bacteria objectives set to protect the Water Contact Recreation (REC-1) beneficial use, as set forth in the Basin Plan.”

As described above, the City of Los Angeles Environmental Monitoring Division submitted monitoring reports for the summer dry weather compliance periods of August 9, 2007 through October 31, 2007; April 1, 2008 through October 31, 2008; and April 1, 2009 through October 31, 2009. The Monitoring Reports show there were 5 exceedance days of the single sample limit and 5 exceedance days of the geometric mean sample limit in 2007, twenty-three exceedance days of the single sample limit and 145 exceedance days of the geometric mean limits in 2008, and six exceedance days of the single sample limit and twenty-one exceedance days of the geometric mean at MdrRH-7. There were nineteen exceedance days in which both the single sample and geometric mean were exceeded. These exceedances constitute violation of the RWLs set forth in Part 2.6 of the Order. A record of the exceedances at MdrRH-7 is provided in Attachment D.

c. Section 3 Part B. Best Management Practice Implementation

“The Permittees shall implement or require the implementation of the most effective combination of BMPs for storm water/urban runoff pollution control. When implemented, BMPs are intended to result in the reduction of pollutants in

storm water to the MEP.”

In its 13267 Report the District recommended that catch basin covers or inserts should be installed in catch basins draining to the Boone Olive Pump Plant. Catch basins are BMPs that have been implemented extensively by the City of Los Angeles and other MS4 Permittees in the Los Angeles Region. The District violated Section 3, Part B by failing to use the best combinations of BMPs.

d. Section 3, Part D. Designation and Responsibilities of the Principal Permittee
The Los Angeles County Flood Control District is the Principal Permittee. As such, the Principal Permittee failed to coordinate and facilitate activities with other Permittees necessary to comply with the requirements of the MS4 Permit. The Project 3874 Report indicated that the Boone Olive LFD performance was impaired due to limited capacity of the sanitary sewer, owned and operated by the City of Los Angeles. The District failed, as Principal Permittee, to coordinate with the City of Los Angeles to ensure that the Boone Olive Pump Plant LFD was adequately sized to the capacity of the sanitary sewer where the urban runoff flows were diverted.

e. Comply with the "Responsibilities of the Permittees" in Part 3.E.

The District's Project 3874 Report acknowledged that was submitted to the State Board and Commission, but not submitted to the Regional Board, that the Districts' Design Division should coordinate with its Flood Maintenance and Operational Services Divisions. These divisions did not coordinate in an effective manner to implement the Boone Olive Pump Plant LFD. Many of the problems cited in the District's Project 3874 report could have been avoided or corrected with effective internal coordination.

f. Section G - General Provisions: Proper Operation and Maintenance

Trash accumulated in the pump forebay at each and every reported monitoring event reported (Appendix E). Further, at each and every reported monitoring event that was recorded in the Project 3874 Final Report submitted to the State Board and the Commission one of the LFD pumps was inoperative and the gallons meter was not functional. Maintenance personnel frequently could not access the electrical panel. This is a violation because regular access to pumps and panels are an integral component of proper operation and maintenance.

POTENTIAL CIVIL LIABILITY

52. CWC § 13376 prohibits the discharge of pollutants to navigable waters of the United States, except as authorized by waste discharge requirements that implement the provisions of the Federal Clean Water Act.
53. As the owner, operator, and principal permittee, the District bears responsibility (as do the other permittees) to comply with all provisions of the Order, and thereby the CWC.

54. To the extent the District may contend that other permittees or persons may have also contributed to the violations alleged in this Complaint, the District is free to pursue indemnity or contribution in a civil action or through other means, for such other contributors' share of liability, as the District deems appropriate.
55. CWC § 13385(a) states in part that "(a) Any person who violates any of the following shall be liable civilly in accordance with this section: (1) §13375 or 13376. (2) Any waste discharge requirements..."
56. CWC § 13385(c) states that "Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with §13323) of Chapter 5 in an amount not to exceed the sum of both, of the following:
- (1) Ten thousand dollars (\$10,000) for each day in which the violation occurs.
 - (2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons."
57. In pertinent part, CWC § 13385 states that "(a) Any person who violates any of the following shall be civilly in accordance with this section...:
- "(2) Any waste discharge requirements...issued pursuant to this chapter...;"
 - "(3) Any requirements established pursuant to § 13383"
58. CWC § 13385 states that "Civil liability may be imposed administratively pursuant by the State Board or a Regional Board pursuant to Article 2.5 (commencing with §13323) of Chapter 5 in an amount not to exceed the sum of both of the following:
- (1) Ten thousand dollars (\$10,000) for each day in which the violation occurs.
 - (2) When there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharge but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons."
59. Under § 13385(c)(1), the maximum civil liability that could be imposed by the Regional Board for violation of the CWC is \$10,000 per day per violation. The Permittee is alleged to have violated CWC § 13385 by the unauthorized discharge of urban runoff to receiving waters exceeding the single-sample bacteria limits on 34 days from August 9, 2007 through October 31, 2009 and the geometric mean bacteria standard on 171 days from August 9, 2007 through October 31, 2009. The Prosecution Team notes that there were 19 days during which both single sample and geomean limitations were exceeded. The basis for calculating liability for violating 13385 (c)(1) is 34 single sample exceedance days plus one hundred seventy-one geomean exceedance days minus nineteen days when both single sample and

geomean exceedances occurred, $34+171-19=186$ days. Therefore, the total basis for liability under § 13385(c)(1) is 186 days. Therefore, the maximum civil liability under CWC § 13385(c)(1) is:

$$186 \text{ days} \times \$10,000 \text{ per day} = \$1,860,000.$$

60. The District reported that during the summer dry season, 26 million gallons of urban runoff was diverted during the summer dry season. However, as noted in Paragraph 31 above, the District has likely overstated the volume that was "successfully diverted." The Prosecution Team finds that the actual amount successfully diverted is about 50% of that claimed by the District, i.e. 13 million gallons. This calculation is corroborated by the maintenance logs that show that one of the two LFD pumps is operational (Attachment E) and the District's § 13383 Report that indicate a pump capacity of 45 gallons per minute. Assuming 214 days during the summer dry season, the LFD flow represents 60,700 gallons on a daily basis. The Prosecution Team assumes that the LFD failed to divert urban runoff to the sanitary sewer only on days of single sample exceedances rather than days of both single sample and geomean exceedances. This is based on the Prosecution Team's assumption that some of the geomean exceedances may have resulted from discharges on days in which the single sample limits were exceeded. The CWC requires that the first 1,000 gallons that is not susceptible to cleanup be subtracted from the discharge volume on each day of discharge. The above methodology yields a discharge volume of:

$$34 \text{ days} \times 60,700 \text{ gallons per day} - 34 \text{ days} \times 1,000 \text{ gallons} = 2,029,800 \text{ gallons}$$

Under CWC § 13350(e)(2), the maximum civil liability by the CWC for the violations of the CWC is the number of gallons x \$10 per gallon: \$20,298,000.

POTENTIAL CIVIL LIABILITY

Penalty Category	Calculation	Total
<i>For failing to comply with Order No. 01-182</i>	CWC § 13385(c)(1): 186 days x \$10,000/day	\$1,860,000
<i>For failing to comply with Order No. 01-182</i>	CWC § 13350(e)(2): 2,029,800 gallons x \$10/gallon	\$20,298,000
POTENTIAL CIVIL LIABILITY		\$22,158,000

RECOMMENED CIVIL LIABILITY

61. Pursuant to CWC § 13385(e), the Regional Board is required to consider the following factors in determining the amount of civil liability to be imposed. CWC § 13385(e) also requires "At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation."

a. Nature, circumstances, extent, and gravity of the violations: The Permittee discharged urban runoff from the MS4 system that entered MdrRH, a water of the United States. The discharge of urban runoff created a risk to the public and conditions of pollution. The discharge of urban runoff to MdrRH caused exceedances of Basin Plan water quality objectives for bacteria on at least 186 days in a receiving water designated for water contact recreation. However, the MdrRH Back Basin E is not a swimming beach and the extent of human contact with bacteria laden water may be limited. Therefore, a reduction from the maximum civil liability may be warranted.

b. Susceptibility to cleanup or abatement of the discharge: The urban runoff that reached MdrRH Basin E was not readily susceptible to cleanup but is susceptible to abatement through operation of a well-designed and maintained LFD. The District has attempted to abate this source by designing and constructing a low flow diversion at the Boone Olive Pump Plant. Therefore, a reduction from the maximum civil liability may be warranted.

c. Degree of toxicity of the discharge: Urban runoff contains bacteria and viruses known to be harmful to human health and the environment. Urban runoff is also known to contain metals, pesticides and bioaccumulative contaminants. The Regional Board staff finds that there is a degree of attenuation within the receiving waters of MdrRH Basin E. Consequently, a reduction from the maximum civil liability may be warranted.

d. The ability of the District to pay: The Los Angeles County Department of Public Works is one of the largest public works agencies in the Country, with a budget over 1.2 billion dollars per year. However, the Regional Board lacks sufficient information to determine their ability to pay the maximum civil liability of \$22,602,000. Therefore, a reduction from the maximum civil liability may not be warranted.

e. The effect on its ability to continue business: The Regional Board lacks sufficient information to determine the District's ability to continue its business. It is assumed however that as a public entity, maximum liability of \$22,158,000 will not have an effect on the District's ability to continue business. Therefore, a reduction from the maximum civil liability may not be warranted.

f. Any voluntary cleanup efforts undertaken: The District did not report taking any voluntary cleanup efforts following the discharges. Therefore, a reduction from the maximum civil liability may not be warranted.

g. Prior history of violations: Prior to 2007, there were exceedances of bacterial standards in MdrRH Basin E as measured at station MdrRH-7. The implementation of the low flow diversions decreased the number of violations during the summer dry season, but has not completely remedied the discharge of urban runoff.

Therefore, a reduction from the maximum civil liability may not be warranted.

h. Degree of culpability: The District owns, operates, and is the permit holder for the facility and its collection system. The District has the responsibility for the discharge with other responsible Permittees for Implementation of the TMDL. However, the District has responsibility for designing and maintaining all LFDs that it owns and operates so that they function in a reliable manner to divert all dry weather flows. In response to the second NOV, the City reported that the County would increase the frequency of its maintenance of the low flow diversion. The District, however, did not acknowledge its responsibility to maintain the diversion in its response. Therefore, a reduction from the maximum civil liability may not be warranted.

i. Economic benefit or savings: The District did not expend funds and resources to cleanup and recover the discharges, which may have exceeded the costs saved by avoiding treatment of the urban runoff discharged. The Prosecution Team also notes that the State incurred the majority of capital costs for construction of the Boone Olive Pump Plant LFD through a Proposition 50 grant. These state expenditures were not included in the economic benefit derived by the dischargers.

62. Because some of the above factors indicate a reduction from the maximum penalty may be appropriate, the Prosecution Team used the draft State Water Quality Enforcement Policy (WQEP) to calculate a recommended liability for the District's violations of the Order. On November 17, 2009, the State Board adopted revisions of the WQEP which governs enforcement proceedings by the Regional Water Quality Control Boards (Regional Boards) and the State Board under the Porter-Cologne Water Quality Control Act when the amendments are approved by the Office of Administrative Law. The WQEP sets forth a methodology to develop a recommended civil liability for water quality violations. While the WQEP has not yet been approved by the Office of Administrative Law, and therefore is not a final regulation as yet, the WQEP methodology may be used on a case by case basis as methodology to consider in developing a proposed penalty. The Prosecution Team used the WQEP methodology in developing a recommended penalty for violations of the Order as summarized below.
63. In accordance with the WQEP, the Prosecution Team calculated the potential harm factor for discharge violations by evaluating: (1) the potential for harm to beneficial uses; (2) the degree of toxicity of the discharge; and (3) the discharge's susceptibility to cleanup or abatement for each violation or group of violations. The potential harm factor ranges from 1 to 10 and sets a multiplier to the maximum penalties for the days and gallons violations.

For factor 1: Harm or potential harm to beneficial uses, the Prosecution Team considered the harm that may result from exposure to the pollutants or contaminants in the discharges in light of the statutory factors of the nature, circumstances, extent and gravity of the violation or violations. There may be

incidental contact with contaminated water by boaters and boaters may enter the water to clean or repair boats. Based on a determination that the harm or potential for harm is minor because there is a low threat to beneficial uses, the Prosecution Team assigned a score of 1 for this factor.

For factor 2: the physical, chemical, biological, or thermal characteristics of the discharge, the Prosecution Team assigned a score of 1, which is used for wastes that pose a minor risk of harm based on the documented characteristics of urban runoff which can contain metals, pesticides, priority and toxic pollutants in addition to bacteria and other pathogens.

For factor 3: the susceptibility to cleanup or abatement, the Prosecution Team assigned a score of 0 because less than 50% of the discharge is not susceptible to cleanup or abatement. The discharge outlet pipe is submerged so that the discharger cannot visually observe the discharge to determine if it is needed to be cleaned up.

64. The Prosecution Team used the draft WQEP penalty methodology to calculate the recommended liability. Based on a score of two (2) for the harm, the penalty draft WQEP methodology indicates that the maximum per day penalty is to be multiplied by 0.01. The factor selected is average deviation from standard. The deviation from standard was selected because the District violated several requirements of the LA MS4 permit, including the requirement to maintain systems in good working order, and the requirements to coordinate between other Permittees and within its own agency. The multiplication of the maximum per day and per gallon penalty by the factor provides the base of the initial amount. The initial amount is:

$$\$22,158,000 \times 0.01 = \$221,580$$

65. In accordance with the draft WQEP, staff considered Violator's Conduct Factors to calculate Adjustment for Discharger's degree of culpability regarding the violation. The Prosecution Team finds that the District took actions to design and construct the Boone Olive Pump Plant LFD with the intention of meeting the TMDL and LA MS4 Permit requirements in a timely manner. The Prosecution Team finds the exceedances do not result from intentional violations. However, the Prosecution Team finds that performance standards or prevailing industry practices could have included alarms that would have informed the permittee about exceedances, which could have been corrected. Further, the District did not coordinate activities with other permittees to design the LFD properly or implement appropriate BMPs so that the Boone Olive Pump Plant LFD could operate properly. The Prosecution Team finds that the District did not provide information in either of its Technical Reports that indicated that the District would correct design flaws or implement BMPS so that proper performance could be achieved, much less that they had actually been corrected or implemented. Further, the District did not cooperate with the Regional Board's investigation of the exceedances at MdrH-7 and failed to submit information

from the Regional Board that it provided to the State Board or the Commission.

Consequently, the Prosecution Team finds that an adjustment of 1.2 is appropriate. Furthermore, prior to the implementation of the MDRH permit modifications that are the subject of this enforcement proceeding, the MS4 Permit since 2001 has required an iterative approach (which the District asked the board to employ for these types of violations). If the District had actually employed the iterative approach, the violations would have been abated long ago. Whether through the iterative approach or not, the permittee is responsible for the proper operations of its infrastructure, and cannot passively allow in-stream exceedances to occur, but is expected to affirmatively investigate the causes and implement corrective action. The responses to the NOV's and the 13383 order do not demonstrate that such investigation/corrective action has been undertaken. Based on the enforcement policy, the adjustment factor on the initial amount is 1.2.

$$1.2 \times \$221,580 = \$265,896$$

66. In accordance with the draft WQEP, Staff considered the ability to pay and ability to continue in business. Staff finds that the permittee has not provided the Water Boards with the financial information necessary to assess the violator's ability to pay the Total Base Liability Amount or to assess the effect of the Total Base Liability Amount on the District's ability to continue in business. The Prosecution Team finds that the annual budget for the District for year ending June 2009 is \$277,531,000 (http://file.lacounty.gov/lac/cms1_141548.pdf). As the Total Base Liability Amount is less than 0.1% of the District budget, the Prosecution Team finds the Total Base Liability Amount need not be adjusted to address the violator's ability to pay or the violator's ability to continue in business. Given that the permittee is a special governmental district, whose jurisdiction encompasses the cities throughout Los Angeles County, Staff finds the recommended liability assessment would not jeopardize the discharger's ability to continue operation.
67. Staff estimated the Economic Benefit as savings or monetary gain derived from the act or omission that constitutes the violation. Staff notes that the violation occurred because the discharger postponed improvements to a treatment system, failed to implement adequate control measures (such as BMPs) or did not take other measures needed to prevent the violations. The economic benefit from postponed or avoided costs may be substantial. Staff calculated economic benefit based on the costs of implementing catch basin inserts and providing one extra day for each week of maintenance during the dry weather season. Based on estimated costs of \$2500 per catch basin (Unit Cost based on communication with Dr. Eric Wu of Regional Board staff) and an additional 31 days of maintenance work over three summer dry seasons at \$75 per hour, staff calculates the economic benefit is:

$$22 \times \$2,500 + 31 \times \$75 \times 8 = \$73,600$$

Staff compared the economic benefit to the adjusted Total Base Liability

Amount and find that the adjusted Total Base Liability Amount is at least 10 percent higher than the Economic Benefit Amount. Therefore, the recommended civil liability does not need to be increased.

68. Other matters as justice may require: An additional matter to consider includes time spent by the Prosecution Team of the Regional Board in evaluating the incidents of violation and preparing this Complaint and related documents. The Regional Board charges a rate of \$150 per hour of Prosecution Team time. As of February 1, 2010 the Prosecution Team has accrued approximately 60 hours of time.
69. After consideration of the factors in CWC § 13385(e), the Assistant Executive Officer recommends that administrative civil liability be imposed on the District by the Regional Board in the amount of \$274,896, which includes the following:

RECOMMENDED CIVIL LIABILITY

Penalty Category	Penalty Calculation	Total
<i>For failing to comply with Order No. 01-182 as Amended by Order No.R4-2007-0042</i>	CWC § 13385(c)(1): 186 days x \$10,000/day x 0.01	\$18,600
<i>For failing to comply with Order No. 01-182 as Amended by Order No.R4-2007-0042</i>	CWC § 13385(c)(2): 2,029,800 gallons x \$10/gallon x 0.01	\$202,980
<i>Culpability Adjustment</i>	1.2 x (\$202,980 + \$18,600) – (\$202,980 + \$18,600)	\$44,316
<i>Staff Costs</i>	60 hours x \$150/hour	\$9,000
<i>Recommended Civil Liability</i>		\$274,896

70. The ADMINISTRATIVE CIVIL LIABILITY is due and payable and must be received by the Regional Board by the close of business on May 10, 2010.

WAIVER OF HEARING

71. The District may waive the right to a hearing. Should the District choose to waive the right to a hearing, an authorized agent must sign the waiver form attached to this Complaint and return the executed waiver form to the Regional Board at 320 West 4th Street, Suite 200, Los Angeles, CA 90013 to be received by the Regional Board by the close of business on May 10, 2010. If the hearing is waived, a check in the amount of \$274,896 (payable to the State Water Resources Control Board Cleanup

and Abatement Account) shall accompany the signed waiver to satisfy the civil liability.

72. Notwithstanding the issuance of this Complaint, the Regional Board shall retain the authority to assess additional penalties for violations of the requirements of the District's waste discharge requirements.
73. This enforcement action is exempt from the provisions of the California Environmental Quality Act, California Public Resources Code § 21000 et seq., in accordance with California Code of Regulations, title 14, § 15321.
74. Regulations of the U.S. Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act including NPDES permit violations. Accordingly, interested persons will be given 30 days to comment on any proposed settlement of this Complaint.
75. In the event that the District fails to comply with the requirements of this Complaint, the Executive Officer is authorized to refer this matter to the Office of Attorney General for enforcement.


Samuel Unger
Assistant Executive Officer

February 18, 2010

WAIVER OF THE RIGHT TO A HEARING

By signing below and returning this Waiver, I hereby waive the right of the District to a hearing before the Regional Board to dispute the allegations and civil liability set forth in Administrative Civil Liability Complaint No. R4-2010-0028 (Complaint) issued by the Regional Board Assistant Executive Officer. The District understands that this Waiver gives up the rights to contest the allegations of the Complaint and the amount of civil liability it imposes.

The District elects to pay the civil liability in the following manner:

Enclosed herewith in full payment of the civil liability is a \$274,896 check payable to "State Water Resources Control Board Cleanup and Abatement Account."

The District understands that this Waiver gives up the rights to argue against the allegations made by the Assistant Executive Officer in this Complaint and against imposition of, and amount of, civil liability imposed. The District also understands that if an Administrative Civil Liability Order is adopted by the Regional Board, payment in full will be due thirty days after the date of the adoption of the Order.

I hereby affirm that: I am duly authorized to act on behalf of and to bind the District in the making and giving of this Waiver.

Los Angeles County Flood Control District

Date:

By:

Position:

(Signed name) (Printed or typed name)

**HEARING PANEL OF THE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

320 W. 4th Street, Suite 200
Los Angeles, California 90013
(213) 576-6600

ACLC R4-2010-0028

NOTICE OF PUBLIC HEARING

**TO CONSIDER AN ADMINISTRATIVE CIVIL LIABILITY COMPLAINT AND
PROPOSE RECOMMENDATIONS**

DISCHARGER

Los Angeles County
Flood Control District

DISCHARGE LOCATION

Los Angeles County Municipal
Separate Storm Sewer System
(LA MS4)

RECEIVING WATERS

Marina del Rey Harbor

Administrative Civil Liability Complaint (“ACLC”) No. R4-2010-0028 alleges that the Los Angeles County Flood Control District (Permittee) has violated waste discharge requirements contained in Regional Board Order No. 01-182 by discharging waste from the LA MS4 on at least 186 days between August 9, 2007 through October 31, 2009 that caused or contributed to the exceedences of bacterial standards at Basin E of Marina del Rey Harbor, a navigable body of the United States. As stated in the ACLC, Regional Board staff, represented by the Regional Board Staff Prosecution Team (Prosecution Team), recommends that a penalty of \$274,896 be assessed against the Los Angeles County Flood Control District for these violations.

Pursuant to Water Code section 13228.14, a Hearing Panel consisting of three members of the California Regional Water Quality Control Board, Los Angeles Region (“Regional Board”) will convene a hearing to hear evidence, determine facts, and to propose a recommendation to the Regional Board about resolution of the ACLC.

This notice sets forth procedures to be used by hearing panels of the Regional Board and outlines the process to be used at this hearing.

I. HEARING DATE AND LOCATION

Date: May 17, 2010
Time: 10:00 A.M.
Place: 320 W. 4th Street
Los Angeles, CA 90013
Room location TBD

II. AVAILABILITY OF DOCUMENTS

The ACLC, related documents, proposed order, comments received, and other information about the subject of the ACLC are available for inspection and copying between the hours of 8:00 a.m. and 5:00 p.m. at the following address:

California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Arrangements for file review and/or copies of the documents may be made by calling the Los Angeles Regional Board at (213) 576-6600.

The entire file will become a part of the administrative record of this proceeding, irrespective of whether individual documents are specifically referenced during the hearing. However, the entire file might not be available at the hearing. Should any parties or interested persons desire that the Prosecution Team bring to the hearing any particular documents that are not included in the Hearing Panel binder, they must submit a written or electronic request to the Prosecution Team during business hours, not later than **April 27, 2010**. The request must identify the documents with enough specificity for the Prosecution Team to locate them. (Documents in the Hearing Panel binder will be present at the hearing.)

III. NATURE OF HEARING

This will be a formal adjudicative hearing pursuant to part 648 et seq. of title 23 of the California Code of Regulations. Chapter 5 of the California Administrative Procedure Act (commencing with section 11500 of the Government Code) relating to formal adjudicative hearings does not apply to adjudicative hearings before the Regional Board, except as otherwise specified in the above-referenced regulations.

IV. PARTIES TO THE HEARING

The following are the parties to this proceeding:

1. Los Angeles County Flood Control District
2. Regional Board Staff Prosecution Team

All other persons who wish to participate in the hearing as a designated party shall request party status by submitting a written or electronic request to the Legal Advisor to the Hearing Panel identified in section VIII below no later than **April 5, 2010**. The request shall include a statement explaining the reasons for their request (e.g., how the issues to be addressed in the hearing and the potential actions by the Regional Board affect the person), and a statement explaining why the party or parties designated above do not adequately represent the person's interest. The requesting party

will be notified before the hearing whether the request is granted. All parties will be notified if other persons are so designated.

V. COMMUNICATIONS WITH THE PROSECUTION TEAM

The California Administrative Procedure Act requires the Regional Board to separate prosecutorial and adjudicative functions in matters that are prosecutorial in nature. A Prosecution Team, comprised of the Regional Board enforcement and other staff, will serve as the complainant in the proceedings and is a designated party. The Case Manager over this matter, who will coordinate the efforts of the Prosecution Team, is Mr. Samuel Unger. Mr. Michael Levy, Senior Staff Counsel from the State Water Resources Control Board's Office of Chief Counsel will advise the Prosecution Team prior to and at the panel hearing. Neither Mr. Levy nor the members of the Prosecution Team will be advising the Regional Board in this matter or have engaged in any substantive conversations regarding the issues involved in this proceeding with any of the Board Members or the advisors to the hearing panel (identified below).

Any communication with the Prosecution Team prior to the hearing should be directed to the Case Manager:

Samuel Unger
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
(213) 576-6607
sunger@waterboards.ca.gov

VI. PUBLIC COMMENTS AND SUBMITTAL OF EVIDENCE

A. Submittals By Parties.

Not later than **March 26, 2010**, the prosecution Team will send the parties a preliminary Hearing Panel binder containing the most pertinent documents related to this proceeding and a PowerPoint presentation, which summarizes the evidence and testimony that the Prosecution Team will present and rely upon at the hearing.

The Los Angeles County Flood Control District and other designated parties are required to submit:

- 1) Any additional documents or evidence the Party/ies want(s) the Hearing Panel to consider,
- 2) A summary of any testimony the Party/ies intend(s) to present, and
- 3) A statement regarding how much time the Party/ies need(s) to present the case to the attention of the Case Manager of the Prosecution Team (as identified above) and other designated parties no later than close of business on **April 19, 2010**. The Prosecution Team shall have the right to present additional evidence in rebuttal of matters submitted by any other party.

The Prosecution Team will send to the Hearing Panel and the parties a final Hearing Panel binder no later than **May 6, 2010**.

B. Submittals By Interested Persons.

Persons who are not designated as parties, above, that wish to comment upon or object to the proposed ACLC, or submit evidence for the Hearing Panel to consider, are invited to submit them in writing to the Prosecution Team (as identified above). To be evaluated and responded to by Prosecution Team, included in the final Hearing Panel binder, and fully considered by the Hearing Panel in advance of the hearing, any such written materials must be received no later than **March 18, 2010**. If possible, please submit written comments in Word format electronically to sunger@waterboards.ca.gov. Interested persons should be aware the Regional Board is entitled to settle this matter without further notice, and therefore a timely submittal by this date may be the only opportunity to comment upon the subject of this ACLC. If the hearing proceeds as scheduled, the Hearing Panel will also receive oral comments from any person during the hearing (see below).

VII. HEARING PROCEDURES

Adjudicative proceedings before the Hearing Panel generally will be conducted in the following order:

- Opening statement by Hearing Panel Chair
- Administration of oath to persons who intend to testify
- Prosecution Team presentation
- Discharger presentation
- Designated parties' presentation (if applicable)
- Interested persons' comments
- Prosecution Team rebuttal
- Questions from Hearing Panel
- Deliberations (in open or closed session)
- Announcement of recommendation to the Regional Board

While this is a formal administrative proceeding, the Hearing Panel does not generally require the cross examination of witness, or other procedures not specified in this notice, that might typically be expected of parties in a courtroom.

Parties will be advised by the Hearing Panel after the receipt of public comments, but prior to the date of the hearing, of the amount of time each party will be allocated for presentations. That decision will be based upon the complexity and the number of issues under consideration, the extent to which the parties have coordinated, the number of parties and interested persons anticipated, and the time available for the hearing. The parties should contact the Case Manager not later than **April 19, 2010** to state how much time they believe is necessary for their presentations (see Section VI. A above). It is the Regional Board's intent that reasonable requests be accommodated.

Interested persons are invited to attend the hearing and present oral comments. Interested persons may be limited to approximately five (5) minutes each, for their presentations, in the discretion of the Chair, depending on the number of persons wishing to be heard. Persons with similar concerns or opinions are encouraged to choose one representative to speak.

For accuracy of the record, all important testimony should be in writing, and delivered as set forth above. The Hearing Panel will include in the administrative record written transcriptions of oral testimony or comments made at the hearing.

VIII. COMMUNICATIONS WITH THE HEARING PANEL

A. Ex Parte Communications Prohibited.

As an adjudicative proceeding, Regional Board members and their advisors may not discuss the subject of this hearing with any person, except during the public hearing itself, except in the limited circumstances and manner described in this notice. **Any communications to the Regional Board, Hearing Panel, or Hearing Panel Advisors before the hearing must also be copied to the Prosecution Team and other Party(ies), as identified above.**

B. Hearing Panel Advisors.

The Hearing Panel will be advised before and during the hearing by Executive Officer Tracy Egoscue, and a Legal Advisor, Jennifer Fordyce, Staff Counsel for the Regional Board. While Ms. Egoscue exercises general oversight over the staff's enforcement activities, neither she nor Ms. Fordyce have exercised any authority or discretion over the Prosecution Team, or advised them with respect to this matter.

C. Objections to manner of hearing and resolution of any other issues.

1. Parties or interested persons with procedural requests different from or outside of the scope of this notice should contact the Case Manager at any time, who will try to accommodate the requests. Agreements between a party and the Prosecution Team will generally be accepted by the Hearing Panel as stipulations.
2. Objections to (a) any procedure to be used or not used during this hearing, (b) any documents or other evidence submitted by the Prosecution Team, or (c) any other matter set forth in this notice, must be submitted in writing no later than **April 19, 2010** to the Legal Advisor to the Hearing Panel:

Jennifer Fordyce
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814
(916) 324-6682
jfordyce@waterboards.ca.gov

Untimely objections will be deemed waived. Procedural objections about the matters contained in this notice will not be entertained at the hearing. Further, except as otherwise stipulated, any procedure not specified in this hearing notice will be deemed waived pursuant to section 648(d) of Title 23 of the California Code of Regulations, unless a timely objection is filed.

3. Any issues outside the scope of those described in section C.2, above, that cannot be resolved by stipulation shall be brought to the attention of the Legal Advisor to the Hearing Panel, as set forth in section C.2, by **April 19, 2010** if possible, and if not possible, then at the earliest possible time with an explanation about why the issue could not have been raised sooner.

IX. APPLICABILITY OF NOTICE

The Executive Officer has directed the use of this standard notice in an order dated March 5, 2008. If you have any questions about this Notice of Public Hearing, please contact as appropriate, the Case Manager of the Prosecution Team, or the Legal Advisor to the Hearing Panel as described above.

Date: February 18, 2010

ATTACHMENT A

enforcement action depending upon the circumstances and the extent to which the Permittee(s) has endeavored to comply with these provisions.

38. A Permittee would not be responsible for violations of these provisions if the Regional Board Executive Officer determines that the Permittee has adequately documented through a source investigation of the subwatershed, pursuant to protocols established under Cal. Water Code 13178, that bacterial sources originating within the jurisdiction of the Permittee have not caused or contributed to the exceedance of the Receiving Water Limitations.
39. Water Code section 13389 exempts the Regional Board from compliance with Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code prior to the adoption of waste discharge requirements. Therefore the Regional Board is not required to prepare environmental documents to evaluate this permit modification. Nevertheless, the Regional Board has considered the policies and requirements set forth in Chapters 1 through 2.6 of CEQA, and further, has considered the final substitute environmental documents for the Santa Monica Bay Beaches Bacteria TMDL and the MDR Bacteria TMDL.

F. Implementation

1. The California Environmental Quality Act (CEQA) (Cal. Pub. Resources Code § 21000 *et seq.*) requires that public agencies consider the environmental impacts of the projects they approve for development. CEQA applies to projects that are considered discretionary and does not apply to ministerial projects, which involve the use of established standards or objective measurements. A ministerial project may be made discretionary by adopting local ordinance provisions or imposing conditions to create decision-making discretion in approving the project. In the alternative, Permittees may establish standards and objective criteria administratively for storm water mitigation for ministerial projects. For water quality purposes, the Regional Board considers that all new development and significant redevelopment activity in specified categories, that receive approval or permits from a municipality, are subject to storm water mitigation requirements.
2. The objective of this Order is to protect the beneficial uses of receiving waters in Los Angeles County. To meet this objective, this Order requires that the SQMP specify BMPs that will be implemented to reduce the discharge of pollutants in storm water to the maximum extent practicable. Further, Permittees are to assure that storm water discharges from the MS4 shall neither cause nor contribute to the exceedance of water quality standards and objectives nor create conditions of nuisance in the receiving waters, and that the discharge of non-storm water to the MS4 has been effectively prohibited.
3. The SQMP required in this Order builds upon the programs established in Order Nos. 90-079, and 96-054, consists of the components recommended in the USEPA guidance manual, and was developed with

monitoring sites identified in the *Santa Monica Bay Beaches Bacterial TMDLs Coordinated Shoreline Monitoring Plan* dated April 7, 2004¹ and the *Marina del Rey Harbor Mothers' Beach and Back Basins Bacterial TMDL Coordinated Monitoring Plan* dated April 13, 2007. Compliance with the Receiving Water Limitations shall be determined using monitoring data obtained in conformance with the *Santa Monica Bay Beaches Bacterial TMDLs Coordinated Shoreline Monitoring Plan* dated April 7, 2004; the *Marina del Rey Harbor Mothers' Beach and Back Basins Bacterial TMDL Coordinated Monitoring Plan* dated April 13, 2007; and the Monitoring and Reporting Program CI 6948.

37. If the Receiving Water Limitations are exceeded at a compliance monitoring site, the Regional Board will generally issue an appropriate investigative order pursuant to Cal. Water Code § 13267 or § 13225 to the Permittees and other responsible agencies or jurisdictions within the relevant subwatershed to determine the source of the exceedance. Following these actions, Regional Board staff will generally evaluate the need for further enforcement as follows:
- a) If the Regional Board determines that the exceedance did not result from discharges from the MS4, then the MS4 Permittees would not be responsible for violations of these provisions.
 - b) If the Regional Board determines that Permittees in the relevant subwatershed have demonstrated that their MS4 does not discharge dry weather flow into Santa Monica Bay or Basins D, E, or F in Marina del Rey Harbor, those Permittees would not be responsible for violations of these provisions even if the Receiving Water Limitations are exceeded at an associated compliance monitoring site.
 - c) If the Regional Board determines that Permittees in the relevant subwatershed have demonstrated that their MS4 summer dry weather discharge into Santa Monica Bay or Basins D, E, or F in Marina del Rey Harbor is treated to a level that does not exceed either the single sample or the geometric mean bacteria objectives, those Permittees shall not be responsible for violations of these provisions even if the Receiving Water Limitations are exceeded at an associated compliance monitoring site.
 - d) If the Regional Board determines that one or more Permittees have caused or contributed to violations of these Receiving Water Limitations, the Regional Board will consider appropriate enforcement action, including a cease and desist order with or without a time schedule for compliance, or other appropriate

¹ If the Regional Board determines that publicly owned storm drains that flow during dry weather are situated at additional shoreline locations, the *Santa Monica Bay Beaches Bacterial TMDLs Coordinated Shoreline Monitoring Plan* may be revised by the Regional Board Executive Officer approval, after providing the opportunity for public comment, to include these locations as compliance monitoring sites.

7. Pursuant to CWC §13320, any aggrieved party may seek review of this Order by filing a petition with the State Board. A petition must be sent to: State Water Resources Control Board, P.O. Box 100, Sacramento, California, 95812, within 30 days of adoption of the Order by the Regional Board.
8. This Order may be modified or alternatively revoked or reissued prior to its expiration date, in accordance with the procedural requirements of the NPDES program, and the CWC for the issuance of waste discharge requirements.

IT IS HEREBY ORDERED that the Los Angeles County Flood Control District, Los Angeles County, and the Cities of Agoura Hills, Alhambra, Arcadia, Artesia, Azusa, Baldwin Park, Bell, Bellflower, Bell Gardens, Beverly Hills, Bradbury, Burbank, Calabasas, Carson, Cerritos, Claremont, Commerce, Compton, Covina, Cudahy, Culver City, Diamond Bar, Downey, Duarte, El Monte, El Segundo, Gardena, Glendale, Glendora, Hawaiian Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Industry, Inglewood, Irwindale, La Cañada Flintridge, La Habra Heights, Lakewood, La Mirada, La Puente, La Verne, Lawndale, Lomita, Los Angeles, Lynwood, Malibu, Manhattan Beach, Maywood, Monrovia, Montebello, Monterey Park, Norwalk, Palos Verdes Estates, Paramount, Pasadena, Pico Rivera, Pomona, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Rosemead, San Dimas, San Fernando, San Gabriel, San Marino, Santa Clarita, Santa Fe Springs, Santa Monica, Sierra Madre, Signal Hill, South El Monte, South Gate, South Pasadena, Temple City, Torrance, Vernon, Walnut, West Covina, West Hollywood, Westlake Village, and Whittier, in order to meet the provisions contained in Division 7 of the CWC and regulations adopted thereunder, and the provisions of the CWA, as amended, and regulations and guidelines adopted thereunder, shall comply with the following:

Part 1. DISCHARGE PROHIBITIONS

- Part 1. A. The Permittees shall effectively prohibit non-storm water discharges into the MS4 and watercourses, except where such discharges:
1. Are covered by a separate individual or general NPDES permit for non-storm water discharges; or
 2. Fall within one of the categories below, and meet all conditions when specified by the Regional Board Executive Officer:
 - a) Category A - Natural flow:
 - (1) Natural springs and rising ground water;
 - (2) Flows from riparian habitats or wetlands;
 - (3) Stream diversions, permitted by the State Board; and
 - (4) Uncontaminated ground water infiltration [as defined by 40 CFR 35.2005(20)].
 - b) Category B - Flows from emergency fire fighting activity.

- c) Category C - Flows incidental to urban activities:
- (1) Reclaimed and potable landscape irrigation runoff;
 - (2) Potable drinking water supply and distribution system releases (consistent with American Water Works Association guidelines for dechlorination and suspended solids reduction practices);
 - (3) Drains for foundations, footings, and crawl spaces;
 - (4) Air conditioning condensate;
 - (5) Dechlorinated/debrominated swimming pool discharges;
 - (6) Dewatering of lakes and decorative fountains;
 - (7) Non-commercial car washing by residents or by non-profit organizations; and
 - (8) Sidewalk rinsing.

The Regional Board Executive Officer may add or remove categories of non-storm water discharges above. Furthermore, in the event that any of the above categories of non-storm water discharges are determined to be a source of pollutants by the Regional Board Executive Officer, the discharge will no longer be exempt from this prohibition unless the Permittee implements conditions approved by the Regional Board Executive Officer to ensure that the discharge is not a source of pollutants. Notwithstanding the above, the Regional Board Executive Officer may impose additional prohibitions of non-storm water discharges in consideration of antidegradation policies and TMDLs.

Part 1. B. Discharges of Summer Dry Weather flows from MS4s into Santa Monica Bay² or into Marina del Rey Harbor Basins D, E, or F, including Mothers' Beach, that cause or contribute to exceedances of the bacteria Receiving Water Limitations in Part 2.5 and 2.6 below, are prohibited.³

² Santa Monica Bay encompasses the coastal waters from Point Dume to Point Fermin and seaward to the 500-meter depth contour. It includes all beaches from the Los Angeles/Ventura County line south to the Outer Cabrillo Beach located just south of the Palos Verdes Peninsula.

³ Responsibility for such prohibited discharges is determined as indicated in Footnote 3 part (2) of Table 7-4.1 and Footnote 2 part (1) of Table 7-5.1 of the Basin Plan. All Permittees within a subwatershed of the Santa Monica Bay Watershed Management Area are jointly responsible for compliance with the limitations imposed in Tables 7-4.1 and 7-5.1 of the Basin Plan.

Part 2. RECEIVING WATER LIMITATIONS

1. Except as provided in Part 2.5 and 2.6 below, discharges from the MS4 that cause or contribute to the violation of Water Quality Standards or water quality objectives are prohibited.
2. Discharges from the MS4 of storm water, or non-storm water, for which a Permittee is responsible for, shall not cause or contribute to a condition of nuisance.
3. The Permittees shall comply with Part 2.1. and 2.2. through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the SQMP and its components and other requirements of this Order including any modifications. The SQMP and its components shall be designed to achieve compliance with receiving water limitations. If exceedances of Water Quality Objectives or Water Quality Standards (collectively, Water Quality Standards) persist, notwithstanding implementation of the SQMP and its components and other requirements of this permit, the Permittee shall assure compliance with discharge prohibitions and receiving water limitations by complying with the following procedure:
 - a) Upon a determination by either the Permittee or the Regional Board that discharges are causing or contributing to an exceedance of an applicable Water Quality Standard, the Permittee shall promptly notify and thereafter submit a Receiving Water Limitations (RWL) Compliance Report (as described in the Program Reporting Requirements, Section I of the Monitoring and Reporting Program) to the Regional Board that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedances of Water Quality Standards. This RWL Compliance Report may be incorporated in the annual Storm Water Report and Assessment unless the Regional Board directs an earlier submittal. The RWL Compliance Report shall include an implementation schedule. The Regional Board may require modifications to the RWL Compliance Report.
 - b) Submit any modifications to the RWL Compliance Report required by the Regional Board within 30 days of notification.
 - c) Within 30 days following the approval of the RWL Compliance Report, the Permittee shall revise the SQMP and its components and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, an implementation schedule, and any additional monitoring required.
 - d) Implement the revised SQMP and its components and monitoring program according to the approved schedule.
4. So long as the Permittee has complied with the procedures set forth above and is implementing the revised SQMP and its components, the Permittee does not

have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the Regional Board to develop additional BMPs.

5. During Summer Dry Weather there shall be no discharges of bacteria from MS4s into the Santa Monica Bay that cause or contribute to exceedances in the Wave Wash, of the applicable bacteria objectives. The applicable bacteria objectives include both the single sample and geometric mean bacteria objectives set to protect the Water Contact Recreation (REC-1) beneficial use, as set forth in the Basin Plan.⁴
6. During Summer Dry Weather there shall be no discharges of bacteria from MS4s into Marina del Rey Harbor Basins D, E, or F, including Mothers' Beach that cause or contribute to exceedances of the applicable bacteria objectives. The applicable bacteria objectives include both the single sample and geometric mean bacteria objectives set to protect the Water Contact Recreation (REC-1) beneficial use, as set forth in the Basin Plan.⁵

Part 3. STORM WATER QUALITY MANAGEMENT PROGRAM (SQMP) IMPLEMENTATION

A. General Requirements

1. Each Permittee shall, at a minimum, implement the SQMP. The SQMP is an enforceable element of this Order. The SQMP shall be implemented no later than February 1, 2002, unless a later date has been specified for a particular provision in this Order.
2. The SQMP shall, at a minimum, comply with the applicable storm water program requirements of 40 CFR 122.26(d)(2). The SQMP and its components shall be implemented so as to reduce the discharges of pollutants in storm water to the MEP.
3. Each Permittee shall implement additional controls, where necessary, to reduce the discharges of pollutants in storm water to the MEP.
4. Permittees that modify the countywide SQMP (i.e., implement additional controls, implement different controls than described in the countywide SQMP, or determine that certain BMPs in the countywide SQMP are not applicable in the area under its jurisdiction), shall develop a local SQMP, no later than August 1, 2002. The local SQMP shall be customized to reflect the conditions in the area under the Permittee's jurisdiction and

⁴ Samples collected for determining compliance with the receiving water limitations of Part 2.5 shall be processed in accordance with the sampling procedures and analytical methodology set forth in the *Santa Monica Bay Beaches Bacterial TMDLs Coordinated Shoreline Monitoring Plan* dated April 7, 2004 and the Monitoring and Reporting Program CI 6948.

⁵ Samples collected for determining compliance with the receiving water limitations of Part 2.6 shall be processed in accordance with the sampling procedures and analytical methodology set forth in the *Marina del Rey Harbor Mothers' Beach and Back Basins Bacterial TMDL Coordinated Shoreline Monitoring Plan* dated April 13, 2007 and the Monitoring and Reporting Program CI 6948.

shall specify activities being implemented under the appropriate elements described in the countywide SQMP.

B. Best Management Practice Implementation

The Permittees shall implement or require the implementation of the most effective combination of BMPs for storm water/urban runoff pollution control. When implemented, BMPs are intended to result in the reduction of pollutants in storm water to the MEP.

C. Revision of the Storm Water Quality Management Program

The Permittees shall revise the SQMP, at the direction of the Regional Board Executive Officer, to incorporate program implementation amendments so as to comply with regional, watershed specific requirements, and/or waste load allocations developed and approved pursuant to the process for the designation and implementation of Total Maximum Daily Loads (TMDLs) for impaired water bodies.

D. Designation and Responsibilities of the Principal Permittee

The Los Angeles County Flood Control District is hereby designated as the Principal Permittee. As such, the Principal Permittee shall:

1. Coordinate and facilitate activities necessary to comply with the requirements of this Order, but is not responsible for ensuring compliance of any individual Permittee;
2. Coordinate permit activities among Permittees and act as liaison between Permittees and the Regional Board on permitting issues;
3. Provide personnel and fiscal resources for the necessary updates of the SQMP and its components;
4. Provide technical and administrative support for committees that will be organized to implement the SQMP and its components;
5. Convene the Watershed Management Committees (WMCs) constituted pursuant to Part F, below, upon designation of representatives;
6. Implement the Countywide Monitoring Program required under this Order and evaluate, assess and synthesize the results of the monitoring program;
7. Provide personnel and fiscal resources for the collection, processing and submittal to the Regional Board of annual reports and summaries of other reports required under the SQMP; and
8. Comply with the "Responsibilities of the Permittees" in Part 3.E., below.

E. Responsibilities of the Permittees

Each Permittee is required to comply with the requirements of this Order applicable to discharges within its boundaries (see Findings D.1, D.2. and D.3.) and not for the implementation of the provisions applicable to the Principal Permittee or other Permittees. Each Permittee shall, within its geographic jurisdiction:

1. Comply with the requirements of the SQMP and any modifications thereto;
2. Coordinate among its internal departments and agencies, as appropriate, to facilitate the implementation of the requirements of the SQMP applicable to such Permittee in an efficient and cost-effective manner;
3. Designate a technically knowledgeable representative to the appropriate WMC;
4. Participate in intra-agency coordination (e.g. Fire Department, Building and Safety, Code Enforcement, Public Health, etc.) necessary to successfully implement the provisions of this Order and the SQMP.
5. Prepare an annual Budget Summary of expenditures applied to the storm water management program. This summary shall identify the storm water budget for the following year, using estimated percentages and written explanations where necessary, for the specific categories noted below:
 - a) Program management
 - Administrative costs
 - b) Program Implementation
 - Where information is available, provide an estimated percent breakdown of expenditures for the categories below:
 - Illicit connection/illicit discharge
 - Development planning
 - Development construction
 - Construction inspection activities
 - Industrial/Commercial inspection activities
 - Public Agency Activities
 - Maintenance of Structural BMPs and Treatment Control BMPs
 - Municipal Street Sweeping
 - Catch basin clean-up
 - Trash collection
 - Capital costs
 - c) Public Information and Participation
 - d) Monitoring Program
 - e) Miscellaneous Expenditures

4. Permittees may allow a bypass to occur that does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. In such a case, the above bypass conditions are not applicable. The Permittee shall submit notice of an unanticipated bypass as required.

N. Upset [40 CFR 122.41(n)]¹⁰

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

1. A Permittee that wishes to establish the affirmative defense of an upset in an action brought for non compliance shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a) An upset occurred and that the Permittee can identify the cause(s) of the upset;
 - b) The permitted facility was being properly operated by the time of the upset;
 - c) The Permittee submitted notice of the upset as required; and,
 - d) The Permittee complied with any remedial measures required.
2. No determination made before an action for noncompliance, such as during administrative review of claims that non-compliance was caused by an upset, is final administrative action subject to judicial review.
3. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

O. Property Rights [40 CFR 122.41(g)]

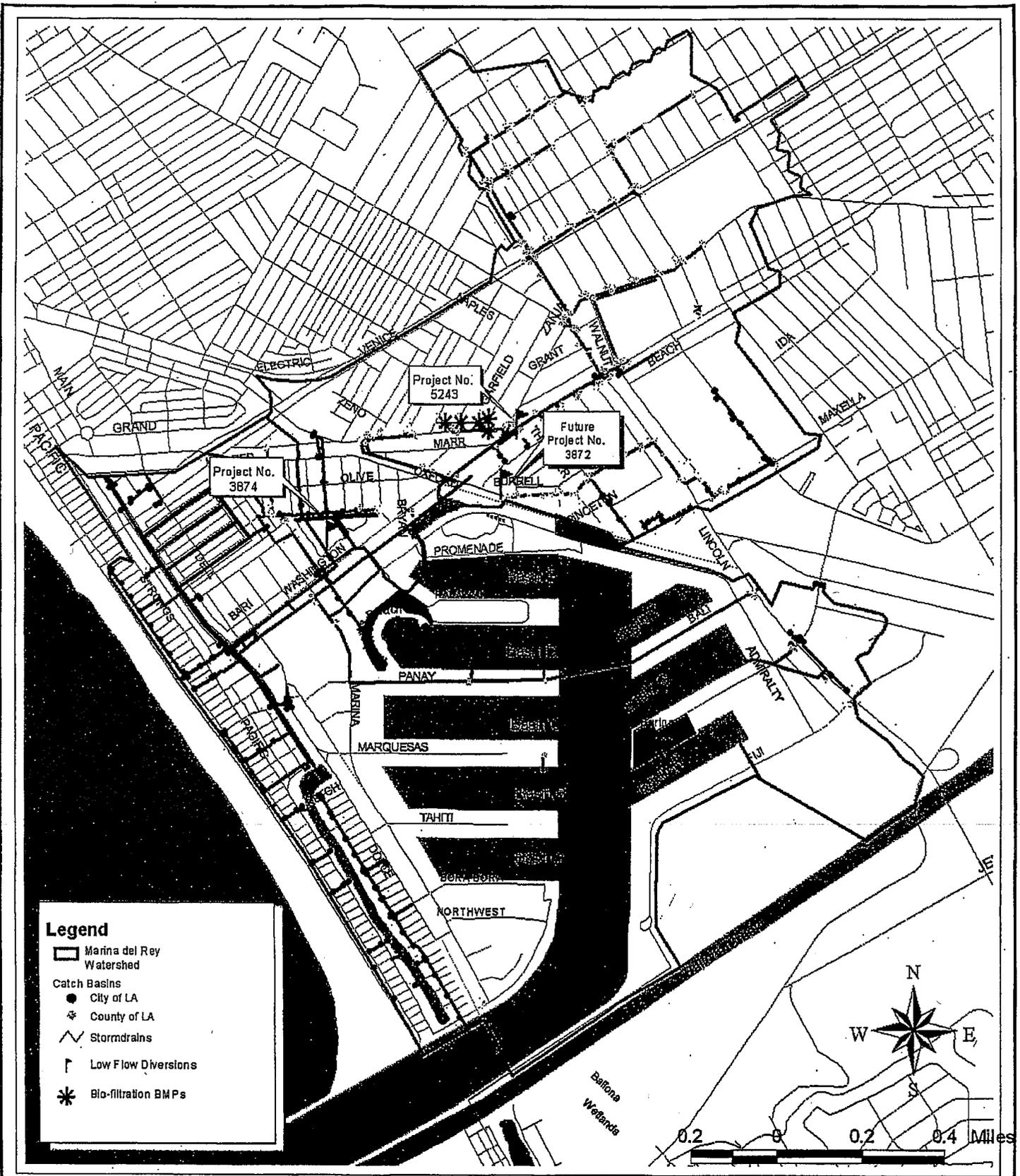
This Order does not convey any property rights of any sort, or any exclusive privilege.

P. Enforcement

1. Violation of any of the provisions of the NPDES permit or any of the provisions of this Order may subject the violator to any of the penalties described herein, or any combination thereof, at the discretion of the

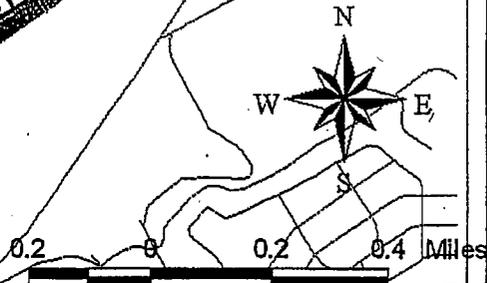
¹⁰ *Supra.* See footnote number 3.

ATTACHMENT B



Legend

- ☐ Marina del Rey Watershed
- Catch Basins
 - City of LA
 - ⊙ County of LA
- ∨ Stormdrains
- ┆ Low Flow Diversions
- * Bio-filtration BMPs



**Low Flow Diversions
and
Bio-filtration BMPs Location**

RITA L. ROBINSON
DIRECTOR

DEPARTMENT OF PUBLIC WORKS

SHAHRAM KHARAGHANI
PROGRAM MANAGER

File-Loc:
S:\Produced\Project\trnd\Marina del rey(3).apr

Drawn By:	Checked By:	Date:	Date Revised:
MS	MS	8/29/04	8/20/07

This map shall be the copy of record, and any other copy, with the exception of those made for the purposes of the Dept of Public Works, City of Los Angeles, shall be void. Such reproductions shall be submitted to the Bureau of Sanitation, Department of Public Works.



BUREAU OF SANITATION



DEPARTMENT OF PUBLIC WORKS

ATTACHMENT C

Evaluation of Bacterial Sources for Basin E in Marina del Ray Harbor

C.P. Lai, Ph.D., P.E.

1/06/2010

Los Angeles Regional Water Quality Control Board

This memorandum is to summarize the findings of the evaluation of bacterial sources for Basin E in Marina del Ray Harbor based on the sampling data collected during the months of October and November 2005 and April, May, and June 2006.

As indicated in the previous studies "Mothers' Beach and Back Basins Bacterial TMDL Non-Point Source Study," in February 2007, Basin E is affected dramatically by the effluent from the Boone Olive Pump Plant and Oxford Flood Control Basin. Dry weather sampling results showed multiple exceedances of the single sample standards for fecal coliform and enterococci. However, it was not clear from these sampling results for which is the major input of bacteria from two effluent locations during dry weather that cause elevated densities throughout Basin E.

Figure 1 presents the sampling locations conducted in the previous study for the dry weather spatial and temporal surveys. The sampling results of bacteria at Station 16 (Boone Olive Pump Station), Station 8 (Oxford Flood Control Basin) and Station 6 (Basin E) are the data used for this evaluation. There are totally 32 data collected for dry and wet sampling events. However, there are four data collected in wet weather that are excluded from the data set to consider only dry weather event.

A statistical approach is used to evaluate the correlation between Station 16 and Station 6 and the result is presented in Figure 2. Similarly for Station 8 and Station 6, the correlation result is presented in Figure 3. From these results, the contribution from Station 16 (Boone Olive Pump Station) is much larger than the contribution from Station 8 (Oxford Flood Control Basin) to the concentration at Station 6 (Basin E). In addition, to take the interaction of three water bodies into account in the statistical analysis, a regression analysis for three locations is performed for fecal coliform. The statistical result is presented in Figure 4. In Figure 4, the measured and fitted concentrations of fecal coliform are compared to check whether if the relationship established based on the measured data is appropriate. From the comparison shown in the Figure 4, the agreement of measured and fitted data is good. It can be seen from Figure 4, the slopes for each variable (β value) are 0.471 and 0.036 for Station 16 and Station 8 respectively, which represents the contribution from Station 16 is 13 (0.471 divided by 0.036) times larger than the contribution from Station 8.

In summary, the results obtained from the statistical analyses based on the data collected in the previous study indicate that the elevated concentrations of bacteria in western portion of Basin E are mainly from Boone Olive Pump Station during dry weather condition.

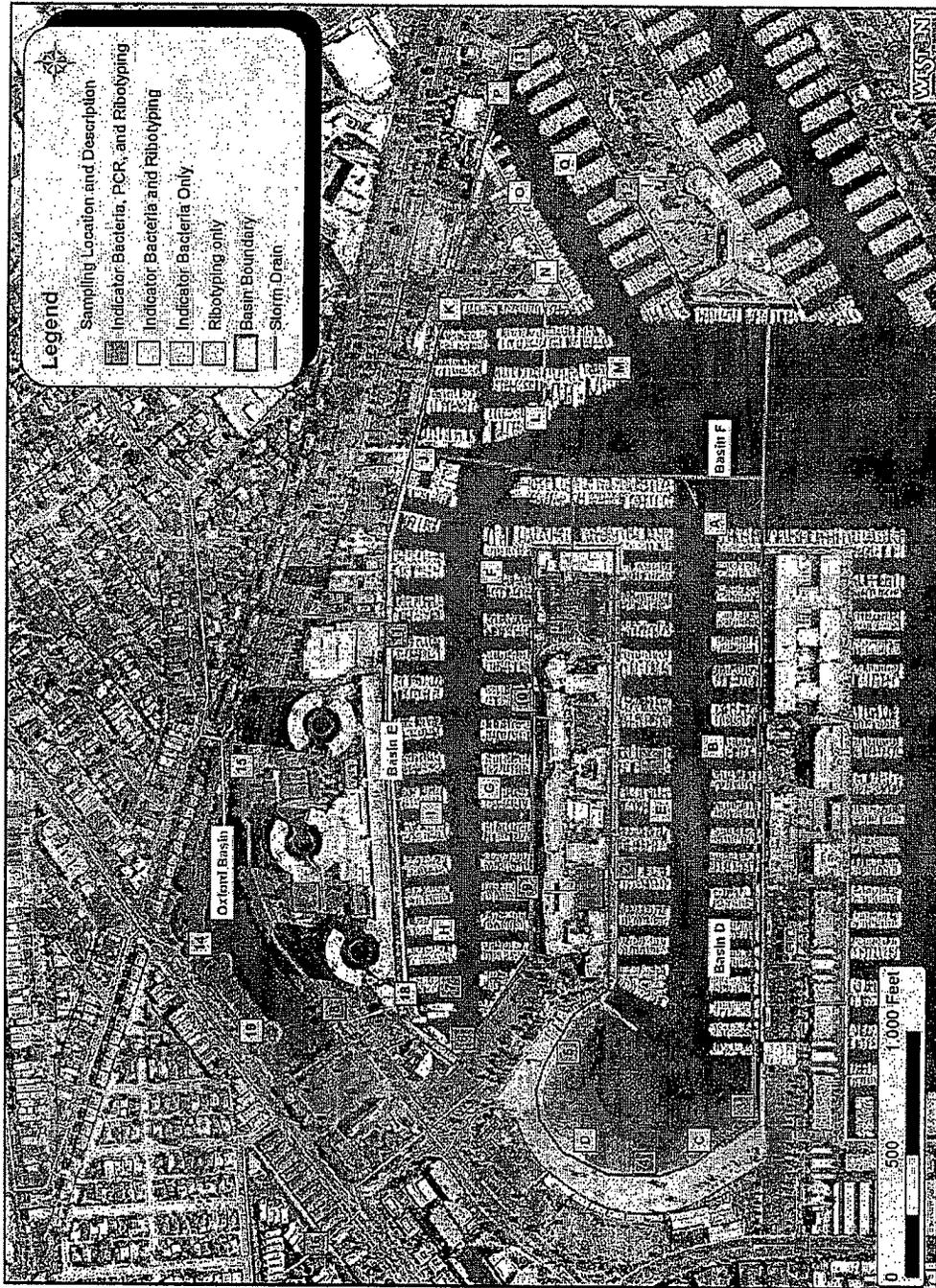


Figure 1 Sampling locations conducted in the previous study for the dry weather spatial and temporal surveys

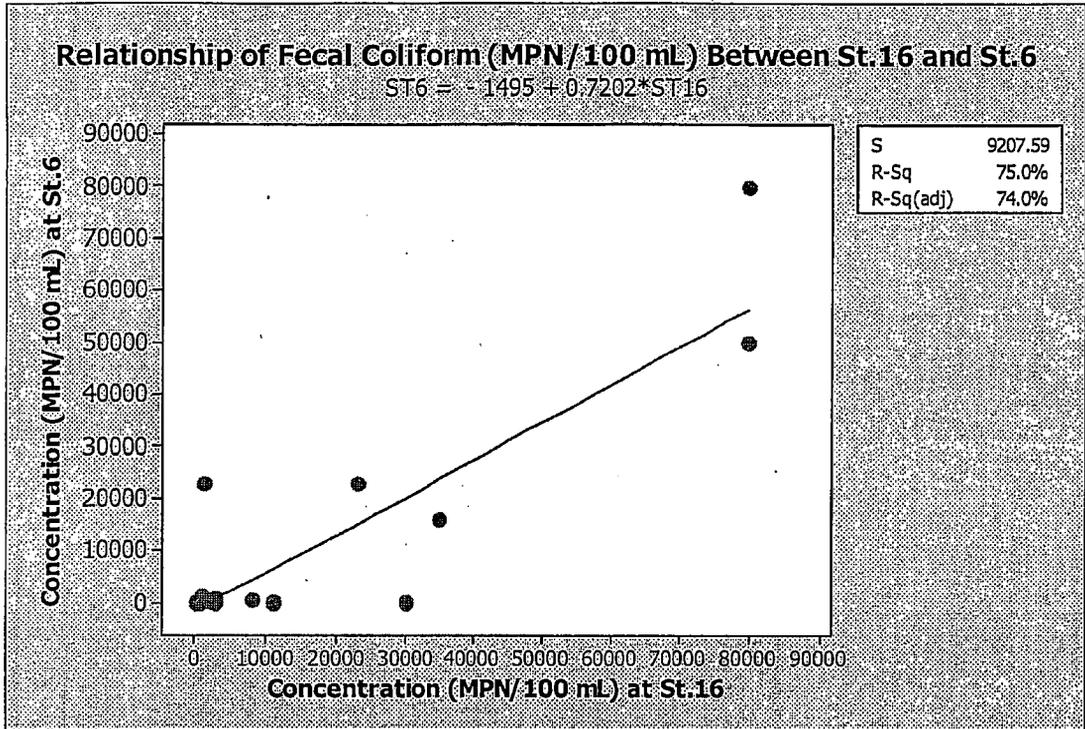
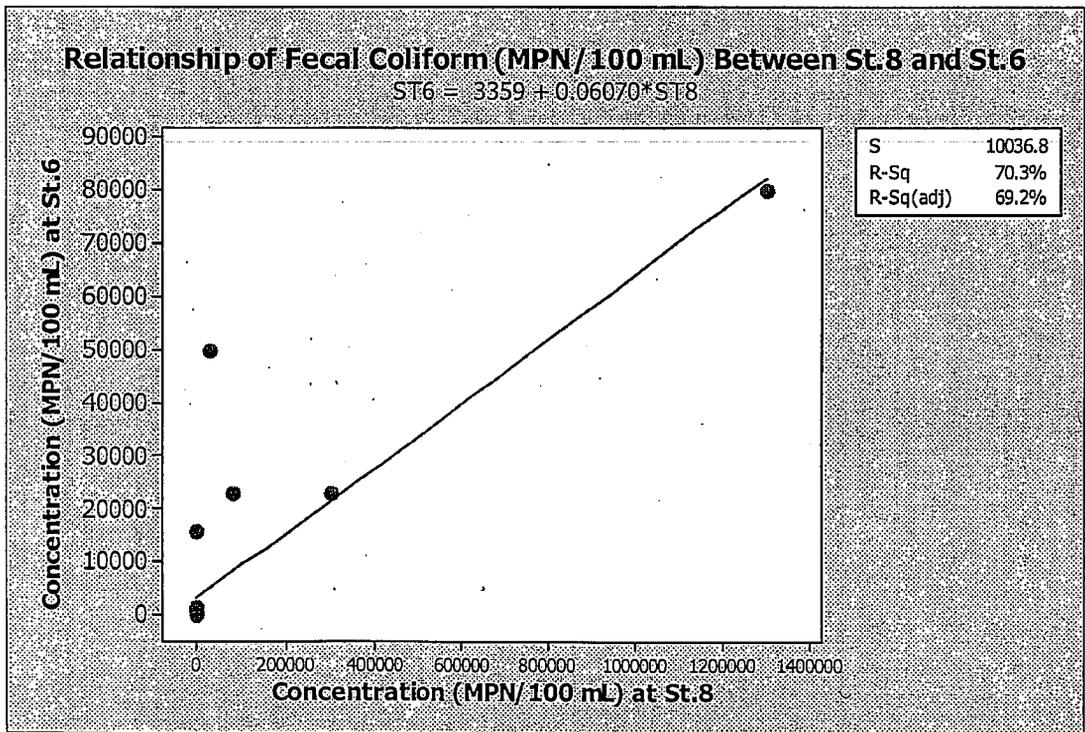


Figure 2 Relationship of fecal coliform between Station 16 and Station 6



ATTACHMENT D

Attachment D

MdRH-7

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	% Exceedence
2007							
August							
8/13/2007	Aug-07	Single Sample	Escherichia Ecoli	500	400	MPN/100ml	25
8/27/2007	Aug-07	Single Sample	Escherichia Ecoli	430	400	MPN/100ml	7.5
8/27/2007	Aug-07	Single Sample	Total Coliform +	3700	1,000	MPN/100ml	270
September							
9/24/2007	Sep-07	Single Sample	Total Coliform	13,000	10,000	MPN/100ml	30
9/24/2007	Sep-07	Single Sample	Escherichia Ecoli	3,700	400	MPN/100ml	825
9/24/2007	Sep-07	Single Sample	Enterococcus	310	104	MPN/100ml	198.0769231
9/24/2007	Sep-07	Single Sample	Total Coliform +	13,000	1,000	MPN/100ml	1200
October							
10/1/2007	Oct-07	Single Sample	Total Coliform+	1400	1000	MPN/100ml	40
November							
10/15/2007	Oct-07	Single Sample	Total Coliform	13,000	10,000	MPN/100ml	30
10/15/2007	Oct-07	Single Sample	Escherichia Ecoli	830	400	MPN/100ml	107.5
10/27/2007	Oct-07	Geometric Mean	Total Coliform	1048	1000	MPN/100ml	4.8
10/28/2007	Oct-07	Geometric Mean	Total Coliform	1175	1000	MPN/100ml	17.5
10/29/2007	Oct-07	Geometric Mean	Total Coliform	1184	1000	MPN/100ml	18.4
10/30/2007	Oct-07	Geometric Mean	Total Coliform	1192	1000	MPN/100ml	19.2
10/31/2007	Oct-07	Geometric Mean	Total Coliform	1138	1000	MPN/100ml	13.8

Total

Single Sample 12
 Geometric Mean 5

Total Exceedence Days

Single Sample 5
 Geometric Mean 5

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	% Exceedence
2008							
April							
4/7/2008	Apr-08	Single Sample	Total Coliform	13,000	10,000	MPN/100ml	30
4/27/2008	Apr-08	Geometric Mean	Total Coliform	1057	1000	MPN/100ml	5.7
4/28/2008	Apr-08	Geometric Mean	Total Coliform	1124	1000	MPN/100ml	12.4
4/29/2008	Apr-08	Geometric Mean	Total Coliform	1196	1000	MPN/100ml	19.6
4/30/2009	Apr-08	Geometric Mean	Total Coliform	1273	1000	MPN/100ml	27.3
May							
5/1/2008	May-08	Geometric Mean	Total Coliform	1255	1,000	MPN/100ml	25.5
5/2/2008	May-08	Geometric Mean	Total Coliform	1237	1,000	MPN/100ml	23.7
5/3/2008	May-08	Geometric Mean	Total Coliform	1219	1,000	MPN/100ml	21.9
5/4/2008	May-08	Geometric Mean	Total Coliform	1202	1,000	MPN/100ml	20.2
5/5/2008	May-08	Single Sample	Total Coliform	13,000	10000	MPN/100ml	30
5/5/2008	May-08	Single Sample	Escherichia Ecoli	1900	400	MPN/100ml	375
5/5/2008	May-08	Single Sample	Total Coliform+	13,000	1,000	MPN/100ml	1200
5/5/2008	May-08	Geometric Mean	Total Coliform	1327	1,000	MPN/100ml	32.7
5/6/2008	May-08	Geometric Mean	Total Coliform	1466	1,000	MPN/100ml	46.6
5/7/2008	May-08	Geometric Mean	Total Coliform	1466	1,000	MPN/100ml	46.6
5/7/2008	May-08	Single Sample	Total Coliform	13,000	10,000	MPN/100ml	30
5/8/2008	May-08	Geometric Mean	Total Coliform	1466	1,000	MPN/100ml	46.6
5/9/2008	May-08	Geometric Mean	Total Coliform	1509	1,000	MPN/100ml	50.9
5/9/2008	May-08	Single Sample	Total Coliform	13,000	10000	MPN/100ml	30
5/9/2008	May-08	Single Sample	Escherichia Ecoli	1,000	400	MPN/100ml	150

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	% Exceedence
2008							
5/10/2008	May-08	Geometric Mean	Total Coliform	1553	1,000	MPN/100ml	55.3
5/11/2008	May-08	Geometric Mean	Total Coliform	1598	1,000	MPN/100ml	59.8
5/12/2008	May-08	Geometric Mean	Total Coliform	1410	1,000	MPN/100ml	41
5/13/2008	May-08	Geometric Mean	Total Coliform	1245	1,000	MPN/100ml	24.5
5/14/2008	May-08	Geometric Mean	Total Coliform	1225	1,000	MPN/100ml	22.5
5/15/2008	May-08	Geometric Mean	Total Coliform	1206	1,000	MPN/100ml	20.6
5/16/2008	May-08	Geometric Mean	Total Coliform	1186	1,000	MPN/100ml	18.6
5/17/2008	May-08	Geometric Mean	Total Coliform	1168	1,000	MPN/100ml	16.8
5/18/2008	May-08	Geometric Mean	Total Coliform	1149	1,000	MPN/100ml	14.9
5/19/2008	May-08	Geometric Mean	Total Coliform	1319	1,000	MPN/100ml	31.9
5/19/2008	May-08	Single Sample	Total Coliform	13,000	10000	MPN/100ml	30
5/19/2008	May-08	Single Sample	Escherichia Ecoli	6,800	400	MPN/100ml	1600
5/19/2008	May-08	Single Sample	Total Coliform +	13,000	1,000	MPN/100ml	1200
5/20/2008	May-08	Geometric Mean	Total Coliform	1513	1,000	MPN/100ml	51.3
5/21/2008	May-08	Geometric Mean	Total Coliform	1575	1,000	MPN/100ml	57.5
5/21/2008	May-08	Single Sample	Total Coliform	13,000	10,000	MPN/100ml	30
5/21/2008	May-08	Single Sample	Escherichia Ecoli	2,000	400	MPN/100ml	400
5/21/2008	May-08	Single Sample	Enterococcus	780	104	MPN/100ml	650
5/21/2008	May-08	Single Sample	Total Coliform +	13,000	1,000	MPN/100ml	1200
5/22/2008	May-08	Geometric Mean	Total Coliform	1639	1,000	MPN/100ml	63.9
5/23/2008	May-08	Geometric Mean	Total Coliform	1707	1,000	MPN/100ml	70.7

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	% Exceedence
2008							
5/23/2008	May-08	Geometric Mean	Escherichia Coli	210	200	MPN/100ml	5
5/24/2008	May-08	Geometric Mean	Total Coliform	1776	1,000	MPN/100ml	77.6
5/24/2008	May-08	Geometric Mean	Escherichia Coli	235	200	MPN/100ml	17.5
5/25/2008	May-08	Geometric Mean	Total Coliform	1849	1,000	MPN/100ml	84.9
5/25/2008	May-08	Geometric Mean	Escherichia Coli	263	200	MPN/100ml	31.5
5/25/2008	May-08	Geometric Mean	Enterococcus	36	35	MPN/100ml	2.857142857
5/26/2008	May-08	Geometric Mean	Total Coliform	1925	1,000	MPN/100ml	92.5
5/26/2008	May-08	Geometric Mean	Escherichia Coli	294	200	MPN/100ml	47
5/26/2008	May-08	Geometric Mean	Enterococcus	42	35	MPN/100ml	20
5/27/2008	May-08	Geometric Mean	Total Coliform	1797	1,000	MPN/100ml	79.7
5/27/2008	May-08	Geometric Mean	Escherichia Coli	294	200	MPN/100ml	47
5/27/2008	May-08	Geometric Mean	Enterococcus	42	35	MPN/100ml	20
5/28/2008	May-08	Geometric Mean	Total Coliform	1807	1,000	MPN/100ml	80.7
5/28/2008	May-08	Geometric Mean	Escherichia Coli	294	200	MPN/100ml	47
5/28/2008	May-08	Geometric Mean	Enterococcus	42	35	MPN/100ml	20
5/29/2008	May-08	Geometric Mean	Total Coliform	1816	1,000	MPN/100ml	81.6
5/29/2008	May-08	Geometric Mean	Escherichia Coli	294	200	MPN/100ml	47
5/29/2008	May-08	Geometric Mean	Enterococcus	42	35	MPN/100ml	20
5/30/2008	May-08	Geometric Mean	Total Coliform	1825	1,000	MPN/100ml	82.5
5/30/2008	May-08	Geometric Mean	Escherichia Coli	294	200	MPN/100ml	47
5/30/2008	May-08	Geometric Mean	Enterococcus	42	35	MPN/100ml	20
5/31/2008	May-08	Geometric Mean	Total Coliform	1834	1,000	MPN/100ml	83.4
5/31/2008	May-08	Geometric Mean	Escherichia Coli	294	200	MPN/100ml	47
5/31/2008	May-08	Geometric Mean	Enterococcus	42	35	MPN/100ml	20
June							
6/1/2008	Jun-08	Geometric Mean	Total Coliform	1843	1,000	MPN/100ml	84.3

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	% Exceedence
2008							
6/1/2008	Jun-08	Geometric Mean	Escherichia Coli	294	200	MPN/100ml	47
6/1/2008	Jun-08	Geometric Mean	Enterococcus	42	35	MPN/100ml	20
6/2/2008	Jun-08	Geometric Mean	Total Coliform	1800	1,000	MPN/100ml	80
6/2/2008	Jun-08	Geometric Mean	Escherichia Coli	294	200	MPN/100ml	47
6/2/2008	Jun-08	Geometric Mean	Enterococcus	42	35	MPN/100ml	20
6/3/2008	Jun-08	Geometric Mean	Total Coliform	1757	1,000	MPN/100ml	75.7
6/3/2008	Jun-08	Geometric Mean	Escherichia Coli	294	200	MPN/100ml	47
6/3/2008	Jun-08	Geometric Mean	Enterococcus	42	35	MPN/100ml	20
6/4/2008	Jun-08	Geometric Mean	Total Coliform	1531	1,000	MPN/100ml	53.1
6/4/2008	Jun-08	Geometric Mean	Escherichia Coli	263	200	MPN/100ml	31.5
6/4/2008	Jun-08	Geometric Mean	Enterococcus	40	35	MPN/100ml	14.28571429
6/5/2008	Jun-08	Geometric Mean	Total Coliform	1335	1,000	MPN/100ml	33.5
6/5/2008	Jun-08	Geometric Mean	Escherichia Coli	236	200	MPN/100ml	18
6/5/2008	Jun-08	Geometric Mean	Enterococcus	39	35	MPN/100ml	11.42857143
6/6/2008	Jun-08	Geometric Mean	Total Coliform	1163	1,000	MPN/100ml	16.3
6/6/2008	Jun-08	Geometric Mean	Escherichia Coli	236	200	MPN/100ml	18
6/6/2008	Jun-08	Geometric Mean	Enterococcus	39	35	MPN/100ml	11.42857143
6/7/2008	Jun-08	Geometric Mean	Total Coliform	1014	1,000	MPN/100ml	1.4
6/7/2008	Jun-08	Geometric Mean	Escherichia Coli	236	200	MPN/100ml	18
6/7/2008	Jun-08	Geometric Mean	Enterococcus	39	35	MPN/100ml	11.42857143
6/8/2008	Jun-08	Geometric Mean	Escherichia Coli	215	200	MPN/100ml	7.5
6/8/2008	Jun-08	Geometric Mean	Enterococcus	36	35	MPN/100ml	2.857142857
6/9/2008	Jun-08	Single Sample	Enterococcus	110	104	MPN/100ml	5.769230769
6/9/2008	Jun-08	Geometric Mean	Enterococcus	37	35	MPN/100ml	5.714285714
6/10/2008	Jun-08	Geometric Mean	Enterococcus	38	35	MPN/100ml	8.571428571

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	% Exceedence
2008							
6/11/2008	Jun-08	Geometric Mean	Enterococcus	40	35	MPN/100ml	14.28571429
6/12/2008	Jun-08	Geometric Mean	Enterococcus	41	35	MPN/100ml	17.14285714
6/13/2008	Jun-08	Geometric Mean	Enterococcus	43	35	MPN/100ml	22.85714286
6/14/2008	Jun-08	Geometric Mean	Enterococcus	45	35	MPN/100ml	28.57142857
6/15/2008	Jun-08	Geometric Mean	Enterococcus	46	35	MPN/100ml	31.42857143
6/16/2008	Jun-08	Geometric Mean	Enterococcus	45	35	MPN/100ml	28.57142857
6/17/2008	Jun-08	Geometric Mean	Total Coliform	1066	1,000	MPN/100ml	6.6
6/17/2008	Jun-08	Geometric Mean	Enterococcus	43	35	MPN/100ml	22.85714286
6/18/2008	Jun-08	Geometric Mean	Total Coliform	1018	1,000	MPN/100ml	1.8
6/18/2008	Jun-08	Geometric Mean	Enterococcus	42	35	MPN/100ml	20
6/19/2008	Jun-08	Geometric Mean	Enterococcus	41	35	MPN/100ml	17.14285714
6/20/2008	Jun-08	Geometric Mean	Enterococcus	36	35	MPN/100ml	2.857142857
6/23/2008	Jun-08	Single Sample	Total Coliform	13,000	10,000	MPN/100ml	30
6/23/2008	Jun-08	Single Sample	Escherichia Ecoli	4,600	400	MPN/100ml	1050
6/23/2008	Jun-08	Single Sample	Total Coliform +	13,000	1,000	MPN/100ml	1200
6/25/2008	Jun-08	Single Sample	Total Coliform	13,000	10000	MPN/100ml	30
6/25/2008	Jun-08	Single Sample	Escherichia Ecoli	1,000	400	MPN/100ml	150
6/30/2008	Jun-08	Single Sample	Escherichia Ecoli	580	400	MPN/100ml	45
July							
7/2/2008	Jul-08	Single Sample	Escherichia Ecoli	740	400	MPN/100ml	85
7/2/2008	Jul-08	Single Sample	Total Coliform +	4600	1,000	MPN/100ml	360
7/2/2008	Jul-08	Geometric Mean	Total Coliform	1032	1,000	MPN/100ml	3.2

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	% Exceedence
2008							
7/3/2008	Jul-08	Geometric Mean	Total Coliform	1,144	1,000	MPN/100ml	14.4
7/4/2008	Jul-08	Single Sample	Total Coliform	13,000	10,000	MPN/100ml	30
7/4/2008	Jul-08	Single Sample	Escherichia Ecoli	4,900	400	MPN/100ml	1125
7/4/2008	Jul-08	Single Sample	Total Coliform+	13,000	1,000	MPN/100ml	1200
7/4/2008	Jul-08	Geometric Mean	Total Coliform	1312	1,000	MPN/100ml	31.2
7/5/2008	Jul-08	Geometric Mean	Total Coliform	1506	1,000	MPN/100ml	50.6
7/5/2008	Jul-08	Geometric Mean	Escherichia Ecoli	224	400	MPN/100ml	-44
7/6/2008	Jul-08	Geometric Mean	Total Coliform	1728	1,000	MPN/100ml	72.8
7/6/2008	Jul-08	Geometric Mean	Escherichia Coli	258	400	MPN/100ml	-35.5
7/7/2008	Jul-08	Geometric Mean	Total Coliform	1950	1,000	MPN/100ml	95
7/7/2008	Jul-08	Geometric Mean	Escherichia Coli	268	400	MPN/100ml	-33
7/8/2008	Jul-08	Geometric Mean	Total Coliform	2200	1,000	MPN/100ml	120
7/8/2008	Jul-08	Geometric Mean	Escherichia Coli	279	400	MPN/100ml	-30.25
7/9/2008	Jul-08	Geometric Mean	Total Coliform	2337	1,000	MPN/100ml	133.7
7/9/2008	Jul-08	Geometric Mean	Escherichia Coli	290	400	MPN/100ml	-27.5
7/10/2008	Jul-08	Geometric Mean	Total Coliform	2482	1,000	MPN/100ml	148.2
7/10/2008	Jul-08	Geometric Mean	Escherichia Coli	301	400	MPN/100ml	-24.75
7/11/2008	Jul-08	Geometric Mean	Total Coliform	2774	1,000	MPN/100ml	177.4
7/11/2008	Jul-08	Geometric Mean	Escherichia Coli	313	400	MPN/100ml	-21.75
7/12/2008	Jul-08	Geometric Mean	Total Coliform	3101	1,000	MPN/100ml	210.1
7/12/2008	Jul-08	Geometric Mean	Escherichia Coli	325	400	MPN/100ml	-18.75
7/13/2008	Jul-08	Geometric Mean	Total Coliform	3466	1,000	MPN/100ml	246.6
7/13/2008	Jul-08	Geometric Mean	Escherichia Coli	337	400	MPN/100ml	-15.75
7/14/2008	Jul-08	Single Sample	Escherichia Ecoli	430	400	MPN/100ml	7.5

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	% Exceedence
2008							
7/14/2008	Jul-08	Single Sample	Total Coliform +	3400	1,000	MPN/100ml	240
7/14/2008	Jul-08	Geometric Mean	Total Coliform	3767	1,000	MPN/100ml	276.7
7/14/2008	Jul-08	Geometric Mean	Escherichia Coli	359	400	MPN/100ml	-10.25
7/15/2008	Jul-08	Geometric Mean	Total Coliform	4093	1,000	MPN/100ml	309.3
7/15/2008	Jul-08	Geometric Mean	Escherichia Coli	382	400	MPN/100ml	-4.5
7/16/2008	Jul-08	Single Sample	Total Coliform	13,000	10000	MPN/100ml	30
7/16/2008	Jul-08	Single Sample	Escherichia Ecoli	660	400	MPN/100ml	65
7/16/2008	Jul-08	Geometric Mean	Total Coliform	4289	1,000	MPN/100ml	328.9
7/16/2008	Jul-08	Geometric Mean	Escherichia Ecoli	403	400	MPN/100ml	0.75
7/17/2008	Jul-08	Geometric Mean	Total Coliform	4494	1,000	MPN/100ml	349.4
7/17/2008	Jul-08	Geometric Mean	Escherichia Ecoli	426	400	MPN/100ml	6.5
7/18/2008	Jul-08	Single Sample	Total Coliform	13,000	10,000	MPN/100ml	30
7/18/2008	Jul-08	Single Sample	Escherichia Ecoli	3,000	400	MPN/100ml	650
7/18/2008	Jul-08	Single Sample	Enterococcus	210	104	MPN/100ml	101.9230769
7/18/2008	Jul-08	Single Sample	Total Coliform+	13,000	1,000	MPN/100ml	1200
7/18/2008	Jul-08	Geometric Mean	Total Coliform	4709	1,000	MPN/100ml	370.9
7/19/2008	Jul-08	Geometric Mean	Total Coliform	4935	1,000	MPN/100ml	393.5
7/19/2008	Jul-08	Geometric Mean	Escherichia Ecoli	525	400	MPN/100ml	31.25
7/20/2008	Jul-08	Geometric Mean	Total Coliform	5,171	1,000	MPN/100ml	417.1
7/20/2008	Jul-08	Geometric Mean	Escherichia Ecoli	583	400	MPN/100ml	45.75
7/21/2008	Jul-08	Single Sample	Total Coliform	13,000	10,000	MPN/100ml	30
7/21/2008	Jul-08	Single Sample	Escherichia Ecoli	430	400	MPN/100ml	7.5
7/21/2008	Jul-08	Geometric Mean	Total Coliform	5418	1,000	MPN/100ml	441.8
7/21/2008	Jul-08	Geometric Mean	Escherichia Ecoli	606	400	MPN/100ml	51.5
7/22/2008	Jul-08	Geometric Mean	Total Coliform	5677	1,000	MPN/100ml	467.7
7/22/2008	Jul-08	Geometric Mean	Escherichia Ecoli	631	400	MPN/100ml	57.75
7/23/2008	Jul-08	Geometric Mean	Total Coliform	5507	1,000	MPN/100ml	450.7

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	% Exceedence
2008							
7/23/2008	Jul-08	Geometric Mean	Escherichia Ecoli	548	400	MPN/100ml	37
7/24/2008	Jul-08	Geometric Mean	Total Coliform	5341	1,000	MPN/100ml	434.1
7/24/2008	Jul-08	Geometric Mean	Escherichia Ecoli	476	400	MPN/100ml	19
7/25/2008	Jul-08	Geometric Mean	Total Coliform	5180	1,000	MPN/100ml	418
7/25/2008	Jul-08	Geometric Mean	Escherichia Ecoli	435	400	MPN/100ml	8.75
7/26/2008	Jul-08	Geometric Mean	Total Coliform	5024	1,000	MPN/100ml	402.4
7/26/2008	Jul-08	Geometric Mean	Escherichia Ecoli	397	400	MPN/100ml	-0.75
7/27/2008	Jul-08	Geometric Mean	Total Coliform	5809	1,000	MPN/100ml	480.9
7/27/2008	Jul-08	Geometric Mean	Escherichia Ecoli	397	400	MPN/100ml	-0.75
7/28/2008	Jul-08	Geometric Mean	Total Coliform	6293	1,000	MPN/100ml	529.3
7/28/2008	Jul-08	Geometric Mean	Escherichia Ecoli	406	400	MPN/100ml	1.5
7/29/2008	Jul-08	Geometric Mean	Total Coliform	6818	1,000	MPN/100ml	581.8
7/29/2008	Jul-08	Geometric Mean	Escherichia Ecoli	415	400	MPN/100ml	3.75
7/30/2008	Jul-08	Geometric Mean	Total Coliform	6280	1,000	MPN/100ml	528
7/30/2008	Jul-08	Geometric Mean	Escherichia Ecoli	395	400	MPN/100ml	-1.25
7/31/2008	Jul-08	Geometric Mean	Total Coliform	5785	1,000	MPN/100ml	478.5
7/31/2008	Jul-08	Geometric Mean	Escherichia Ecoli	376	400	MPN/100ml	-6
August							
8/1/2008	Aug-08	Geometric Mean	Total Coliform	5443	1,000	MPN/100ml	444.3
8/1/2008	Aug-08	Geometric Mean	Escherichia Ecoli	355	400	MPN/100ml	-11.25
8/2/2008	Aug-08	Geometric Mean	Total Coliform	5121	1,000	MPN/100ml	412.1
8/2/2008	Aug-08	Geometric Mean	Escherichia Ecoli	335	400	MPN/100ml	-16.25
8/3/2008	Aug-08	Geometric Mean	Total Coliform	4655	1,000	MPN/100ml	365.5
8/3/2008	Aug-08	Geometric Mean	Escherichia Ecoli	297	400	MPN/100ml	-25.75

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	% Exceedence
2008							
8/4/2008	Aug-08	Geometric Mean	Total Coliform	4299	1,000	MPN/100ml	329.9
8/4/2008	Aug-08	Geometric Mean	Escherichia Ecoli	257	400	MPN/100ml	-35.75
8/5/2008	Aug-08	Geometric Mean	Total Coliform	3971	1,000	MPN/100ml	297.1
8/5/2008	Aug-08	Geometric Mean	Escherichia Ecoli	223	400	MPN/100ml	-44.25
8/6/2008	Aug-08	Geometric Mean	Total Coliform	3729	1,000	MPN/100ml	272.9
8/6/2008	Aug-08	Geometric Mean	Escherichia Ecoli	215	400	MPN/100ml	-46.25
8/7/2008	Aug-08	Geometric Mean	Total Coliform	3502	1,000	MPN/100ml	250.2
8/7/2008	Aug-08	Geometric Mean	Escherichia Ecoli	207	400	MPN/100ml	-48.25
8/8/2008	Aug-08	Geometric Mean	Total Coliform	3289	1,000	MPN/100ml	228.9
8/9/2008	Aug-08	Geometric Mean	Total Coliform	3089	1,000	MPN/100ml	208.9
8/10/2008	Aug-08	Geometric Mean	Total Coliform	2901	1,000	MPN/100ml	190.1
8/11/2008	Aug-08	Geometric Mean	Total Coliform	2680	1,000	MPN/100ml	168
8/12/2008	Aug-08	Geometric Mean	Total Coliform	2477	1,000	MPN/100ml	147.7
8/13/2008	Aug-08	Geometric Mean	Total Coliform	2354	1,000	MPN/100ml	135.4
8/14/2008	Aug-08	Geometric Mean	Total Coliform	2238	1,000	MPN/100ml	123.8
8/15/2008	Aug-08	Geometric Mean	Total Coliform	2034	1,000	MPN/100ml	103.4
8/16/2008	Aug-08	Geometric Mean	Total Coliform	1848	1,000	MPN/100ml	84.8
8/17/2008	Aug-08	Geometric Mean	Total Coliform	1680	1,000	MPN/100ml	68
8/18/2008	Aug-08	Single Sample	Enterococcus	2000	104	MPN/100ml	
8/18/2008	Aug-08	Geometric Mean	Total Coliform	1633	1,000	MPN/100ml	63.3
8/19/2008	Aug-08	Geometric Mean	Total Coliform	1586	1,000	MPN/100ml	58.6

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	% Exceedence
2008							
8/20/2008	Aug-08	Geometric Mean	Total Coliform	1514	1,000	MPN/100ml	51.4
8/21/2008	Aug-08	Geometric Mean	Total Coliform	1445	1,000	MPN/100ml	44.5
8/22/2008	Aug-08	Geometric Mean	Total Coliform	1422	1,000	MPN/100ml	42.2
8/23/2008	Aug-08	Geometric Mean	Total Coliform	1399	1,000	MPN/100ml	39.9
8/24/2008	Aug-08	Geometric Mean	Total Coliform	1376	1,000	MPN/100ml	37.6
8/25/2008	Aug-08	Single Sample	Escherichia Ecoli	830	400	MPN/100ml	107.5
8/25/2008	Aug-08	Single Sample	Total Coliform +	5,200	1,000	MPN/100ml	420
8/25/2008	Aug-08	Geometric Mean	Total Coliform	1376	1,000	MPN/100ml	37.6
8/26/2008	Aug-08	Geometric Mean	Total Coliform	1376	1,000	MPN/100ml	37.6
8/27/2008	Aug-08	Single Sample	Total Coliform	13,000	10,000	MPN/100ml	30
8/27/2008	Aug-08	Single Sample	Escherichia Ecoli	2400	400	MPN/100ml	500
8/27/2008	Aug-08	Single Sample	Total Coliform+	13000	1,000	MPN/100ml	1200
8/27/2008	Aug-08	Geometric Mean	Total Coliform	1514	1,000	MPN/100ml	51.4
8/28/2008	Aug-08	Geometric Mean	Total Coliform	1666	1,000	MPN/100ml	66.6
8/29/2008	Aug-08	Single Sample	Total Coliform	13,000	10000	MPN/100ml	30
8/29/2008	Aug-08	Single Sample	Escherichia Ecoli	13,000	400	MPN/100ml	3150
8/29/2008	Aug-08	Single Sample	Enterococcus	290	104	MPN/100ml	178.8461538
8/29/2008	Aug-08	Geometric Mean	Total Coliform	1833	1,000	MPN/100ml	83.3
8/29/2008	Aug-08	Geometric Mean	Escherichia Ecoli	231	200	MPN/100ml	15.5
8/30/2008	Aug-08	Geometric Mean	Total Coliform	2017	1,000	MPN/100ml	101.7
8/30/2008	Aug-08	Geometric Mean	Escherichia Ecoli	269	200	MPN/100ml	34.5
8/31/2008	Aug-08	Geometric Mean	Total Coliform	2219	1,000	MPN/100ml	121.9
8/31/2008	Aug-08	Geometric Mean	Escherichia Ecoli	314	200	MPN/100ml	57

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	% Exceedence
2008							
September							
9/1/2008	Sep-08	Geometric Mean	Total Coliform	2442	1,000	MPN/100ml	144.2
9/1/2008	Sep-08	Geometric Mean	Escherichia Coli	366	200	MPN/100ml	83
9/2/2008	Sep-08	Single Sample	Total Coliform +	1500	1,000	MPN/100ml	50
9/2/2008	Sep-08	Geometric Mean	Escherichia Coli	372	200	MPN/100ml	86
9/3/2008	Sep-08	Geometric Mean	Total Coliform	2518	1,000	MPN/100ml	151.8
9/3/2008	Sep-08	Geometric Mean	Escherichia Coli	386	200	MPN/100ml	93
9/4/2008	Sep-08	Geometric Mean	Total Coliform	2399	1,000	MPN/100ml	139.9
9/4/2008	Sep-08	Geometric Mean	Escherichia Coli	386	200	MPN/100ml	93
9/5/2008	Sep-08	Geometric Mean	Total Coliform	2286	1,000	MPN/100ml	128.6
9/5/2008	Sep-08	Geometric Mean	Escherichia Coli	386	200	MPN/100ml	93
9/6/2008	Sep-08	Geometric Mean	Total Coliform	2177	1,000	MPN/100ml	117.7
9/6/2008	Sep-08	Geometric Mean	Escherichia Coli	386	200	MPN/100ml	93
9/7/2008	Sep-08	Geometric Mean	Total Coliform	2074	1,000	MPN/100ml	107.4
9/7/2008	Sep-08	Geometric Mean	Escherichia Coli	386	200	MPN/100ml	93
9/8/2008	Sep-08	Geometric Mean	Total Coliform	2005	1,000	MPN/100ml	100.5
9/8/2008	Sep-08	Geometric Mean	Escherichia Coli	386	200	MPN/100ml	93
9/9/2008	Sep-08	Geometric Mean	Total Coliform	1937	1,000	MPN/100ml	93.7
9/9/2008	Sep-08	Geometric Mean	Escherichia Coli	386	200	MPN/100ml	93
9/10/2008	Sep-08	Geometric Mean	Total Coliform	1902	1,000	MPN/100ml	90.2
9/10/2008	Sep-08	Geometric Mean	Escherichia Coli	372	200	MPN/100ml	86
9/11/2008	Sep-08	Geometric Mean	Total Coliform	1868	1,000	MPN/100ml	86.8
9/11/2008	Sep-08	Geometric Mean	Escherichia Coli	358	200	MPN/100ml	79
9/12/2008	Sep-08	Geometric Mean	Total Coliform	1835	1,000	MPN/100ml	83.5

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	% Exceedence
2008							
9/12/2008	Sep-08	Geometric Mean	Escherichia Coli	345	200	MPN/100ml	72.5
9/13/2008	Sep-08	Geometric Mean	Total Coliform	1802	1,000	MPN/100ml	80.2
9/13/2008	Sep-08	Geometric Mean	Escherichia Coli	332	200	MPN/100ml	66
9/14/2008	Sep-08	Geometric Mean	Total Coliform	1770	1,000	MPN/100ml	77
9/14/2008	Sep-08	Geometric Mean	Escherichia Coli	319	200	MPN/100ml	59.5
9/15/2008	Sep-08	Simple Sample	Escherichia Coli	430	400	MPN/100ml	7.5
9/15/2008	Sep-08	Simple Sample	Total Coliform+	1600	1,000	MPN/100ml	60
9/15/2008	Sep-08	Geometric Mean	Total Coliform	1816	1,000	MPN/100ml	81.6
9/15/2008	Sep-08	Geometric Mean	Escherichia Coli	327	200	MPN/100ml	63.5
9/16/2008	Sep-08	Geometric Mean	Total Coliform	1863	1,000	MPN/100ml	86.3
9/16/2008	Sep-08	Geometric Mean	Escherichia Coli	335	200	MPN/100ml	67.5
9/17/2008	Sep-08	Geometric Mean	Total Coliform	1720	1,000	MPN/100ml	72
9/17/2008	Sep-08	Geometric Mean	Escherichia Coli	317	200	MPN/100ml	58.5
9/18/2008	Sep-08	Geometric Mean	Total Coliform	1588	1,000	MPN/100ml	58.8
9/18/2008	Sep-08	Geometric Mean	Escherichia Coli	300	200	MPN/100ml	50
9/19/2008	Sep-08	Geometric Mean	Total Coliform	1492	1,000	MPN/100ml	49.2
9/19/2008	Sep-08	Geometric Mean	Escherichia Coli	289	200	MPN/100ml	44.5
9/20/2008	Sep-08	Geometric Mean	Total Coliform	1403	1,000	MPN/100ml	40.3
9/20/2008	Sep-08	Geometric Mean	Escherichia Coli	278	200	MPN/100ml	39
9/21/2008	Sep-08	Geometric Mean	Total Coliform	1319	1,000	MPN/100ml	31.9
9/21/2008	Sep-08	Geometric Mean	Escherichia Coli	268	200	MPN/100ml	34
9/22/2008	Sep-08	Single Sample	Total Coliform	13,000	10000	MPN/100ml	30
9/22/2008	Sep-08	Single Sample	Escherichia Ecoli	13,000	400	MPN/100ml	3150
9/22/2008	Sep-08	Single Sample	Enterococcus	2,000	104	MPN/100ml	1823.076923
9/22/2008	Sep-08	Single Sample	Total Coliform +	13,000	1,000	MPN/100ml	1200
9/22/2008	Sep-08	Geometric Mean	Total Coliform	1,382	1,000	MPN/100ml	38.2

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	% Exceedence
2008							
9/22/2008	Sep-08	Geometric Mean	Escherichia Ecoli	307	200	MPN/100ml	53.5
9/23/2008	Sep-08	Geometric Mean	Total Coliform	1448	1,000	MPN/100ml	44.8
9/23/2008	Sep-08	Geometric Mean	Escherichia Ecoli	352	200	MPN/100ml	76
9/24/2008	Sep-08	Geometric Mean	Total Coliform	1386	1,000	MPN/100ml	38.6
9/24/2008	Sep-08	Geometric Mean	Escherichia Ecoli	324	200	MPN/100ml	62
9/25/2008	Sep-08	Geometric Mean	Total Coliform	1327	1,000	MPN/100ml	32.7
9/25/2008	Sep-08	Geometric Mean	Escherichia Ecoli	298	200	MPN/100ml	49
9/26/2008	Sep-08	Geometric Mean	Total Coliform	1232	1,000	MPN/100ml	23.2
9/26/2008	Sep-08	Geometric Mean	Escherichia Ecoli	264	200	MPN/100ml	32
9/27/2008	Sep-08	Geometric Mean	Total Coliform	1143	1,000	MPN/100ml	14.3
9/27/2008	Sep-08	Geometric Mean	Escherichia Ecoli	235	200	MPN/100ml	17.5
9/28/2008	Sep-08	Geometric Mean	Total Coliform	1062	1,000	MPN/100ml	6.2
October							
10/13/2008	Oct-08	Geometric Mean	Total Coliform	1013	1,000	MPN/100ml	1.3

Total Exceedence Days

Total
 Single Sample 51
 Geometric Mean 239

Single Sample 23
 Geometric Mean 145

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	% Exceedence
2009							
May							
5/18/2009	May-09	Single Sample	Total Coliform	13,000	10000	MPN/100ml	30
5/18/2009	May-09	Single Sample	Enterococcus	120	104	MPN/100ml	15.38461538
5/25/2009	May-09	Geometric Mean	Total Coliform	1002	1,000	MPN/100ml	0.2
5/26/2009	May-09	Single Sample	Total Coliform	13,000	10,000	MPN/100ml	30
5/26/2009	May-09	Single Sample	Escherichia Ecoli	13,000	400	MPN/100ml	3150
5/26/2009	May-09	Single Sample	Enterococcus	660	104	MPN/100ml	534.6153846
5/26/2009	May-09	Single Sample	Total coliform+	13000	1,000	MPN/100ml	1200
5/26/2009	May-09	Geometric Mean	Total Coliform	1139	1,000	MPN/100ml	13.9
5/27/2009	May-09	Geometric Mean	Total Coliform	1241	1,000	MPN/100ml	24.1
5/28/2009	May-09	Single Sample	Enterococcus	180	104	MPN/100ml	73.08
5/28/2009	May-09	Geometric Mean	Total Coliform	1237	104	MPN/100ml	1089.42
5/29/2009	May-09	Geometric Mean	Total Coliform	1233	1,000	MPN/100ml	23.3
5/30/2009	May-09	Geometric Mean	Total Coliform	1171	1,000	MPN/100ml	17.1
5/31/2009	May-09	Geometric Mean	Total Coliform	1111	1,000	MPN/100ml	11.1
June							
June: No Result Values							
July							
7/6/2009	Jul-09	Single Sample	Total Coliform+	2000	1,000	MPN/100ml	100
7/8/2009	Jul-09	Single Sample	Total Coliform	13,000	10,000	MPN/100ml	30
7/8/2009	Jul-09	Single Sample	Escherichia Ecoli	910	400	MPN/100ml	127.5
August							
August: No Result Values							
September							

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	% Exceedence
2009							
9/8/2009	Sep-09	Single Sample	Enterococcus	480	104	MPN/100ml	361.5384615
9/30/2009	Sep-09	Geometric Mean	Total Coliform	1042	1,000	MPN/100ml	4.2
October							
10/1/2009	Oct-09	Geometric Mean	Total Coliform	1091	1,000	MPN/100ml	9.1
10/2/2009	Oct-09	Geometric Mean	Total Coliform	1142	1,000	MPN/100ml	14.2
10/3/2009	Oct-09	Geometric Mean	Total Coliform	1196	1,000	MPN/100ml	19.6
10/4/2009	Oct-09	Geometric Mean	Total Coliform	1252	1,000	MPN/100ml	25.2
10/5/2009	Oct-09	Geometric Mean	Total Coliform	1282	1,000	MPN/100ml	28.2
10/6/2009	Oct-09	Geometric Mean	Total Coliform	1313	1,000	MPN/100ml	31.3
10/7/2009	Oct-09	Geometric Mean	Total Coliform	1345	1,000	MPN/100ml	34.5
10/8/2009	Oct-09	Geometric Mean	Total Coliform	1300	1,000	MPN/100ml	30
10/9/2009	Oct-09	Geometric Mean	Total Coliform	1256	1,000	MPN/100ml	25.6
10/10/2009	Oct-09	Geometric Mean	Total Coliform	1200	1,000	MPN/100ml	20
10/11/2009	Oct-09	Geometric Mean	Total Coliform	1146	1,000	MPN/100ml	14.6
10/12/2009	Oct-09	Geometric Mean	Total Coliform	1095	1,000	MPN/100ml	9.5
10/13/2009	Oct-09	Geometric Mean	Total Coliform	1046	1,000	MPN/100ml	4.6

Total

Single Sample
Geometric Mean

11
21

Total Exceedence Days

Single Sample
Geometric Mean

6
21

ATTACHMENT E

LOW-FLOW DIVERSION DATA SHEET

DATE	PROJECT	TOTAL GALLONS	PUMP HOURS #1	PUMP HOURS #2	COMMENTS	BYPASS FLOW
	PARKER MESA P.D. 259					
	SUNSET BLVD SANTA YNEZ PROJECT 674					
	PROJECT 501 PULGA					
	PROJECT 401 ASHLAND					
6-19-07	ROSE PROJECT 46	15272699	8677.9	8261.1	OUTLET IS SANDED IN	NO FLOW TO SURF
6-19-07	BOONE OLIVE P.P.	1897.0			OUTLET UNDER WATER CAN'T ACCESS EACH PUMP SEPARATE DUE TO PANEL STUCK	UNK
	POLLIWOG MANHATTAN P.P.					
6-19-07	PROJECT 286 28TH STREET	4197810	706.79		OUTLET IS SANDED IN	NO
6-19-07	PROJECT 569 AVENUE I	46274	2713.0	2546.0	OUTLET IS SANDED IN	NO

Blank

GR

MONITORING PLAN DATASHEET

Monitoring Station No. / Drain Location No. BOONE OLIVE AP

Monitoring Site Coordinates*: N _____ W _____

*Note: Coordinates accuracy is within 3 meters per GPSMAP 76GARMIN. See coordinates list on reverse page.

Fill out all applicable information.

Data for: Dry Weather Flow Wet Weather Flow

Observer/ Sampler: RR + GR + SV

Date: 6-19-07 Time: 11:10

Weather condition: Clear Cloudy Foggy Drizzling Rainy

Flow condition: Dry (0) Ponded (1) Trickling (2) Steady Flow (3) High/ Flooded (4)

Temperature of water body (°C): 65°F SPC0000 567

Sample(s) taken? Yes No If yes, Lab/Sample ID No(s): 11 568
11 569
11 570

Sampling type: Dry Weather Flow Mixed Dry Weather/Ocean Stormwater Mixed Storm/Ocean

Is surface flow reaching the ocean? Yes No Don't Know (See notes)

Odor (of outfall) None Sewage Fish/Decay Petroleum Rotten Egg

Musty Chlorine Ammonia Chemical

Color (of flowing water) Colorless Brownish Reddish Greenish

Bluish Yellowish Other _____

Turbidity: Clear Cloudy Murky

Algae near drain?: Yes No

Soap or foam in discharge?: Yes No

Trash coming from drain?: Yes No

If Yes, type of trash: Vegetation Plastics (cups, bottles, bags, wrappers)

Styrofoam Wood Other _____
e.g. dead animals, etc.

Wildlife within 50 yards?: Yes No If yes, type and number _____
e.g. 100 ducks, etc.

Redtide (ocean)?: Yes No

Pictures taken? Yes No Picture Nos. _____

Flow Measurements: By Automated Equipment Manually

Area x Velocity (creek/channel)

1. Depth (ft or in.) _____
(circle unit used)
2. Width (ft or in.) _____
(circle unit used)
3. Velocity (ft or in./sec) _____
(circle unit used)

Area x Velocity (pipe)

1. Depth (ft or in.) _____
(circle unit used)
2. Inside Diameter & Pipe material: _____

Filling a Bottle

Volume _____ mL or L or oz)
(circle unit used)
Time _____ (sec)

Notes: NO Flow

LOW-FLOW DIVERSION DATA SHEET

DATE	PROJECT	TOTAL GALLONS	PUMP HOURS #1	PUMP HOURS #2	COMMENTS	BYPASS FLOW
8/6/07	PARKER MESA P.D. 259	9950217	2352	10:25		N
8/6/07	SUNSET BLVD SANTA YNEZ PROJECT 674	11694110	2036	2003		N
8/6/07	PROJECT 501 PULGA	66873725	70449	11033		N
8/6/07	PROJECT 401 ASHLAND	3400836	2781	177	Pump #1 Seq 1 Fail OUT of Serv	
8/6/07	ROSE PROJECT 46	17914337	9763	9357	Sanded in	N
8/6/07	BOONE OLIVE P.P.	N/A	3048	—	ONE Pump/Panel ONLY NO ACCESS	N/A
	POLLWOG MANHATTAN P.P.					
8/6/07	PROJECT 286 28TH STREET	6798583	1188	✓	ONE Pump/Sanded ONLY IN	N
8/6/07	PROJECT 569 AVENUE I	790053	3750	3118	Sanded in	N

DATA SHEET + 2X TEMP @
BOONE OLIVE PP + 28TH ST DRAIN

MONITORING PLAN DATASHEET

Monitoring Station No. / Drain Location No. Boone Olive Pump Plant

Monitoring Site Coordinates*: N _____ W _____

*Note: Coordinates accuracy is within 3 meters per GPSMAP 76GARMIN. See coordinates list on reverse page.
Fill out all applicable information.

Data for: Dry Weather Flow Wet Weather Flow

Observer/ Sampler: _____
Date: 8/6/07 Time: 11:18 AM

Weather condition: Clear Cloudy Foggy Drizzling Rainy

Flow condition: Dry (0) Ponded (1) Trickling (2) Steady Flow (3) High/ Flooded (4)

Temperature of water body (°C): 70F SPC0000 626 628

Sample(s) taken? Yes No If yes, Lab/Sample ID No(s). " " 627 629

Sampling type: Dry Weather Flow Mixed Dry Weather/Ocean Stormwater Mixed Storm/Ocean

Is surface flow reaching the ocean? Yes No Don't Know (See notes)

Odor (of outfall) None Sewage Fish/Decay Petroleum Rotten Egg
 Musty Chlorine Ammonia Chemical

Color (of flowing water) Colorless Brownish Reddish Greenish
 Bluish Yellowish Other _____

Turbidity: Clear Cloudy Murky

Algae near drain?: Yes No

Soap or foam in discharge?: Yes No

Trash coming from drain?: Yes No

If Yes, type of trash: Vegetation Plastics (cups, bottles, bags, wrappers)
 Styrofoam Wood Other _____
e.g. dead animals, etc.

Wildlife within 50 yards?: Yes No If yes, type and number _____
e.g. 100 ducks, etc.

Redtide (ocean)?: Yes No

Pictures taken? Yes No Picture Nos. _____

Flow Measurements: By Automated Equipment Manually

<u>Area x Velocity (creek/channel)</u>	<u>Area x Velocity (pipe)</u>	<u>Filling a Bottle</u>
1. Depth (ft or in.) _____ (circle unit used)	1. Depth (ft or in.) _____ (circle unit used)	Volume _____ mL or L or oz. (circle unit used)
2. Width (ft or in.) _____ (circle unit used)	2. Inside Diameter & Pipe material: _____	Time _____ (sec)
3. Velocity (ft or in./sec) _____ (circle unit used)		

Notes: NO Flow near drain at this time.

JV
09/12

MONITORING PLAN DATASHEET

GA

Monitoring Station No. / Drain Location No. Boone - Olive

Monitoring Site Coordinates*: N _____ W _____

*Note: Coordinates accuracy is within 3 meters per GPSMAP 76GARMIN. See coordinates list on reverse page.
Fill out all applicable information.

Data for: Dry Weather Flow Wet Weather Flow

Observer/ Sampler: Gil Raza
Date: 8-14-07 Time: 11:15 AM

Weather condition: Clear Cloudy Foggy Drizzling Rainy
Flow condition: Dry (0) Ponded (1) Trickling (2) Steady Flow (3) High/ Flooded (4)
Temperature of water body (°C): 72°F SPC001074 SPC000 1078
" 1076 " 1080

Sample(s) taken? Yes No If yes, Lab/Sample ID No(s). _____

Sampling type: Dry Weather Flow Mixed Dry Weather/Ocean Stormwater Mixed Storm/Ocean
Is surface flow reaching the ocean? Yes No Don't Know (See notes)

Odor (of outfall) None Sewage Fish/Decay Petroleum Rotten Egg
 Musty Chlorine Ammonia Chemical

Color (of flowing water) Colorless Brownish Reddish Greenish
 Bluish Yellowish Other _____

Turbidity: Clear Cloudy Murky

Algae near drain?: Yes No

Soap or foam in discharge?: Yes No

Trash coming from drain?: Yes No

If Yes, type of trash: Vegetation Plastics (cups, bottles, bags, wrappers)
 Styrofoam Wood Other _____
e.g. dead animals, etc.

Wildlife within 50 yards?: Yes No If yes, type and number _____
e.g. 100 ducks, etc.

Redtide (ocean)?: Yes No

Pictures taken? Yes No Picture Nos. _____

Flow Measurements: By Automated Equipment Manually

<u>Area x Velocity (creek/channel)</u>	<u>Area x Velocity (pipe)</u>	<u>Filling a Bottle</u>
1. Depth (ft or in.) _____ (circle unit used)	1. Depth (ft or in.) _____ (circle unit used)	Volume _____ mL or L or oz) (circle unit used)
2. Width (ft or in.) _____ (circle unit used)	2. Inside Diameter & Pipe material: _____	Time _____ (sec)
3. Velocity (ft or in./sec) _____ (circle unit used)		

Notes: No flow from drain at
this time.

LOW-FLOW DIVERSION DATA SHEET

DATE	PROJECT	TOTAL GALLONS	PUMP HOURS #1	PUMP HOURS #2	COMMENTS	BYPASS FLOW
	PARKER MESA P.D. 259					
	SUNSET BLVD SANTA YNEZ PROJECT 874					
	PROJECT 501 PULGA					
	PROJECT 401 ASHLAND					
	ROSE PROJECT 46					
8-14-07	BOONE OLIVE P.P.	NA	3240	NA	No Access to Gallons Meter	NA
	POLLIWOG MANHATTAN P.P.					
8-14-07	PROJECT 286 28TH STREET	1155037	1268	NA	1 Pump only Sandbagged	NA
	PROJECT 569 AVENUE I					

MONITORING PLAN DATASHEET

Monitoring Station No. / Drain Location No. Boone - Olive

Monitoring Site Coordinates*: N _____ W _____

*Note: Coordinates accuracy is within 3 meters per GPSMAP 76GARMIN. See coordinates list on reverse page.

Fill out all applicable information.

GA

Data for: Dry Weather Flow Wet Weather Flow

Observer/ Sampler: Gil Pera

Date: 8-21-07 Time: 10:15

Weather condition: Clear Cloudy Foggy Drizzling Rainy

Flow condition: Dry (0) Pondered (1) Tricking (2) Steady Flow (3) High/ Flooded (4)

Temperature of water body (°C): 52°F SPC0001082 SPC0001086

Sample(s) taken? Yes No If yes, Lab/Sample ID No(s). SPC0001084 SPC0001088

Sampling type: Dry Weather Flow Mixed Dry Weather/Ocean Stormwater Mixed Storm/Ocean

Is surface flow reaching the ocean? Yes No Don't Know (See notes)

Odor (of outfall) None Sewage Fish/Decay Petroleum Rotten Egg

Musty Chlorine Ammonia Chemical

Color (of flowing water) Colorless Brownish Reddish Greenish

Bluish Yellowish Other _____

Turbidity: Clear Cloudy Murky

Algae near drain?: Yes No

Soap or foam in discharge?: Yes No

Trash coming from drain?: Yes No

If Yes, type of trash: Vegetation Plastics(cups, bottles, bags, wrappers)

Styrofoam Wood Other _____
e.g. dead animals, etc.

Wildlife within 50 yards?: Yes No If yes, type and number _____
e.g. 100 ducks, etc.

Redtide (ocean)?: Yes No

Pictures taken? Yes No Picture Nos: _____

Flow Measurements: By Automated Equipment Manually

Area x Velocity (creek/channel)

Area x Velocity (pipe)

Filling a Bottle

1. Depth (ft or in.) _____
(circle unit used)
2. Width (ft or in.) _____
(circle unit used)
3. Velocity(ft or in./sec) _____
(circle unit used)

1. Depth (ft or in.) _____
(circle unit used)
2. Inside Diameter & Pipe material: _____

Volume _____ mL or L or oz)
(circle unit used)
Time _____ (sec)

Notes: _____

LOW-FLOW DIVERSION DATA SHEET

DATE	PROJECT	TOTAL GALLONS	PUMP HOURS #1	PUMP HOURS #2	COMMENTS	BYPASS FLOW
	PARKER MESA P.D. 259					
	SUNSET BLVD. SANTA YNEZ PROJECT 674					
	PROJECT 501 PULGA					
	PROJECT 401. ASHLAND					
	ROSE PROJECT 46					
8/28/07	BOONE OLIVE P.P.	N/A	3576	/	one pump / No only / Access Panel closed	N/A
	POLLIWOG MANHATTAN P.P.					
8/28/07	PROJECT 286 28TH STREET	7816985	1410	/	one pump / outlet only / Sampled in	N
	PROJECT 569 AVENUE I					

LOW-FLOW DIVERSION DATA SHEET

DATE	PROJECT	TOTAL GALLONS	PUMP HOURS #1	PUMP HOURS #2	COMMENTS	BYPASS FLOW
	PARKER MESA P.D. 259					
	SUNSET BLVD SANTA YNEZ PROJECT 674					
	PROJECT 501 PULGA					
	PROJECT 401 ASHLAND					
	ROSE PROJECT 46					
9-4-07	BOONE OLIVE P.P.	NA	5743		NA	NA
	POLLIWOG MANHATTAN P.P.					
9-4-07	PROJECT 286 28TH STREET	8132919	1480		NA	NA
	PROJECT 569 AVENUE I					

LOW-FLOW DIVERSION DATA SHEET

DATE	PROJECT	TOTAL GALLONS	PUMP HOURS #1	PUMP HOURS #2	COMMENTS	BYPASS FLOW
	PARKER MESA P.D. 259					
	SUNSET BLVD SANTA YNEZ PROJECT 974					
	PROJECT 501 PULGA					
	PROJECT 401 ASHLAND					
	ROSE PROJECT 46					
9/11/07	BOONE OLIVE P.P.	N/A	3911		one pump NO ONLY Access To Panel	N/A
	POLLIWOG MANHATTAN P.P.					
9/11/07	PROJECT 286 28TH STREET	8439943	1547		one pump only Sanded IN	NO
	PROJECT 569 AVENUE I					

LOW-FLOW DIVERSION DATA SHEET

DATE	PROJECT	TOTAL GALLONS	PUMP HOURS #1	PUMP HOURS #2	COMMENTS	BYPASS FLOW
	PARKER MESA P.D. 259					
	SUNSET BLVD SANTA YNEZ PROJECT 674					
	PROJECT 501 PULGA					
	PROJECT 401 ASHLAND					
	ROSE PROJECT .46					
9-18-07	BOONE OLIVE P.P.	/	4075	/	/	NA
	POLLWOG MANHATTAN P.P.					
9-18-07	PROJECT 286 28TH STREET	2756593	1567	/	/	NA
	PROJECT 569 AVENUE I					

LOW-FLOW DIVERSION DATA SHEET

DATE	PROJECT	TOTAL GALLONS	PUMP HOURS #1	PUMP HOURS #2	COMMENTS	BYPASS FLOW
	PARKER MESA P.D. 269					
	SUNSET BLVD SANTA YNEZ PROJECT 674					
	PROJECT 501 PUJGA					
	PROJECT 401 ASHLAND					
	ROSE PROJECT 46					
9-25-07	BOONE OLIVE P.P.	N/A	4243	N/A	one pump only Panel No Close Press	N/A
	POLLINO MANHATTAN P.P.					
9-25-07	PROJECT 286 28TH STREET	8886052	1567	N/A	one pump / outlet ONLY / open	yes
	PROJECT 569 AVENUE I					

MONITORING PLAN DATASHEET

Monitoring Station No. / Drain Location No. Bonne Olive P.P.

Monitoring Site Coordinates*: N _____ W _____

*Note: Coordinates accuracy is within 3 meters per GPSMAP 76GARMIN. See coordinates list on reverse page.

Fill out all applicable information.

Data for: Dry Weather Flow Wet Weather Flow

Observer/ Sampler: _____
Date: 10/2/07 Time: 10:40 Am

Weather condition: Clear Cloudy Foggy Drizzling Rainy

Flow condition: Dry (0) Ponded (1) Trickling (2) Steady Flow (3) High/ Flooded (4)

Temperature of water body (°C): 21

Sample(s) taken? Yes No If yes, Lab/Sample ID No(s): SPC0000622, SPC0000624, SPC0000623, SPC0000625

Sampling type: Dry Weather Flow Mixed Dry Weather/Ocean Stormwater Mixed Storm/Ocean

Is surface flow reaching the ocean? Yes No Don't Know (See notes)

Odor (of outfall): None Sewage Fish/Decay Petroleum Rotten Egg
 Musty Chlorine Ammonia Chemical

Color (of flowing water): Colorless Brownish Reddish Greenish
 Bluish Yellowish Other _____

Turbidity: Clear Cloudy Murky

Algae near drain?: Yes No

Soap or foam in discharge?: Yes No

Trash coming from drain?: Yes No

If Yes, type of trash: Vegetation Plastics (cups, bottles, bags, wrappers)
 Styrofoam Wood Other _____
e.g. dead animals, etc.

Wildlife within 50 yards?: Yes No If yes, type and number _____
e.g. 100 ducks, etc.

Redtide (ocean)?: Yes No

Pictures taken? Yes No Picture Nos. _____

Flow Measurements: By Automated Equipment Manually

Area x Velocity (creek/channel)

1. Depth (ft or in.) _____
(circle unit used)
2. Width (ft or in.) _____
(circle unit used)
3. Velocity (ft or in./sec) _____
(circle unit used)

Area x Velocity (pipe)

1. Depth (ft or in.) _____
(circle unit used)
2. Inside Diameter
& Pipe material: _____

Filling a Bottle

Volume _____ mL or L or oz)
(circle unit used)
Time _____ (sec)

Notes: _____

LOW-FLOW DIVERSION DATA SHEET

DATE	PROJECT	TOTAL GALLONS	PUMP HOURS #1	PUMP HOURS #2	COMMENTS	BYPASS FLOW
	PARKER MESA P.D. 259					
	SUNSET BLVD SANTA YNEZ PROJECT 674					
	PROJECT 501 PULGA					
	PROJECT 401 ASHLAND					
	ROSE PROJECT 46					
10-9-07	BOONE OLIVE P.P.		4579			NA
	POLLWOG MANHATTAN P.P.					
10-9-07	PROJECT 286 28TH STREET	9373421	1567			Yes
	PROJECT 569 AVENUE I					

LOW-FLOW DIVERSION DATA SHEET

DATE	PROJECT	TOTAL GALLONS	PUMP HOURS #1	PUMP HOURS #2	COMMENTS	BYPASS FLOW
	PARKER MESA P.D. 259					
	SUNSET BLVD SANTA YNEZ PROJECT 674					
	PROJECT 501 PULSA					
	PROJECT 401 ASHLAND					
	ROSE PROJECT 46					
10/16/07	BOONE OLIVE P.P.		4747		one pump only no access to panel	N/A
	POLLIWOG MANHATTAN P.P.					
10/16/07	PROJECT 286 28TH STREET	9522987	1667		one pump only	yes
	PROJECT 569 AVENUE I					

LOW-FLOW DIVERSION DATA SHEET

DATE	PROJECT	TOTAL GALLONS	PUMP HOURS #1	PUMP HOURS #2	COMMENTS	BYPASS FLOW
	PARKER MESA P.D. 259					
	SUNSET BLVD SANTA YNEZ PROJECT 674					
	PROJECT 501 PULGA					
	PROJECT 401 ASHLAND					
	ROSE PROJECT 46					
10/30/07	BOONE OLIVE P.P.	NO ACCESS	5084	N/A	one pump only no access to panel	N/A
	POLLWOG MANHATTAN P.P.					N
10/30/07	PROJECT 286 28TH STREET	10127761	1967	N/A	Sanded in Sanded in	
	PROJECT 569 AVENUE I					