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**Los Angeles Regional Water Quality Control Board**

July 17, 2015

Ms. Katherine Rubin  
Wastewater Quality and Compliance  
Department of Water and Power  
City of Los Angeles  
111 North Hope Street, Room 1213  
Los Angeles, CA 90012

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
CLAIM No. 7014 2870 0001 4613 6967

**RESPONSE TO REQUEST FOR ALLEGED VIOLATION REVIEW – CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER, CASTAIC POWER PLANT, CASTAIC, CALIFORNIA (ORDER NO. R4-2013-0093, NPDES PERMIT NO. CA0055824, CI NO. 6112)**

Dear Ms. Rubin:

Thank you for your letter dated July 6, 2015 regarding the Offer to Participate in Expedited Payment Program No. R4-2015-0109 (Offer) for the City of Los Angeles Department of Water and Power (Permittee), which assessed mandatory minimum penalties (MMPs) for effluent violations. This letter addresses your comments in this regard.

**Issue 1:**

*The Permittee asserts that two N-Nitrosodimethylamine samples were taken during the month of July 2014 and both samples should have been used to calculate a monthly average. However, Regional Board staff only considered the July 14, 2014 analytical result when calculating the average monthly result.*

**Response 1:**

Regional Board staff reviewed the July 2014 self-monitoring report and confirmed that the Permittee collected and analyzed N-Nitrosodimethylamine on July 14, 2014 and July 30, 2014. As a result, the average of those two samples complies with the average monthly effluent limitation of 0.00069 µg/L. Therefore, the average monthly effluent and mass loading limit violations of N-Nitrosodimethylamine are dismissed.

Since the City of Los Angeles Department of Water and Power requested an additional review of these violations, the Regional Board has established new deadlines. If you intend to participate in the Expedited Payment Program, you must sign and return the Acceptance of Conditional Resolution and Waiver of Right to Hearing form by August 17, 2015. By signing the revised Acceptance and Waiver, the City of Los Angeles

Ms. Katherine Rubin  
Los Angeles Department of Water and Power

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July 17, 2015

Department of Water and Power agrees to pay the penalty of \$120,000 as indicated on the amended Exhibit "1" – Notice of Violation and waives the right to a hearing.

If you do not elect to sign the Acceptance and Waiver, you will be contacted regarding formal enforcement action that will be initiated with regard to the contested violations.

If you have questions regarding this matter, please contact Mr. Andrew Choi at (213) 576-6791 / [andrew.choi@waterboards.ca.gov](mailto:andrew.choi@waterboards.ca.gov) or Mr. Russ Colby at (213) 620-6373 / [russ.colby@waterboards.ca.gov](mailto:russ.colby@waterboards.ca.gov).

Sincerely,



Paula Rasmussen  
Assistant Executive Officer

Enclosure

Amended Exhibit "1" - Notice of Violation  
Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed)  
Order

cc: (via e-mail)  
Mayumi Okamoto, Office of Enforcement, State Water Resources Control Board

Date	Discharge Point	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/ Chronic	Water Code Section 13385	Penalty
05/06/14	005	2nd Quarter 2014	Daily Maximum	Bis(2-ethylhexyl)phthalate	33	3.6	ug/L	2	817%	Serious	(h)1	\$3,000
05/06/14	005	2nd Quarter 2014	Daily Maximum	Bis(2-ethylhexyl)phthalate	0.071	0.01	lb/day	2	610%	Serious	(h)1	\$3,000
05/30/14	005	2nd Quarter 2014	Average Monthly	Bis(2-ethylhexyl)phthalate	33	1.8	ug/L	2	1733%	Serious	(h)1	\$3,000
05/30/14	005	2nd Quarter 2014	Average Monthly	Bis(2-ethylhexyl)phthalate	0.071	0.005	lb/day	2	1320%	Serious	(h)1	\$3,000
06/19/14	005	2nd Quarter 2014	Daily Maximum	Bis(2-ethylhexyl)phthalate	40	3.6	ug/L	2	1011%	Serious	(h)1	\$3,000
06/19/14	005	2nd Quarter 2014	Daily Maximum	Bis(2-ethylhexyl)phthalate	0.086	0.01	lb/day	2	760%	Serious	(h)1	\$3,000
07/31/14	005	3rd Quarter 2014	Average Monthly	N-Nitrosodimethylamine	0.0011	0.00069	ug/L	2	59%	Serious	(h)1	Dismissed
07/31/14	005	3rd Quarter 2014	Average Monthly	N-Nitrosodimethylamine	2.40E-06	1.80E-06	lb/day	2	33%	Serious	(h)1	Dismissed
10/31/14	004	4th Quarter 2014	Average Monthly	Copper	7.8	6.5	ug/L	2	20%	Serious	(h)1	\$3,000
01/06/15	006	1st Quarter 2015	Daily Maximum	Copper	55	14	ug/L	2	293%	Serious	(h)1	\$3,000
01/06/15	006	1st Quarter 2015	Daily Maximum	Copper	0.000257	0.00018	lb/day	2	43%	Serious	(h)1	\$3,000
01/06/15	006	1st Quarter 2015	Daily Maximum	Settleable Solids	2.5	0.3	ml/L	1	733%	Serious	(h)1	\$3,000
01/21/15	006	1st Quarter 2015	Daily Maximum	Total Suspended Solids	80	75	mg/L	1	7%	Chronic	(i)1	\$3,000
01/21/15	006	1st Quarter 2015	Daily Maximum	Settleable Solids	6.5	0.3	ml/L	1	2067%	Serious	(h)1	\$3,000
01/28/15	006	1st Quarter 2015	Daily Maximum	Settleable Solids	5	0.3	ml/L	1	1567%	Serious	(h)1	\$3,000
01/31/15	006	1st Quarter 2015	Average Monthly	Copper	55	9.33	ug/L	2	489%	Serious	(h)1	\$3,000
01/31/15	006	1st Quarter 2015	Average Monthly	Copper	0.000277	0.00012	lb/day	2	131%	Serious	(h)1	\$3,000
01/31/15	006	1st Quarter 2015	Average Monthly	Lead	5.6	3.2	ug/L	1	75%	Serious	(h)1	\$3,000
01/31/15	006	1st Quarter 2015	Average Monthly	Total Suspended Solids	57	50	mg/L	1	14%	Chronic	(i)1	\$3,000
01/31/15	006	1st Quarter 2015	Average Monthly	Turbidity	14	5	NTU	OEV	180%	Chronic	(i)1	\$3,000
01/31/15	006	1st Quarter 2015	Average Monthly	Settleable Solids	3.5	0.1	ml/L	1	3400%	Serious	(h)1	\$3,000
02/04/15	006	1st Quarter 2015	Daily Maximum	Copper	56	14	ug/L	2	300%	Serious	(h)1	\$3,000
02/04/15	006	1st Quarter 2015	Daily Maximum	Copper	0.0004	0.00018	lb/day	2	122%	Serious	(h)1	\$3,000
02/04/15	006	1st Quarter 2015	Daily Maximum	Total Suspended Solids	167	75	mg/L	1	123%	Serious	(h)1	\$3,000
02/04/15	006	1st Quarter 2015	Daily Maximum	Settleable Solids	6.5	0.3	ml/L	1	2067%	Serious	(h)1	\$3,000
02/11/15	006	1st Quarter 2015	Daily Maximum	Copper	22	14	ug/L	2	57%	Serious	(h)1	\$3,000
02/11/15	006	1st Quarter 2015	Daily Maximum	Settleable Solids	1.3	0.3	ml/L	1	333%	Serious	(h)1	\$3,000
02/19/15	006	1st Quarter 2015	Daily Maximum	Copper	52	14	ug/L	2	271%	Serious	(h)1	\$3,000
02/19/15	006	1st Quarter 2015	Daily Maximum	Copper	0.000321	0.00018	lb/day	2	78%	Serious	(h)1	\$3,000
02/26/15	006	1st Quarter 2015	Daily Maximum	Copper	274	14	ug/L	2	1857%	Serious	(h)1	\$3,000
02/28/15	006	1st Quarter 2015	Average Monthly	Copper	101	9.33	ug/L	2	983%	Serious	(h)1	\$3,000
02/28/15	006	1st Quarter 2015	Average Monthly	Copper	0.000473	0.00012	lb/day	2	294%	Serious	(h)1	\$3,000
02/28/15	006	1st Quarter 2015	Average Monthly	Lead	9.25	3.2	ug/L	2	189%	Serious	(h)1	\$3,000
02/28/15	006	1st Quarter 2015	Average Monthly	Total Suspended Solids	75	50	mg/L	1	50%	Serious	(h)1	\$3,000
02/28/15	006	1st Quarter 2015	Average Monthly	Turbidity	11.8	5	NTU	OEV	136%	Chronic	(i)1	\$3,000
02/28/15	006	1st Quarter 2015	Average Monthly	Settleable Solids	2.1	0.1	ml/L	1	2000%	Serious	(h)1	\$3,000
03/05/15	006	1st Quarter 2015	Daily Maximum	Copper	28	14	ug/L	2	100%	Serious	(h)1	\$3,000
03/12/15	006	1st Quarter 2015	Daily Maximum	Copper	22	14	ug/L	2	57%	Serious	(h)1	\$3,000
03/19/15	006	1st Quarter 2015	Daily Maximum	Copper	118	14	ug/L	2	743%	Serious	(h)1	\$3,000
03/25/15	006	1st Quarter 2015	Daily Maximum	Copper	18	14	ug/L	2	29%	Serious	(h)1	\$3,000
03/31/15	006	1st Quarter 2015	Average Monthly	Copper	46.5	9.33	ug/L	2	398%	Serious	(h)1	\$3,000
03/31/15	006	1st Quarter 2015	Average Monthly	Copper	0.000236	0.00012	lb/day	2	97%	Serious	(h)1	\$3,000
											<b>Total</b>	<b>\$120,000</b>

Settlement Offer No. R4-2015-0109  
CI No. 6112, NPDES Permit No. CA0055824

**ACCEPTANCE OF CONDITIONAL RESOLUTION  
AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER**

City of Los Angeles Department of Water and Power  
Settlement Offer No. R4-2015-0109  
NPDES Permit No. CA0055824

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Los Angeles Regional Water Quality Control Board (Regional Board), the City of Los Angeles, Department of Water and Power (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Board to dispute the allegations of violations described in the Notice of Violation (NOV), which is attached hereto as Exhibit "1" and incorporated herein by reference.

The Permittee agrees that the NOV shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Regional Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Permittee agrees to pay the penalties required by California Water Code section 13385, in the sum of \$120,000 (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV. The Permittee understands that this Acceptance and Waiver waives its right to contest the allegations in the NOV and the amount of civil liability for such violations.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NOV.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

Andrew Choi, Enforcement Unit  
Expedited Payment Program  
Los Angeles Regional Water Quality Control Board  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, California 90013

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Board to publish notice of and provide at least thirty (30) days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Regional Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that causes the Regional Board Executive Officer to question the Expedited Payment Amount, the Regional Board Executive Officer will execute the Acceptance and Waiver.

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Board to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee further understands that once the Acceptance and Waiver is executed by the Regional Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13385(n)(1) and California Water Code section 13385.1(c)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to sections 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the \$120,000 liability shall be paid by a cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account". The payment must be submitted to the State Water Resources Control Board no later than thirty (30) calendar days after the date the Acceptance and Waiver is executed by the Regional Board Executive Officer.

Please mail check to:

State Water Resources Control Board  
ATTN: ACL PAYMENT  
Division of Administrative Services, Accounting Branch  
1001 I Street, 18<sup>th</sup> Floor, [95814]  
P.O. Box 1888  
Sacramento, California 95812-1888

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

City of Los Angeles, Department of Water and Power

By:  8/24/2015  
(Signed Name) (Date)  
Kenneth A. Silver Director - Power Supply Operations  
(Printed or typed name) (Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13385

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Samuel Unger, P.E.  
Executive Officer