

Heal the Bay

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August 21, 2015

Mr. Samuel Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013  
Via email: Samuel.Unger@waterboards.ca.gov, cris.morris@waterboards.ca.gov,  
steven.webb@waterboards.ca.gov

**Re: Comments on the Tentative Resolution for City of Los Angeles Temporary 6-Week Bypass of Disinfected Secondary Treated Wastewater to the 1-mile outfall from the Hyperion Treatment Plant (Resolution No. R15-XXX)**

Dear Mr. Unger:

On behalf of Heal the Bay, we submit the following comments on the Tentative Resolution for City of Los Angeles Temporary 6-Week Bypass of Disinfected Secondary Treated Wastewater to the 1-mile outfall from the Hyperion Treatment Plant (Resolution No. R15-XXX) (“Tentative Resolution” or “Resolution”). We appreciate the opportunity to provide these comments.

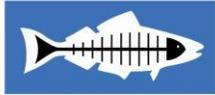
Heal the Bay understands the City of Los Angeles’ need to conduct maintenance on the 5-mile outfall (D002). We appreciate their outreach efforts to explain the project and willingness to answer questions associated with it. We also acknowledge the thoroughness of their proposed monitoring program to determine the impacts from the 1-mile (D001) outfall to the marine, benthic, and shoreline habitats.

However, we do have some serious concerns about the Resolution as proposed, which are outlined below.

**CORMIX Dilution Model Calibration and Validation**

The Regional Board staff uses the CORMIX modeling results to determine the initial mixing zone, dilution ratio, and subsequent interim standards for ammonia, chronic toxicity, and chlorine residual. The Resolution states that Regional Board staff “...reviewed the CORMIX modeling results... and determined that the initial dilution zone for this situation occurs when the plume covers a 200 meter radius.” The Resolution goes on to state that “the CORMIX model calculates an initial dilution ratio of 27:1 at the edge of the mixing zone...[and] ...staff used the 27:1 dilution ratio to calculate daily average and 6-month median interim limits.” (Tentative Resolution page 3, point 8)

All models require up-to-date data for their calibrations and validations to be effective. Heal



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the Bay's concerns with the "*Hyperion Treatment Plant 1-mile Outfall Dilution Study 250 MGD Evaluation*" report are the lack of discussion on uncertainties with environmental variables, the lack of non-ambient condition evaluations, and ongoing use of model predictions during the diversion. Does the 200 meter radius account for 100%, 90%, 75%, or 50% of the expected conditions during the diversion? How will this be confirmed, especially when much of the monitoring data (receiving water and environmental) is not collected daily? In addition, there is a consensus that the Los Angeles region will experience a "super El Niño" this year, yet the model does not provide any insight on the potential implications on water quality compliance and beneficial uses resultant of this abnormal weather event. It is likely that during storm events, important environmental and receiving water monitoring data will not be able to be collected or available. Without real-time model results or data, the public will be ill-informed on the dynamics of this diversion event during non-standard conditions. Finally, there is no explanation of why the model cannot be run during the diversion using near real-time receiving water and environmental data. This exercise would allow stakeholders to compare expected results with observed results, and determine the veracity of the model, particularly for those interim limits for certain constituents. We urge the Regional Board to work with the City of Los Angeles seek a way for the model to be run at regular intervals over the course of the project.

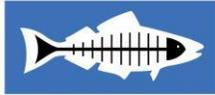
#### **Daily and Compliance Monitoring Requirements**

The Resolution states that the discharger will "decrease microbial levels to below state water quality standards and minimize any adverse effect of the most sensitive chronic toxicity testing organism...email the Los Angeles County Department of Public Health on a daily basis" (Resolution pg. 4-5, point d and g). Yet, the monitoring frequency described in the City's *Environmental Monitoring Plan* is three to five days. Heal the Bay recommends that the shoreline monitoring for Total Chlorine Residual (TCR) and fecal indicator bacteria (FIB) take place daily throughout the duration of the project.

As for compliance monitoring in receiving waters, Heal the Bay believes that for highly toxic constituents like TCR and ammonia, multiple compliance points should be required. We disagree with the City and RWQCB staff's designation of only A2 as the compliance point and the absence of an ammonia compliance point. At a minimum, receiving water compliance for FIB, TCR, and ammonia should be at A2, A2+50mN, A2+50mS, A2+50mW, and A2+50mE. Ideally, daily monitoring for these constituents would ensure the maximum protection to public health and marine resources. Absent daily monitoring, Heal the Bay recommends a minimum of four-days a week, with three weekdays and one weekend day of monitoring.

#### **Lack of Public Notification Program**

While the Resolution states that "the City shall make every effort to inform the public and interested parties of the 2015 EPP project and the possible consequences related to the 1-mile diversion" (Resolution pg.5, point f), there was no identified detailed public notification plan put forth. Using the Southern California Coastal Ocean Observing System (SCCOOS) is **not** sufficient to inform the general public, as it is not a well-known site, and is not written or



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designed in a way that makes it easy for the public to understand the information. Heal the Bay recommends that the City establish a web page specifically devoted to this event. The web page would contain: FAQs about the project, daily/weekly project progress reports, a table of the beaches potentially impacted by this project, most recent shoreline FIB data for those beaches, and daily probabilities for impacted beaches—based on model or real-time environmental data. In addition, lifeguard towers within the likely impacted area of shoreline should post notifications for the public about the project, with links to the web page for more information. The Los Angeles County Lifeguards and local media should be regularly briefed on the project and its progress. Finally, the City should use social media continuously throughout the project to inform the public about the current status of work, where to find the most recent monitoring data, and contact information.

### **Contingency Plans**

The Tentative Resolution mentions the need for the City of Los Angeles to implement a series of mitigation measures so that no impacts to beneficial uses to the receiving waters are caused by the discharges. In response, the City detailed an extensive monitoring plan in its June 2015 report to assess human health, benthic community impacts, water quality, HABs, etc. One component missing from the Monitoring Plan and the Tentative Resolution is a contingency plan for the diversion event, the area impacted, and beneficial uses that may be compromised if problems arise during the project. What happens if a significant red tide emerges in proximity to the discharge within the first two weeks of the diversion? What if FIB counts are elevated at the shoreline for an extended period of time? The only contingency discussed is for excessive rainfall. For all other issues, there are no known plans in place to abate or mitigate it. We urge the Regional Board to require the City to provide a contingency plan for the potential unintended water quality or biological impacts that may occur during the project, and that the plan be publically available.

In conclusion, we understand the City's need to divert to the 1-mile outfall (D001) so that maintenance may occur on the 5-mile outfall (D002). However, we feel that the Tentative Resolution should be strengthened to ensure that: marine resources and human health are protected, sufficient data is collected to understand the diversion discharge, and the public is informed of this event and its potential impacts. If you have any questions or would like to discuss any of these comments, please feel free to contact us at (310) 451-1500. Thank you for your consideration of these comments.

Sincerely,

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/S/

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