

**DATE: APRIL 21, 2022**

**FROM: ENVIRONMENTAL MANAGEMENT**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF ADMINISTRATIVE CIVIL LIABILITY ORDER FOR THE NEW DOCK PUMP STATION BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD**

**SUMMARY:**

Staff requests approval of a Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order between the City of Los Angeles Harbor Department (Harbor Department) and the Los Angeles Regional Water Quality Control Board (LARWQCB), to resolve \$279,000 in past fines associated with water quality violations at the New Dock Pump Station (Pump Station), between October 2017 and August 2021. The Settlement Agreement is the result of negotiations between the Harbor Department and the LARWQCB, where \$60,000 out of \$279,000 in fines that are due would be paid to the LARWQCB. The remaining \$219,000 would go toward three LARWQCB-approved Supplemental Environmental Projects (SEPs), for environmental outreach and educational programs designed to improve watershed protection awareness in the Los Angeles River watershed. The Harbor Department is responsible for all costs associated with the Settlement Agreement totaling \$279,000.

**RECOMMENDATION:**

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is generally and administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 1 and Article II Section 2(f) of the Los Angeles City CEQA Guidelines;
2. Approve the Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Order No. R4-2022-0003) between the City of Los Angeles Harbor Department and the Los Angeles Regional Water Quality Control Board; and
3. Adopt Resolution No. \_\_\_\_\_.

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**SUBJECT: NEW DOCK PUMP STATION SETTLEMENT**

**DISCUSSION:**

Background and Context – The Pump Station was constructed during the Harbor Department’s grade separation project in 1996 to prevent flooding of the underpass area at Pier S Avenue and New Dock Street. The Pump Station is located on Port of Long Beach property, on Terminal Island (Transmittal 1); however, the Harbor Department maintains the Pump Station and the associated stormdrains and is the sole Discharger on the National Pollutant Discharge Elimination System (NPDES) permit issued by the LARWQCB for discharging a combination of stormwater and groundwater into the Cerritos Channel. The NPDES permit was renewed in 2001, 2006, 2013, and 2019 and with each renewal, the permit requirements and discharge limitations became more complex and stringent. The NPDES permit is typically five years, but the renewal may take longer due to LARWQCB’s processing time to incorporate new/updated standards, guidelines, and policies. The current NPDES permit requires monthly, quarterly, semi-annual, and annual compliance sampling of various constituents at sampling locations. In addition to the regular compliance sampling, the NPDES permit also includes specific requirements for toxicity testing, as well as sediment, fish tissue, and water column sampling at locations in both the ports of Los Angeles and Long Beach.

Upon renewal of the current NPDES permit (2019), the discharge limitations for most metals, as well as bacteria, were lowered. Based on historical data, water discharging from the Pump Station would not meet the new NPDES permit limitations. Therefore, in addition to the rigorous best management practices (BMPs), the Environmental Management Division (EMD) conducted a series of tests and purchased a three-part water treatment system to significantly reduce solids and dissolved metals and bacteria in the water prior to discharge, in an effort to reduce the amount of contaminants from entering the Pump Station. Water discharges from the Pump Station were greatly improved, but still found to exceed the NPDES criteria, especially after rainstorms. Other potential attributors to the exceedance include an old underground force main that carries the treated water to discharge and overflow from rainstorms carrying large quantities of suspended solids that have bypassed the treatment system. Multiple and continuous efforts have been implemented to lower the contaminant concentrations in the discharge water. With support from the Construction and Maintenance (C&M) and Engineering Divisions, multiple repairs have been made to stormdrain leaks, cleanup of stormdrain inlets, lines and the pump station basin, installation of two weir walls, and the installation and maintenance of BMPs and the three-part treatment system. The costs add up to approximately \$1,667,682 from EMD, C&M, and Engineering Divisions. EMD is currently working with the Engineering Division to identify possible structural modifications that may be implemented to completely eliminate discharge, or limit the discharge to only stormwater, into the Cerritos Channel.

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EMD negotiated with the LARWQCB to establish the Settlement Agreement that would allow the SEPs to move forward, in which a portion of the monetary fine will be set aside and utilized in environmental programs to improve water quality in the L.A. River, which drains into the Port of Los Angeles. After discussing several potential projects with the LARWQCB, three SEPs were finalized and approved by the LARWQCB as described in the Settlement Agreement for the amount of \$219,000 plus \$60,000 in direct payment to the LARWQCB (Transmittal 2). Each of the three SEP programs will be overseen by a non-profit organization, Rose Foundation for Communities and the Environment (Rose Foundation).

The first SEP (\$100,000) will fund the Watershed Outreach and Education Project by Los Angeles Waterkeeper. This program will support the engagement of 100+ volunteers in the cleanup and collection of ecological health assessment data for the L.A. River, with a subsequent data analysis over a 24-month period. The program aims to educate communities about the impact of human consumption on the river's ecological growth. The 2022-2023 program focuses on frontline river-adjacent communities that are experiencing disproportionate impacts from the degraded state of these waterways.

The second SEP (\$69,000) will fund the Environmental Justice Educational Program by the Del Amo Action Committee. This SEP aims to increase awareness on how individuals and communities directly impact stormwater runoff. Multiple workshops, a community rain garden, and infiltration projects will be created for the community.

The third SEP (\$50,000) will fund the Trash Academy Season 3: Plastic and the L.A. River: Sources and Solutions by the 5 Gyres Institute. The Trash Academy is a virtual education program developed to be correlated to the Science, Technology, Engineering, and Mathematics (STEM)/Next Generation Science Standards (NGSS) that can be utilized by school districts and families. The program aims to provide science-based and engaging lessons about local urban watershed, contamination pathways, and community-based solutions, to reduce ecological threats from local water bodies to marine ecosystems.

Since 2000, the Harbor Department has paid \$561,000 in fines and a SEP.

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is the approval of a Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order between the Harbor department and the LARWQCB to resolve past fines through payment directly to LARWQCB and towards three SEPs, which is an administrative activity where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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Therefore, the Director of Environmental Management has determined that the proposed action is generally and administratively exempt from the requirements of CEQA in accordance with Article II Section 1 and Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

**FINANCIAL IMPACT:**

The Settlement Agreement requires the Harbor Department to issue a payment of \$60,000 to the LARWQCB and \$219,000 to the Rose Foundation for their oversight costs of the SEP implementation.

The Harbor Department is solely responsible for complying with the Settlement Agreement requirements totaling \$279,000, which will be paid out of Account 59990 (Miscellaneous Other Expenses), Center 0330 (Environmental Management), Program 000 (Base) in FY 2021/2022.

**CITY ATTORNEY:**

The Office of the City Attorney has approved the proposed Settlement Agreement as to form and legality.

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**TRANSMITTALS:**

1. Pump Station Location and Surrounding Area Map
2. Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order No. R4-2022-0003

FIS Approval: 915  
CA Approval: 50



CHRISTOPHER CANNON  
Director of Environmental Management

*Michael DiBernardo*

MICHAEL DiBERNARDO  
Deputy Executive Director

APPROVED:



for EUGENE D. SEROKA  
Executive Director

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