

BEFORE THE HEARING BOARD OF THE
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

IN MATTER OF THE PETITION OF

**LOS ANGELES CITY SANITATION BUREAU,
HYPERION WATER RECLAMATION PLANT**

for a variance under Section
42359.5 et seq. of the
California Health and Safety
Code

Case No. **1212-40**
Facility ID No. 800214

EX PARTE MINUTE ORDER

I. **Good Cause:**

L.A. CITY SANITATION BUREAU (HTP) is requesting a variance pertaining to the use of the primary clarifiers, specifically the D battery, at the Hyperion Water Reclamation Plant (HWRP).

As of 9/8/2022, HWRP has been under an Order for Abatement 1212-40. AQMD's Condition 37 lays out a schedule for the replacement of the tank cover on the primary clarifiers. Condition 37.c states: "Due to this condition, the maximum primary D tanks, as an emergency measure, in order to prevent a catastrophic flooding event at HWRP, or in the streets upstream from HWRP.

Starting on 2/4/2024, Southern California experienced a record-breaking "Act of Nature," storm, an "atmospheric river." HWRP received instantaneous flows up to 900 MGD. In order to relieve the hydraulic pressure on their upstream system, HWRP was forced to open the primary D tanks as an **unanticipated emergency measure, in order to prevent a catastrophic flooding event at HWRP or in the streets upstream from HWRP. Currently, there are no methods to contain or divert the flow of wastewater to HWRP.**

They anticipate similar weather events will be occurring during this upcoming Winter and possibly early Spring season. The National Oceanic and Atmospheric Administration (NOAA) has predicted another atmospheric river to be coming through the Los Angeles basin beginning 2/17/24. Given the already saturated conditions, it is likely that a higher percentage of the precipitation will be directed to HWRP. As a result, HWRP will experience exceptionally high flows again. In addition, they are currently in an El Nino season, which is predicted to be stronger than normal. They are anticipating many more of these storms.

https://www.cpc.ncep.noaa.gov/products/analysis_monitoring/enso_advisory/ensodisc.shtml. Therefore, they are seeking approval to open the gates to battery D when the instantaneous flow reaches 500 MGD and to keep them open until the flow consistently falls below this threshold.

II. Rules/Conditions:

Modify Condition No. 37 of the Stipulated Order for Abatement issued by the Board on September 8, 2022 (modified and/or extended on 12/15/22, 1/25/23, 6/20/23 & 1/24/24) and continuing through August 30, 2024.

Condition 37: By no later than December 31, 2023, Respondent shall complete refurbishment of all covers and seals on the Primary Clarifier Batteries online and in service and Respondent shall take any remaining Primary Clarifier Battery(ies) offline and out of service.

III. Equipment & Location:

Primary Sedimentation Tank, Battery "D" – Application/Permit No. 595821/G48629, located at **12000 Vista de Mar, Playa del Rey, CA 90293.**

IV. Period of Variance:

Commencing February 22, 2024 and continuing for 30 days, until March 22, 2024.

V. Conditions:

1. This variance shall apply only to Primary Clarifier Battery D, under A/N 595821, Permit G48629.
2. Petitioner shall not open the gates to allow flow into Primary Clarifier Battery D unless the instantaneous flow entering the treatment plant reaches 500 million gallons per day (MGD).
3. Petitioner shall within one (1) hour of the date and time the gates open to allow flow into Primary Clarifier Battery D, notify South Coast Air Quality Management District (South Coast AQMD) by telephone at 1-800-CUT-SMOG, which shall be followed within four (4) hours of the date and time the gates open to allow flow into Primary Clarifier Battery D with written notification to South Coast AQMD (Attn: Nicole Idiart, NIdiart@aqmd.gov, Vander Ferrer-Le, Vferrerle@aqmd.gov, and Michal Haynes, Mhaynes@aqmd.gov), of the date and time the gates open to allow flow into Primary Clarifier Battery D.
4. Petitioner shall minimize the volume of liquid/materials in Primary Clarifier Battery D to the maximum extent possible and shall close the gates to Primary Clarifier Battery D when the instantaneous flow entering the treatment plant remains below 500 MGD during a period of two (2) consecutive hours.
5. Petitioner shall within one (1) hour of the date and time Primary Clarifier Battery D gates are closed as required by Condition 4, notify South Coast AQMD by telephone at 1-800-CUT-SMOG, which shall be followed within four (4) hours of the date and time Primary Clarifier Battery D gates are closed as required by Condition 4 with written notification to South Coast AQMD (Attn: Nicole Idiart, NIdiart@aqmd.gov,

Vander Ferrer-Le, Vferrerle@aqmd.gov, and Michal Haynes, Mhaynes@aqmd.gov), of the date and time Primary Clarifier Battery D gates are closed as required by Condition 4.

6. Petitioner shall notify South Coast AQMD within one (1) hour of any raw sewage (sewage which has not undergone the primary treatment process in the primary treatment equipment described in A/N 595821, Permit G48629) bypassing primary treatment and/or otherwise entering secondary treatment processing equipment.
7. Petitioner shall maintain continuous records of flowmeter readings for the plant-wide flowrate of wastewater into the primary treatment system.
8. When there are liquids/materials in Primary Clarifier Battery D, Petitioner shall:
 - a. Utilize the centralized primary chemical scrubbers [A/Ns 431055, Permit G22329] at the maximum operational capacity feasible and allowed by Permit G22329, and
 - b. Shall make full use to the maximum capacity feasible of any back-up chemical scrubbers venting the Primary Clarifier Batteries.
9. Petitioner shall measure and record the concentration of H₂S at the exhaust stacks of centralized primary chemical scrubbers [A/Ns 431055, Permit G22329] as soon as feasible but no later than four (4) hours of opening the Primary Clarifier Battery D gates and at least once per operator shift, but not less than at least twice each calendar day.
10. Petitioner shall utilize to the maximum extent possible temporary/portable/various locations permitted air pollution control/odor control device(s) for additional odor control capacity venting Primary Clarifier Battery D during the variance period. Whenever such equipment is brought or operated on site, the Petitioner shall:
 - a. Within one (1) hour, notify South Coast AQMD by telephone at 1-800-CUT-SMOG and in writing (Attn: Nicole Idiart, NIdiart@aqmd.gov, Vander Ferrer-Le, Vferrerle@aqmd.gov, and Michal Haynes, Mhaynes@aqmd.gov) of the date and time that the equipment is brought to the facility and include a copy of the various locations permit(s) in the correspondence.
 - b. Maintain a daily log including the permit number, application number, equipment location, start and end time of equipment operation (as applicable).
 - c. Notify South Coast AQMD within twenty-four (24) hours of the date and time that the equipment is removed from the facility in writing (Attn: Nicole Idiart, NIdiart@aqmd.gov, Vander Ferrer-Le, Vferrerle@aqmd.gov, and Michal Haynes, Mhaynes@aqmd.gov) of the date and time that the equipment is removed from the facility.
11. Once flow to Primary Clarifier Battery D has occurred, Petitioner shall install and operate at least one additional continuous Acrollog H₂S monitoring system located between Primary Clarifier Battery D and residential receptors and within 10 feet of Primary Clarifier Battery D or as close thereto as feasible such that its location is accessible and does not cause unsafe working conditions for Petitioner's or South Coast AQMD personnel:

- a. Until the additional Acrulog H₂S monitoring system(s) are installed and operated, H₂S measurements shall be recorded every 100 feet along the perimeter of Primary Clarifier Battery D, at a distance no greater than ten (10) feet from the outer edge of Primary Clarifier Battery D or as close thereto as feasible such that the monitoring location does not cause unsafe working condition for Petition's personnel. These measurements shall be conducted, with results recorded for the full perimeter of Primary Clarifier Battery D, at least twice each calendar day, such that the measurements are conducted between 10 hours and 14 hours since the last measurement.
- i. A daily log recording the type of H₂S monitor (make and model #), monitoring dates, times, measurements and a map depicting the locations of the measurements in relation to the facility and Primary Clarifier Battery D shall be maintained and provided to South Coast AQMD upon request.
 - ii. The H₂S monitor specifications for each H₂S monitor used for monitoring under these conditions shall be retained and provided to South Coast AQMD personnel upon request.
12. Petitioner shall maintain the Primary Clarifier Battery D's existing covers and/or temporary covers in place and in proper working order on Primary Clarifier Battery D and shall inspect the covers every shift, and no less than twice each calendar day. Any tank covers not found intact shall be corrected immediately at the time of each inspection or when weather and ground conditions at the facility are safe (i.e., not where fallen debris prevents correction, during heavy rain, flooding, etc.) and do not present a higher than normal chance of injury or fall hazard, or otherwise violate safety guidelines. Cover corrective actions shall be conducted and completed no later than 48 hours after storm conditions have ceased.
13. Petitioner shall maintain records of cover inspections performed pursuant to Variance Condition 11. The records shall contain, but not be limited to: (1) date and time; (2) person performing the inspection; (3) a narrative description of any cover issues discovered and corrected; (4) an assessment of the description and strength of any odor detected using the scale below:
- | Odor Scale: | |
|-------------|---|
| Rating | Description of Odor Intensity |
| 0 | No odor detected |
| 1 | Very light odor detected |
| 2 | Light odor detected, distinguishable |
| 3 | Moderate odor, very distinguishable |
| 4 | Strong odor, very distinguishable, irritable |
| 5 | Very strong odor, very distinguishable, overpowering, intolerable |
14. Petitioner shall provide a report detailing the plan, procedures, and estimated timeline for removing any liquid or solid remnants from Primary Clarifier Battery D. The estimated timeline shall specify the date by which Primary Clarifier Battery D will have the liquids or remnants removed and include any estimated increments of progress needed to achieve the liquid/remnant removal. This report shall be

provided to South Coast AQMD (Attn: Nicole Idiart, NIdiart@aqmd.gov, Vander Ferrer-Le, Vferrerle@aqmd.gov, and Michal Haynes, Mhaynes@aqmd.gov) within 72 hours of the granting of this variance.

15. Petitioner shall include deviation reporting associated with exceedances of any excess emissions in accordance with the requirements of their Title V permit.
16. Petitioner shall maintain all records required to comply with these conditions for the duration of this Variance and shall make them available for inspection by South Coast AQMD upon request.
17. Excess emissions of H₂S from the release of gas from the headspace at Primary Clarifier Battery D, overflow of liquids (if applicable) at Primary Clarifier Battery D, and controlled gas associated with Primary Clarifier Battery D released from the exhaust of the primary chemical scrubbers or any additional back-up control equipment shall be calculated in a manner approved by South Coast AQMD staff. All necessary supporting information to determine an appropriate calculation method shall be provided to South Coast AQMD staff [Attn: Nicole Idiart, NIdiart@aqmd.gov, Vander Ferrer-Le, Vferrerle@aqmd.gov, and Michal Haynes, Mhaynes@aqmd.gov] within seven (7) days of the granting of this variance.
18. The granting of relief pursuant to this variance shall not exempt Petitioner from complying with all other applicable South Coast AQMD Rules and Regulations, including those for nuisance per Rule 402.
19. Petitioner shall pay all applicable fees to the Clerk of the Board, or the variance shall be invalidated pursuant to Rule 303 (k), except for excess emissions fees (as calculated according to Table JI of South Coast AQMD Rule 303), which shall be paid within fifteen (15) days of notification in writing that the fees are due, unless otherwise ordered by the Hearing Board.
20. Petitioner shall notify the South Coast AQMD (Attention: Nick Dwyer, NDwyer@aqmd.gov) and the Clerk of the Board, clerkofboard@aqmd.gov, in writing when final compliance has been achieved.
21. This variance shall terminate upon notification by Petitioner to the South Coast AQMD that operation of all equipment for which a variance is granted has been fully restored.

VI. **EXCESS EMISSIONS**: To be determined

DATED: February 22, 2024

For the Board:


Cynthia Verdugo-Peralta, Chair

Prepared by Rosalinda Diaz

PROOF OF SERVICE BY E-MAIL

Case No. 1212-40

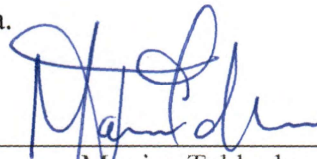
I, the undersigned, declare that I am employed in the **County of Los Angeles, State of California**. I am over the age of eighteen years and am not a party to the within action. My business address is **21865 Copley Drive, Diamond Bar, California 91765**.

CALIFORNIA AIR RESOURCES BOARD variance@arb.ca.gov	AIR ENFORCEMENT OFFICE aeo_r9@epa.gov and US ENVIRONMENTAL PROTECTION AGENCY REGION IX ATTN: ROSHNI BRAHMBHATT brahmbhatt.roshni@epa.gov
ADENA M. HOPESTAND, ESQ. OFFICE OF THE CITY ATTORNEY adena.hopenstand@lacity.org	TIMEYIN DAFETA timeyin.dafeta@lacity.org
SHAHROUZEH SANEIE shahrouzeh.saneie@lacity.org	

BY E-MAIL - By transmitting a true pdf copy of the **Ex Parte Minute Order** before the **Hearing Board** by e-mail transmission from mabbada@aqmd.gov to each of the interested party at the e-mail addresses set forth above. Said transmission(s) were completed on the aforesaid date at the time stated on declarant's email transmission record.

I declare under penalty of perjury under the laws of the **State of California** that the foregoing is true and correct.

Executed on **March 1, 2024** at Diamond Bar, California.



Monica Tabbada
Office Assistant
Clerk of the Boards