



Los Angeles Regional Water Quality Control Board

September 4, 2020

Ted Semaan
Public Works Director
City of Redondo Beach
415 Diamond Street
Redondo Beach, CA 90277

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7019 2280 0000 3772 8460

RESPONSE TO REQUEST FOR ALLEGED VIOLATION REVIEW FOR SETTLEMENT OFFER NO. R4-2018-0012 – CITY OF REDONDO BEACH, SEASIDE LAGOON, 200 PORTOFINO WAY, REDONDO BEACH, CALIFORNIA (ORDER NOS. R4-2010-0185 AND R4-2017-0178, NPDES PERMIT NO. CA0064297, CI NO 8034)

Dear Ted Semaan:

Thank you for the July 27, 2018 response sent on your behalf regarding Settlement Offer to Participate in Expedited Payment Program No. R4-2018-0012 (Order), which assessed mandatory minimum penalties (MMPs) for effluent limit violations.

Issue 1:

The City of Redondo Beach (Permittee or City) is contesting total residual chlorine limits set forth in Order No. R4-2010-0185 (2010 NPDES Permit) and Order No. R4-2017-0178 (2017 NPDES Permit). Although all violations stemmed from the 2010 NPDES Permit, the Permittee believes that the limits in both permits have been set equal to water quality objectives inapplicable to Seaside Lagoon. The Permittee did not contest the total residual chlorine limits for either the 2010 or 2017 NPDES Permits because the effluent limits had been carried over from prior iterations of the NPDES Permit. The City had prioritized its comments on new effluent limits that presented more immediate and likely compliance problems.

Response to Issue 1:

The Regional Board provides the Permittee a comment period to contest any of the components of each new permit iteration. For both the 2010 and 2017 NPDES Permits, the Regional Board reviewed the revised waste discharge requirements, considered all factors in each case, and adopted the proposed 2010 and 2017 NPDES Permits on October 7, 2010 and September 2017, respectively. Consequently, once the permit is adopted, changes can only be made if it is reopened in accordance with section VI.C of the 2010 and 2017 NPDES Permits. Therefore, as described in the Regional Board's

IRMA MUÑOZ, CHAIR | RENEE PURDY, EXECUTIVE OFFICER

March 4, 2020 letter, the effluent limitations for total residual chlorine are final and applicable to your discharge.

Issue 2:

The Permittee believes the permit limits for total residual chlorine are too low based on other discharge permits to similar water bodies.

Response to Issue 2:

Order No. 99-057 Section 7 states “Test results, submitted by the City, have indicated that the residual chlorine concentration at the overflow structures is practically non-detectable. However, to ensure meeting the residual chlorine requirements prescribed in this Order, the lagoon is equipped with a dechlorination system, consisting of a chemical tank and a metering pump.” The Permittee did not contest the limits for residual chlorine and the limits were carried over to each new permit iteration. Regional Board staff reviewed the limits contained within the permit and concluded in its March 4, 2020 letter that the limits set for total residual chlorine are final and applicable to your discharge.

Issue 3:

Although the Permittee does not believe the Ocean Plan applies to Seaside Lagoon, if it did, the 2010 NPDES Permit erroneously fails to allow for dilution.

Response to Issue 3:

The 2010 NPDES Permit states “Since many of the streams in the Region have minimal upstream flows, mixing zones and dilution credits are usually not appropriate. Therefore, in this tentative Order, no dilution credit is being allowed. However, in accordance with the reopener provision in section VI.C.1.e in the tentative Order, this Order may be reopened upon the submission by the Discharger of adequate information to establish appropriate dilution credits or a mixing zone, as determined by the Regional Water Board.” As such, the Permittee was responsible for requesting and submitting adequate information to justify the need of a dilution credit for the Facility’s discharge. However, records indicated that the Permittee had not submitted any such information to substantiate the need of a dilution credit. Therefore, Regional Board staff disagree with your assertion that the “2010 NPDES Permit erroneously fails to allow for dilution.

Issue 4:

The Permittee feels the alleged violations are unsupported because they have an affirmative defense. “Factors beyond the reasonable control of the City are contributing to the alleged chlorine exceedances at Seaside Lagoon. Seaside Lagoon influent is chlorinated in order to kill potentially harmful organisms, including fecal coliform and enterococcus. Maintaining a sufficient chlorine residual level satisfies obligations established by the Los Angeles County Department of Public Health and the State Department of Public Health...A fine balance is continuously required to endure Seaside Lagoon’s recreational waters meet established water quality standards for public pools, while also ensuring that the waters meet water quality standards for discharging into King Harbor.”

Response to Issue 4:

The Regional Board understands the fine balance the Permittee is required to ensure recreational waters meet established water quality standards for public pools, while also ensuring that the waters meet water quality standards for discharging into King Harbor. However, the Permittee has failed to provide sufficient evidence to support the argument of affirmative defense, that factors beyond the reasonable control of the City, as alleged in your letter, including “(1) unpredictable bird activity in the vicinity of Seaside Lagoon; (2) attendance of the public at Seaside Lagoon; (3) sunlight; and (4) air temperature”, have contributed to high chlorine levels and effluent limit exceedances. The City has failed to meet its burden of proof required for the affirmative defense under California Water Code (CWC) section 13385(j)(1)(B). Therefore, the City remains liable to the MMPs associated with the residual chlorine violations cited in Order No. R4-2018-0012.

Issue 5:

The Permittee believes that it is inequitable to double penalize the City for alleged exceedances related to mass limits and concentration limits because mass limits are not universally issued for total residual chlorine, nor are they included in the Basin Plan.

Response to Issue 5:

The 2010 and 2017 NPDES Permits includes both concentration and mass based effluent limitations for total residual chlorine in accordance with 40 C.F.R. section 122.45(f)(1), which requires that all permit limitations, standards, or prohibitions be expressed in terms of mass units except for the following conditions: (1) for pH, temperature, radiation of other pollutants that cannot appropriately be expressed by mass limitations; (2) when applicable standards or limitations are expressed in terms of other units of measure; or (3) if in establishing technology-based permit limitations on a case-by-case basis, limitations based on mass are infeasible because the mass of pollutant cannot be related to a measure of production. Both the 2010 and 2017 NPDES Permits state that “mass-based effluent limitations ensure that proper treatment, and not dilution, is employed to comply with final effluent concentration limitations.” Therefore, the penalties for both concentration and mass-based limits are valid and remain.

Issue 6:

The Permittee maintains that the alleged violations are barred by the one-year statute of limitations for penalties under Code of Civil Procedure section 340(b), and that laches provides an equitable defense, preventing the Regional Board from imposing violations back to 2016.

Response to Issue 6:

There is no statute of limitations applicable to administrative proceedings to assess mandatory minimum penalties. See *City of Oakland v. Public Employees' Retirement System* (2002) 95 Cal.App.4th 29, 48; 3 Witkin, Cal. Procedure (2019 supp.) Actions, § 430(2). In addition, the doctrine of laches does not apply. Therefore, all violations imposed dating back to 2016 remain.

Issue 7:

The Permittee believes the doctrine of equitable estoppel precludes the Regional Board from assessing penalties for alleged violations. The City believes that certain business judgments were made “based in part of the Regional Board’s failure to raise the issue of potential MMPs in a timely fashion. The City reasonably relied on the Regional Board’s inaction to its detriment (that is, the City kept Seaside Lagoon open and incurred costs), and the Regional Board should now be estopped from obtaining MMPs for alleged violations (the) City could have avoided if the Regional Board acted in a timely manner.”

Response to Issue 7:

The Regional Board is required by CWC section 13385(h) to assess mandatory minimum penalties for each serious violation and by CWC section 13385(i) to assess mandatory minimum penalties for each violation that occur “four or more times in any period of six consecutive months”. The doctrine of equitable estoppel does not preclude the Regional Board from assessing mandatory minimum penalties for the alleged violations. Additionally, all effluent monitoring results required by the NPDES Permits issued by the Regional Board are self-reporting. It is the responsibility of the Permittee to know its effluent limits, compare them to effluent monitoring data, and report any non-compliance with permit requirements. Hence, prior to the issuance of Settlement Offer No. R4-2018-0012, the City knew they were in violation of its permit requirements as the violations occurred and were reported in the quarterly self-monitoring reports. Furthermore, the City should be aware of the consequences of these violations, as the Regional Board had previously issued Administrative Civil Liability (ACL) Order Nos. R4-2008-0058-M and R4-2015-0239 on September 15, 2010 and December 18, 2015, respectively, to the City to address and settle similar types of violations.

You are hereby notified that the 22 effluent violations cited on Exhibit “1” remain. Subsequently, Regional Board staff reviewed additional self-monitoring reports and identified 75 additional effluent violations, 73 of which are subject to mandatory minimum penalties. The updated list of violations and penalties are listed in attached Revised Exhibit “1” – Notice of Violation.

Since the City of Redondo Beach 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 **October 5, 2020**. By signing the Acceptance and Waiver, the City of Redondo Beach agrees to pay the penalty of \$285,000 as indicated on the Revised 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 any questions regarding this matter, please contact Kristie Kao at (213) 620-6368 or Ching-Yin To at (213) 620-6373.

Sincerely,

Hugh Marley
Assistant Executive Officer

Enclosures:

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

cc: (via email)
Catherine Hawe, Office of Enforcement, State Water Resources Control Board
Michael W. Webb, City Attorney, City of Redondo Beach
Mike Witzansky, Assistant City Manager, City of Redondo Beach
Geraldine Trivedi, Civil Engineer, City of Redondo Beach

REVISED EXHIBIT “1” – NOTICE OF VIOLATION
Effluent Limit Violations

Violation Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious / Chronic	Water Code Section 13385	Penalty
07/04/16	July 2016	Daily Maximum	Residual Chlorine	20	8	µg/L	2	150%	Serious	(h)1	\$3,000
07/04/16	July 2016	Daily Maximum	Residual Chlorine	0.38	0.15	lbs/day	2	153%	Serious	(h)1	\$3,000
07/12/16	July 2016	Daily Maximum	Residual Chlorine	50	8	µg/L	2	525%	Serious	(h)1	\$3,000
07/12/16	July 2016	Daily Maximum	Residual Chlorine	0.96	0.15	lbs/day	2	540%	Serious	(h)1	\$3,000
07/19/16	July 2016	Daily Maximum	Residual Chlorine	200	8	µg/L	2	2400%	Serious	(h)1	\$3,000
07/19/16	July 2016	Daily Maximum	Residual Chlorine	3.84	0.15	lbs/day	2	2460%	Serious	(h)1	\$3,000
07/31/16	July 2016	Monthly Average	Residual Chlorine	35	2	µg/L	2	1650%	Serious	(h)1	\$3,000
07/31/16	July 2016	Monthly Average	Residual Chlorine	0.67	0.038	lbs/day	2	1663%	Serious	(h)1	\$3,000
08/02/16	August 2016	Daily Maximum	Residual Chlorine	50	8	µg/L	2	525%	Serious	(h)1	\$3,000
08/02/16	August 2016	Daily Maximum	Residual Chlorine	0.96	0.15	lbs/day	2	540%	Serious	(h)1	\$3,000
08/15/16	August 2016	Daily Maximum	Residual Chlorine	20	8	µg/L	2	150%	Serious	(h)1	\$3,000
08/15/16	August 2016	Daily Maximum	Residual Chlorine	0.38	0.15	lbs/day	2	153%	Serious	(h)1	\$3,000

Violation Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious / Chronic	Water Code Section 13385	Penalty
08/30/16	August 2016	Daily Maximum	Residual Chlorine	20	8	µg/L	2	150%	Serious	(h)1	\$3,000
08/30/16	August 2016	Daily Maximum	Residual Chlorine	0.38	0.15	lbs/day	2	153%	Serious	(h)1	\$3,000
08/31/16	August 2016	Monthly Average	Residual Chlorine	30	2	µg/L	2	1400%	Serious	(h)1	\$3,000
08/31/16	August 2016	Monthly Average	Residual Chlorine	0.58	0.038	lbs/day	2	1426%	Serious	(h)1	\$3,000
07/03/17	July 2017	Daily Maximum	Residual Chlorine	20	8	µg/L	2	150%	Serious	(h)1	\$3,000
07/03/17	July 2017	Daily Maximum	Residual Chlorine	0.38	0.15	lbs/day	2	153%	Serious	(h)1	\$3,000
07/17/17	July 2017	Daily Maximum	Residual Chlorine	340	8	µg/L	2	4150%	Serious	(h)1	\$3,000
07/17/17	July 2017	Daily Maximum	Residual Chlorine	6.52	0.15	lbs/day	2	4247%	Serious	(h)1	\$3,000
07/31/17	July 2017	Monthly Average	Residual Chlorine	20	2	µg/L	2	900%	Serious	(h)1	\$3,000
07/31/17	July 2017	Monthly Average	Residual Chlorine	0.38	0.038	lbs/day	2	900%	Serious	(h)1	\$3,000
05/31/18	May 2018	Monthly Average	Turbidity	55	50	NTU	OEVI	10%	Chronic	(i)1	\$0
05/31/18	May 2018	Daily Maximum	Residual Chlorine	20	8	µg/L	2	150%	Serious	(h)1	\$3,000
05/31/18	May 2018	Monthly Average	TSS	73	50	mg/L	1	46%	Serious	(h)1	\$3,000
06/04/18	June 2018	Daily Maximum	Residual Chlorine	250	8	µg/L	2	3025%	Serious	(h)1	\$3,000

Violation Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious / Chronic	Water Code Section 13385	Penalty
06/04/18	June 2018	Daily Maximum	Residual Chlorine	2.67	0.2	lbs/day	2	1235%	Serious	(h)1	\$3,000
06/07/18	June 2018	Daily Maximum	Residual Chlorine	330	8	µg/L	2	4025%	Serious	(h)1	\$3,000
06/07/18	June 2018	Daily Maximum	Residual Chlorine	3.52	0.2	lbs/day	2	1660%	Serious	(h)1	\$3,000
06/18/18	June 2018	Inst. Min	pH	6.39	6.5	s.u.	OEV	2%	Chronic	(i)1	\$3,000
06/25/18	June 2018	Daily Maximum	Residual Chlorine	20	8	µg/L	2	150%	Serious	(h)1	\$3,000
06/26/18	June 2018	Daily Maximum	Enterococcus	173	104	MPN/100mL	OEV	66%	Chronic	(i)1	\$3,000
06/28/18	June 2018	Daily Maximum	Enterococcus	816	104	MPN/100mL	OEV	685%	Chronic	(i)1	\$3,000
07/02/18	July 2018	Inst. Min	pH	5.5	6.5	s.u.	OEV	15%	Chronic	(i)1	\$3,000
07/02/18	July 2018	Daily Maximum	Oil and Grease	19.7	15	mg/L	1	31%	Chronic	(i)1	\$3,000
07/02/18	July 2018	Daily Maximum	Fecal Coliform	479	400	MPN/100mL	OEV	20%	Chronic	(i)1	\$3,000
07/09/18	July 2018	Daily Maximum	Oil and Grease	26.2	15	mg/L	1	75%	Serious	(h)1	\$3,000
07/09/18	July 2018	Daily Maximum	Fecal Coliform	583	400	MPN/100mL	OEV	46%	Chronic	(i)1	\$3,000
07/09/18	July 2018	Daily Maximum	Enterococcus	231	104	MPN/100mL	OEV	122%	Chronic	(i)1	\$3,000
07/10/18	July 2018	Daily Maximum	Enterococcus	441	104	MPN/100mL	OEV	324%	Chronic	(i)1	\$3,000

Violation Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious / Chronic	Water Code Section 13385	Penalty
07/11/18	July 2018	Daily Maximum	Residual Chlorine	20	8	µg/L	2	150%	Serious	(h)1	\$3,000
07/11/18	July 2018	Daily Maximum	Total Coliform	15,531	10,000	MPN/100mL	OEV	55%	Chronic	(i)1	\$3,000
07/11/18	July 2018	Daily Maximum	Enterococcus	2,247	104	MPN/100mL	OEV	2061%	Chronic	(i)1	\$3,000
07/16/18	July 2018	Inst. Max	pH	9.8	8.5	s.u.	OEV	15%	Chronic	(i)1	\$3,000
07/16/18	July 2018	Daily Maximum	Residual Chlorine	20	8	µg/L	2	150%	Serious	(h)1	\$3,000
07/18/18	July 2018	Daily Maximum	Residual Chlorine	30	8	µg/L	2	275%	Serious	(h)1	\$3,000
07/18/18	July 2018	Daily Maximum	Residual Chlorine	0.32	0.2	lbs/day	2	60%	Serious	(h)1	\$3,000
07/18/18	July 2018	Daily Maximum	Enterococcus	538	104	MPN/100mL	OEV	417%	Chronic	(i)1	\$3,000
07/19/18	July 2018	Daily Maximum	Enterococcus	156	104	MPN/100mL	OEV	50%	Chronic	(i)1	\$3,000
07/25/18	July 2018	Daily Maximum	Residual Chlorine	30	8	µg/L	2	275%	Serious	(h)1	\$3,000
07/25/18	July 2018	Daily Maximum	Residual Chlorine	0.32	0.2	lbs/day	2	60%	Serious	(h)1	\$3,000
07/30/18	July 2018	Inst. Max	pH	8.74	8.5	s.u.	OEV	3%	Chronic	(i)1	\$3,000
07/30/18	July 2018	Daily Maximum	Oil and Grease	19.3	15	mg/L	1	29%	Chronic	(i)1	\$3,000
07/31/18	July 2018	Monthly Average	Oil and Grease	19.3	10	mg/L	1	93%	Serious	(h)1	\$3,000

Violation Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious / Chronic	Water Code Section 13385	Penalty
07/31/18	July 2018	Monthly Average***	Enterococcus	37.7	35	MPN/100mL	OEV	8%	Chronic	(i)1	\$3,000
08/07/18	August 2018	Daily Maximum	TSS	81	75	mg/L	1	8%	Chronic	(i)1	\$3,000
08/07/18	August 2018	Daily Maximum	Oil and Grease	43.5	15	mg/L	1	190%	Serious	(h)1	\$3,000
08/07/18	August 2018	Daily Maximum	Oil and Grease	464	384	lbs/day	1	21%	Chronic	(i)1	\$3,000
08/08/18	August 2018	Daily Maximum	Residual Chlorine	20	8	µg/L	2	150%	Serious	(h)1	\$3,000
08/08/18	August 2018	Daily Maximum	Enterococcus	932	104	MPN/100mL	OEV	796%	Chronic	(i)1	\$3,000
08/15/18	August 2018	Daily Maximum	Oil and Grease	27.5	15	mg/L	1	83%	Serious	(h)1	\$3,000
08/15/18	August 2018	Daily Maximum	Enterococcus	110	104	MPN/100mL	OEV	6%	Chronic	(i)1	\$3,000
08/20/18	August 2018	Daily Maximum	Oil and Grease	20.5	15	mg/L	1	37%	Chronic	(i)1	\$3,000
08/22/18	August 2018	Daily Maximum	Enterococcus	359	104	MPN/100mL	OEV	245%	Chronic	(i)1	\$3,000
08/27/18	August 2018	Daily Maximum	Oil and Grease	24.8	15	mg/L	1	65%	Serious	(h)1	\$3,000
08/31/18	August 2018	Monthly Average	TSS	60	50	mg/L	1	20%	Chronic	(i)1	\$3,000
08/31/18	August 2018	Monthly Average	Oil and Grease	22.7	10	mg/L	1	127%	Serious	(h)1	\$3,000
09/03/18	September 2018	Inst. Min	pH	6.2	6.5	s.u.	OEV	5%	Chronic	(i)1	\$3,000

Violation Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious / Chronic	Water Code Section 13385	Penalty
09/03/18	September 2018	Daily Maximum	Oil and Grease	72.1	15	mg/L	1	381%	Serious	(h)1	\$3,000
09/03/18	September 2018	Daily Maximum	Oil and Grease	769.7	384	lbs/day	1	100%	Serious	(h)1	\$3,000
09/03/18	September 2018	Daily Maximum	Fecal Coliform	2,909	400	MPN/100mL	OEV	627%	Chronic	(i)1	\$3,000
09/03/18	September 2018	Daily Maximum	Enterococcus	2,909	104	MPN/100mL	OEV	2697%	Chronic	(i)1	\$3,000
09/30/18	September 2018	Monthly Average	TSS	54	50	mg/L	1	8%	Chronic	(i)1	\$3,000
09/30/18	September 2018	Monthly Average	Oil and Grease	72.1	10	mg/L	1	621%	Serious	(h)1	\$3,000
09/30/18	September 2018	Monthly Average	Oil and Grease	769.7	256	lbs/day	1	201%	Serious	(h)1	\$3,000
09/30/18	September 2018	Monthly Average***	Enterococcus	37.2	35	MPN/100mL	OEV	6%	Chronic	(i)1	\$3,000
06/10/19	June 2019	Daily Maximum	Oil and Grease	26.9	15	mg/L	1	79%	Serious	(h)1	\$3,000
06/11/19	June 2019	Daily Maximum	Total Coliform	12,033	10,000	MPN/100mL	OEV	20%	Chronic	(i)1	\$0
07/08/19	July 2019	Daily Maximum	Oil and Grease	53.7	15	mg/L	1	258%	Serious	(h)1	\$3,000
07/19/19	July 2019	Daily Maximum	Enterococcus	550	104	MPN/100mL	OEV	429%	Chronic	(i)1	\$3,000
07/23/19	July 2019	Daily Maximum	Fecal Coliform	960	400	MPN/100mL	OEV	140%	Chronic	(i)1	\$3,000
07/24/19	July 2019	Daily Maximum	Mercury	4.31	0.1	µg/L	2	4210%	Serious	(h)1	\$3,000

Violation Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious / Chronic	Water Code Section 13385	Penalty
07/24/19	July 2019	Daily Maximum	Mercury	0.046	0.0025	lbs/day	2	1740%	Serious	(h)1	\$3,000
07/31/19	July 2019	Monthly Average	Mercury	4.31	0.051	µg/L	2	8351%	Serious	(h)1	\$3,000
07/31/19	July 2019	Monthly Average	Mercury	0.046	0.0013	lbs/day	2	3438%	Serious	(h)1	\$3,000
08/05/19	August 2019	Inst. Max	pH	8.7	8.5	s.u.	OEV	2%	Chronic	(i)1	\$3,000
08/05/19	August 2019	Daily Maximum	Oil and Grease	20.7	15	mg/L	1	38%	Chronic	(i)1	\$3,000
08/05/19	August 2019	Daily Maximum	Mercury	0.238	0.1	µg/L	2	138%	Serious	(h)1	\$3,000
08/06/19	August 2019	Daily Maximum	Total Coliform	24,196	10,000	MPN/100mL	OEV	142%	Chronic	(i)1	\$3,000
08/06/19	August 2019	Daily Maximum	Fecal Coliform	24,196	400	MPN/100mL	OEV	5949%	Chronic	(i)1	\$3,000
08/06/19	August 2019	Daily Maximum	Enterococcus	24,196	104	MPN/100mL	OEV	23165%	Chronic	(i)1	\$3,000
08/12/19	August 2019	Daily Maximum	Enterococcus	110	104	MPN/100mL	OEV	6%	Chronic	(i)1	\$3,000
08/22/19	August 2019	Daily Maximum	Oil and Grease	21.4	15	mg/L	1	43%	Serious	(h)1	\$3,000
08/26/19	August 2019	Daily Maximum	Oil and Grease	21.7	15	mg/L	1	45%	Serious	(h)1	\$3,000
08/31/19	August 2019	Monthly Average	Oil and Grease	19.675	10	mg/L	1	97%	Serious	(h)1	\$3,000
08/31/19	August 2019	Monthly Average	Mercury	0.238	0.051	µg/L	2	367%	Serious	(h)1	\$3,000

Violation Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious / Chronic	Water Code Section 13385	Penalty
08/31/19	August 2019	Monthly Average	Mercury	0.0025	0.0013	lbs/day	2	92%	Serious	(h)1	\$3,000

Total: \$285,000

*Mass based effluent limit violations from July 2016 - July 2017 were calculated by using an average daily flow of 2.3 MGD

**Mass based effluent limit violations from May 2018 - August 2019 were calculated by using an average daily flow of 1.28 MGD.

***Monthly average violations for Enterococcus were calculated using a geometric mean of all samples taken during the month.

Settlement Offer No. R4-2018-0012
CI No. 8034, NPDES Permit No. CA0064297

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

City of Redondo Beach
Settlement Offer No. R4-2018-0012
NPDES Permit No. CA0064297

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 Redondo Beach (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 Revised 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 \$285,000 (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to California 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:

Kristie Kao, Enforcement I Unit
Expedited Payment Program
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

The Permittee understands that federal regulations set forth by 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, the 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.

Settlement Offer No. R4-2018-0012
CI No. 8034, NPDES Permit No. CA0064297

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 sections 13385(n)(1) and 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 \$285,000 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 the check to:

State Water Resources Control Board
ATTN: ACL PAYMENT
Division of Administrative Services, Accounting Branch
1001 I Street, 18th 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 Redondo Beach

By: _____	_____
(Signed Name)	(Date)
_____	_____
(Printed or Typed Name)	(Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13385

By: _____	_____
Renee Purdy	(Date)
Executive Officer	