



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

SEP 30 2002

Docket No. CWA-402-9-02-62
Certified Mail No. 7001-2510-0003-5944-1022
Return Receipt Requested

Kenneth Frank
City Manager
City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651

Dear Mr. Frank:

In January 2002, the U.S. Environmental Protection Agency, Region 9 (EPA) completed a compliance evaluation inspection of your sanitary sewer collection system. A report on this inspection, including findings and recommendations, was provided to John Pietig, Assistant City Manager.

Based on the findings from the evaluation and a review of the City's sewage spill reports, I am issuing the enclosed Finding of Violation and Order for Compliance that requires Laguna Beach to take remedial measures to reduce the number of sewage spills from its collection system. The Order sets forth a series of actions to be conducted and plans that must be prepared and implemented with required time lines

EPA is aware that the City of Laguna Beach has adopted a Sewer System Strategic Plan and has recently taken a number of constructive steps to control sewage spills including adoption of a grease control program and measures to secure funding for a long term sewer improvement program. The enclosed Order takes into account the City's Strategic Plan, requiring implementation of a number of elements from the Plan. The Strategic Plan and other recent efforts that you are making to address sewage spills are very positive.

Please contact Ken Greenberg of my staff at (415) 972-3577 to discuss this matter further.

Sincerely,

Catherine Kuhlman

AS Alexis Strauss
Director
Water Division

enclosures

cc: John Pietig, Assistant City Manager, City of Laguna Beach
John Robertus, RWQCB, San Diego Region

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

IN THE MATTER OF:) Docket No. CWA-402-9-02-62
)
THE CITY OF LAGUNA BEACH) **FINDINGS OF VIOLATION**
) **AND**
Proceeding under Sections 308(a) and 309(a)) **ORDER FOR COMPLIANCE**
of the Clean Water Act)
)
)
)
)

STATUTORY AUTHORITY

The following Findings are made and Order issued under authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") under sections 308(a) and 309(a) of the Clean Water Act, as amended ("CWA"), 33 U.S.C. §§ 1318(a), 1319(a). This authority has been delegated to the Regional Administrator of EPA, Region 9, and re-delegated by the Regional Administrator to the Director, Water Division ("Director"). Notice of this action has been given to the State of California Regional Water Quality Control Board, San Diego Region (Regional Board).

FINDINGS OF VIOLATION

On the basis of the following facts, the Director of the Water Division of EPA, Region 9, finds that the City of Laguna Beach is in violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a):

1. Under section 301(a) of the CWA, 33 U.S.C. § 1311(a), it is unlawful for any person to discharge any pollutant from a point source into "navigable waters" except in compliance with a permit issued under the CWA. Under section 402 of the CWA, EPA or the State of California, Regional Water Quality Control Board issues National Pollutant Discharge Elimination System permits ("NPDES permits") for the discharge of pollutants into navigable waters located within the State of California.
2. Pollutants include sanitary sewage. 33 U.S.C. § 1362(6). A point source is any confined and discrete conveyance, including a pipe or other conduit. 33 U.S.C. § 1362(14).

Navigable waters are defined as "waters of the United States," which include all waters used in interstate commerce, including tidal waters and all their tributaries. 33 U.S.C. § 1362(7); 40 C.F.R. §§ 122.3, 230.3(s).

3. The City of Laguna Beach ("Laguna Beach" or "the City") is a political subdivision of the State of California and as such is a person under section 502(5) of the CWA. 33 U.S.C. § 1362(5).
4. Laguna Beach operates a separate sanitary sewage collection system that collects sanitary sewage in the portion of the City of Laguna Beach north of Nye's Place and conveys this sewage for treatment at the South Orange County Wastewater Authority (SOCWA) Coastal Treatment Plant. The Laguna Beach collection system includes approximately 95 miles of separate sanitary sewage pipes and 26 pump stations (this system hereinafter is collectively referred to as "the sewage collection system" or "the collection system").
5. On December 14, 1995 the Regional Board reissued NPDES Permit CA0107611 to the Aliso Water Management Agency (AWMA) and reissued NPDES Permit CA0107611 on February 21, 2001. NPDES Permit CA0107611 authorizes discharge of treated wastewater to the Pacific Ocean through the AWMA Ocean Outfall. (AWMA has since been renamed the South Orange County Wastewater Authority or SOCWA.) According to Finding 4 of reissued NPDES Permit CA0107611, the City of Laguna Beach is an Agency Member of AWMA (now SOCWA). According to Finding 9 of reissued NPDES Permit CA0107611, the City of Laguna Beach and other Member Agencies, convey wastewater to the AWMA (now SOCWA) Coastal Treatment Plant for treatment. Prohibition A.1. of NPDES Permit CA0107611 states that discharges of waste in a manner or to a location which have not been specifically authorized by the permit are prohibited.
6. The City of Laguna Beach is subject to California Regional Water Quality Control Board (RWQCB) Waste Discharge Requirements Order No. 96-04 which covers collection systems and prohibits all spills.
7. On August 30, 2000, the California Regional Water Quality Control Board, San Diego Region issued Order No. 2000-158, Administrative Assessment of Civil Liability Against the City of Laguna Beach penalizing the City \$60,000 for 8 sewage spills between January 1, 1999 and June 30, 2000.
8. In a letter dated December 10, 2001, the City provided EPA with a table entitled "City Responsible Sewer Spills, July 1, 1996 - November 30, 2001" listing sewage spills from sewer pipes and pump stations owned and operated by the City. In a letter dated March 22, 2002, the City provided EPA with a table entitled "Summary Sewer Spill Report, January 1, 1997 through December 31, 2001." The table indicated, for each spill, whether the spill originated from City owned and operated sewer pipes and pump stations or from private laterals. Quarterly spill reports submitted by the City of Laguna Beach to the Regional Board pursuant to Regional Board Order No. 96-04 provide documentation

of sewage spills from the Laguna Beach collection system between January 1, 2002 and June 30, 2002.

9. During the period July 1, 1997 through June 30, 2002, Laguna Beach reported 64 sewage spills from portions of the sewage collection system owned and operated by the City of Laguna Beach. The City reported 16 spills in calendar year 2000; 16 spills in calendar year 2001; and 6 spills between January 1 and June 30, 2002.
10. Between July 1, 1997 and June 30, 2002, the City reported that 20 of the 64 sewage spills from its collection system were to waters of the U.S. A list of sewage spills to waters of the U.S. by the City of Laguna Beach is included as Attachment 1 and made a part of this Finding of Violation. Each of the 20 sewage spills listed in Attachment 1 was a discharge of pollutants from a point source to waters of the United States.
11. EPA and its contractor, SAIC, conducted an evaluation of the City's sewage collection system during November 2001 and January 2002. The evaluation is documented in the Report titled NPDES Compliance Evaluation Report: City of Laguna Beach Wastewater Collection System, dated September 2002. This report includes recommendations intended to improve collection system maintenance and reduce spills. A copy of the report was provided to the City of Laguna Beach.
12. EPA finds that sewage spills from the Laguna Beach collection system are caused by blockage of sewer lines, usually caused by roots, debris and grease build-ups; sewer pipe breaks; construction accidents; and various other causes. Root blockages is the leading cause of spills, responsible for more than 50% of the spills from the collection system. The old age and deteriorated condition of many sewer pipes is a contributing factor to many spills from the collection system.
13. In March 2002, the City Council adopted a plan for reducing sewage spills and improving the performance of its collection system that is summarized in the "City of Laguna Beach Sewer System Strategic Plan," dated March 2002. The Strategic Plan describes the City's plans to clean and maintain the sewer pipes; control root blockages; develop a maintenance management system; repair, rehabilitate, and replace sewer pipes and pump stations; and control grease discharges to the collection system. The Strategic Plan includes an \$18.9 million plan to repair, rehabilitate, replace and upgrade sewer pipes and pump stations over the next ten years. In May 2002, the City completed 45 high priority sewer pipe repairs at a cost of \$250,000. To fund planned sewer improvements, in June 2002, the City Council approved two 10% increases to sewer fees, the first of which became effective in July 2002 with the second scheduled for July 2003. In August 2002, EPA awarded the City a \$873,000 grant for repair of old sewer pipes. In August 2002, the City Council adopted a grease control ordinance requiring installation of grease interceptors at new restaurants, banning restaurant food grinders, and mandating kitchen best management practices.
14. The City has an ongoing sewer cleaning program in which pipes less than 15 years old

are cleaned biannually, most pipes more than 15 years old are cleaned annually, and more frequent cleaning of pipes prone to blockage (the "hot spot" cleaning program).

15. I therefore find that the City of Laguna Beach, on 20 occasions, as set forth in Paragraph 10 above, discharged pollutants from a point source to waters of the United States without authorization of an NPDES permit and thus is in violation of section 301(a) of the CWA.

Considering the foregoing Findings and the potential environmental and human health effects of the violations, EPA has determined that compliance in accordance with the following requirements is reasonable. Pursuant to the authority of sections 308(a) and 309(a) of the CWA, it is hereby ORDERED:

ORDER

The City of Laguna Beach shall implement a Sewage Spill Reduction Action Plan (SSRAP) that includes the following components for reducing and eliminating sewage spills from the Laguna Beach wastewater collection system. Each component plan of the SSRAP required in paragraphs I. to IV. of this Order is subject to review and approval by EPA as specified in paragraph V. of this Order. The City shall continue to implement its current program for controlling sewage spills, and it shall take steps immediately to begin implementing improvements to its current program that are consistent with the requirements below. A timetable for submittal of plans and reports required by this Order is included as Attachment 2 to this Finding of Violation and Order.

I. IMMEDIATE REDUCTION OF COLLECTION SYSTEM SPILLS

- A. Full compliance with the CWA requires that there be no discharge of wastewater from the collection system to waters of the U.S. To ensure continuous improvement in spill reduction performance, as an interim standard, the City of Laguna Beach shall, each year, consistently and substantially reduce the frequency and volume of sanitary sewage spills to waters of the U.S.
- B. Compliance with the reduction in spills specified by the preceding paragraph shall not, however, constitute full compliance with the CWA. Only elimination of all overflows and spills to waters of the United States shall constitute full compliance.
- C. If, during any year, the City fails to meet the interim standard in Paragraph I.A, the annual report required pursuant to Paragraph VII shall describe actions the City plans to undertake in order to further eliminate spills and comply with the interim standard in Paragraph I.A. and set forth numeric spill reduction goals for three subsequent years.

II. SPILL RESPONSE

- A. Sanitary Sewer Overflow Response Plan:** By March 1, 2003, the City of Laguna Beach shall submit to EPA a revision to its Sanitary Sewer Overflow Response Plan. The plan shall be revised to include an emergency response and contingency plan for potential failure of Pump Stations 25 and 26 and the North Coast Interceptor including measures for containing spilled sewage, establishment of interim system operations, and timely repair and restoration of normal operations. The plan shall include a list of necessary spare parts and emergency equipment.
- B. Emergency Response Parts and Equipment:** By September 1, 2003, the City shall obtain all spare parts and equipment necessary for emergency response and contingency operations as set forth in the response and contingency plan for Pump Stations 25 and 26.

III. CONTROL OF NON-CAPACITY RELATED SPILLS

A. Sewer System Cleaning and Root Control Program:

1. By March 1, 2003, the City shall submit a plan to EPA describing enhancements to its Sewer System Cleaning and Root Control Program to address roots entering City sewers from private laterals and cleaning of easement sewer pipes. The program modifications must be sufficient to eliminate or reduce blockage related spills and shall include each of the following elements:
 - a. A plan for preventing blockage of City sewer pipes by roots originating in private laterals.
 - b. Written procedures for cleaning and repairing sewer pipes in easements including cleaning schedules, instructions for gaining access to sewer pipes in easements, and cleaning procedures.
 2. By September 1 of each year, the City shall submit an annual report to EPA documenting activities of the City's sewer cleaning and root control program during the previous year including miles of pipe cleaned as part of the routine and hot spot cleaning programs, and miles of pipe treated by each method used for controlling roots. The City shall include a description of the success of the sewer cleaning and root control program at preventing blockages and sewage overflows and any changes to be made in the program to further reduce spills.
- B. Maintenance Management System:** By September 1, 2003 the City shall obtain and implement a computerized sewer maintenance management system (MMS) capable of scheduling and tracking completion of sewer and pump station cleaning, maintenance and repairs. The MMS shall be linked to the City's Geographic Information System (GIS) map of the sewage collection system.

C. Sewer Pipe Inspection and Condition Assessment:

1. By March 1, 2003 the City shall submit a plan to EPA for periodic inspection and assessment of the condition of gravity sewers and maintenance holes in the City's collection system. The inspection and condition assessment program shall be sufficient to assess the condition of pipes following blockage related spills, identify pipes in need of emergency repair, and provide timely updates to the system-wide condition assessment completed in 2001 and 2002. The plan shall describe:
 - a. Inspection methods to be used, including direct visual inspection and CCTV inspection, and whether the City will purchase, lease, or contract for CCTV inspection equipment;
 - b. A inspection schedule including an estimation of how many maintenance holes and miles of pipe will be inspected each year for the next 5 years; and
 - c. a system for timely evaluation of inspection findings and documentation of the assessed condition.
2. By September 1 of each year, the City shall submit an annual report to EPA summarizing the findings of the sewer pipe condition assessments conducted during the previous year and the miles of sewer pipe and number of maintenance holes planned to be inspected during the current fiscal year. The report shall indicate the inspection methods used.

D. Sewer Repair, Rehabilitation and Replacement

1. The City shall submit to EPA by March 1, 2003, a Plan, including schedules and financial plan, for both short-term (repairs of acute defects to occur within one year of inspection and assessment completed) and long-term repair, rehabilitation and replacement of sewer pipes. The plan shall be sufficient to: 1) ensure timely repair of sewer pipes in imminent danger of failure or blockage; 2) ensure the long range sustainable replacement of obsolete assets; and 3) improve system performance and reduce spills caused by pipe defects. The plan shall include:
 - a. an estimation of how many sewer pipes annually will undergo emergency repair or replacement;
 - b. an estimation of how many miles of sewer pipe will be rehabilitated or replaced over the next 10 years and identification of the pipe reaches that will be rehabilitated or replaced in the next 5 years; and
 - c. a 10-year financial plan for short-term and long-term repair, rehabilitation,

and replacement of sewer pipes.

2. By September 1 of each year, the City shall submit an annual report to EPA documenting sewer repair, rehabilitation or replacement activities completed in the previous year; describing projects to be completed in the coming year; and providing an updated 10-year Capital Improvement Plan (CIP).

E. North Coast Interceptor:

1. The City shall hire a qualified engineer and, by September 1, 2003, complete a study of the condition of the North Coast Interceptor (NCI) and submit a report to EPA documenting the findings and recommendations of the engineer's evaluation. The engineer's evaluation shall consider options for ensuring the continuous conveyance of wastewater collected in the City of Laguna Beach to the SOCWA Coastal Treatment Plant including repairing or replacing the NCI or building a parallel redundant interceptor.
2. By February 1, 2004, the City shall submit to EPA a schedule and financial plan for completing a project sufficient to ensure the continuous conveyance of wastewater collected in the City of Laguna Beach to the SOCWA Coastal Treatment Plant.

F. Pump Station and Force Main Maintenance, Repair and Upgrades

1. Beginning immediately, the City shall conduct monthly on-load checks of each pump station standby generator. Each generator check shall be recorded in the pump station logbooks. By March 1, 2003 the City shall certify to EPA that the monthly generator checks are being conducted and that the tests are being properly recorded in the pump station logbooks.
2. By March 1, 2003 the City shall submit to EPA written procedures and schedules for pump station preventive maintenance and operational checks.
3. The City shall hire a qualified engineer and, by September 1, 2003, complete a study of the condition of each pump station and force main in the City's collection system and submit a report to EPA documenting the findings and recommendations of the engineer's evaluation. At a minimum the engineer's evaluation shall:
 - a. consider and address each recommendation in the Sewer Division's January 2002 Pump Station Assessment Report;
 - b. provide recommendations, if feasible, for extending the retention times at Pump Stations 25 and 26;

- c. provide recommendations for standby generators and alarm systems as needed; and
 - d. describe any other conditions that may affect the continuous operation of each pump station and force main.
4. By February 1, 2004, the City shall submit a plan, including a schedule and financial plan, for completing all repairs, renovations, and upgrades necessary to ensure continuous operation of each pump station and force main.
 5. By September 1 of each year, the City shall submit an annual report to EPA documenting the activities carried out under the Pump Station and Force Main Repair, Renovation and Upgrade Plan during the previous year.

G. Fats, Oils & Grease (FOG) Blockage Control Plan

1. By September 1, 2003, the City shall submit a report documenting the effectiveness of the City's FOG source control program (see Finding 13) at eliminating grease blockages caused by discharges from restaurants. The report shall describe activities carried out during the previous year under the City's FOG source control program including:
 - a. a listing of grease blockage spills and identification, if possible, of the source causing the spill;
 - b. a summary of sewer cleaning activities aimed at sewer pipes prone to blockage by grease;
 - c. copies of the restaurant inspection and enforcement log for the year;
 - d. a description of grease control practices used by restaurants including best management practices and a list of restaurants that use grease traps or interceptors;
 - e. a description of the effectiveness of the City's FOG control program at eliminating grease blockages; and
 - f. a description of any program modifications needed to improve the effectiveness of the grease source control program.
2. If, within 60 days of receiving the City's grease control report required pursuant to paragraph III.G.1. of this Order, EPA determines that the program is not effective at controlling grease blockage spills, by February 1, 2004 the City shall submit a plan, including a schedule for implementation, to EPA describing modifications to the grease source control program needed to improve the

effectiveness of the program at eliminating grease blockage spills.

3. By September 1 of each year, the City shall submit an annual report to EPA documenting the activities carried out under the FOG Blockage Control Program during the previous year and including copies of the FSE inspection and enforcement log for that year.

IV. COLLECTION SYSTEM CAPACITY ASSURANCE

A. Capacity Assessment

1. Beginning in December 2002, the City shall assess wet weather flow levels and available capacity in the sewage collection system during the 2002/03 and 2003/04 rainy seasons. The assessment shall include:
 - a. examination of flow meter charts at pump stations;
 - b. visual observation of flow levels at critical maintenance holes during rain storms;
 - c. identification of inflow sources contributing excess flow to the sewage collection system; and
 - d. identification of any parts of the collection system that do not have sufficient capacity to convey sewage flows during wet weather.
2. In the annual report due September 1, 2003, the City shall report to EPA on the methods being used and preliminary findings of the wet weather flow capacity assessment required by paragraph IV. A.1. of this Order.

B. Capacity Assurance Plan:

1. By December 1, 2002, the City shall control all known significant sources of inflow to the sewage collection system that pose a risk of exceeding collection system capacity.
2. By September 1, 2004 the City shall report to EPA on the findings of the capacity assessment conducted pursuant to paragraph IV.A. and identify any parts of the collection system that do not have sufficient capacity to convey sewage flows during wet weather. The report shall describe the assessment methods used and the basis for the City's conclusions regarding existence or lack of capacity limitations. If the City concludes that the system has capacity limitations, the report shall include a plan for assuring adequate capacity by controlling sources of inflow and infiltration or providing sufficient conveyance capacity.

V. **PLAN REVIEW AND APPROVAL:** Where this Order requires the submittal of a plan to EPA, that plan shall be subject to EPA review, comment and approval. EPA will, as expeditiously as possible, review and approve or comment on the plan. EPA will complete its review within 60 days of receipt of a plan, or a revised plan, or it will, in writing, extend EPA's review for an additional 30 days. The City shall make any revisions requested by EPA in writing or respond to any EPA comments and submit a revised plan to EPA within 30 days of receipt of EPA's comments or requested revisions. If EPA does not respond by the end of the review period, the City shall implement the plan as submitted. Upon approval of the plans by EPA, the plans are incorporated by reference as an enforceable part of this Order. All annual reports required by this Order are also subject to EPA review and approval in accordance with this paragraph.

VI. **QUARTERLY SPILL REPORTS:** On the first day of February, May, August, and November in each year in which activities are conducted pursuant to this Order, the City shall submit a summary of all sewage spills occurring during the previous calendar quarter, along with primary factors contributing to the spills, if known. The reports shall indicate whether spills are to Waters of the U.S., and include spills to storm drains or other man-made conveyances to such waters.

VII. **ANNUAL PROGRESS REPORTS** Beginning in 2003, on September 1 of each year in which activities are conducted pursuant to this Order, Laguna Beach shall submit a written summary progress report detailing its implementation of the requirements of this Order during the preceding fiscal year (July 1 to June 30). The reports shall also evaluate the effectiveness of the spill reduction programs, and detail additional actions the City plans to take to further eliminate spills. The annual progress report shall also contain the wastewater collection system annual budget for the current year. Annual progress reports are subject to EPA review and approval in accordance with Paragraph V.

VIII. **INFORMATION SUBMITTAL**

A. All submittals made pursuant to this Order shall be mailed to the following addresses:

Ken Greenberg
U.S. Environmental Protection Agency
Clean Water Act Compliance Office (WTR-7)
Water Division
75 Hawthorne Street
San Francisco, CA 94105

John Robertus
Attn: POTW Compliance Unit
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

- B. Such submittals shall include the following certification signed by a duly authorized representative:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- C. The information requested herein must be provided notwithstanding its possible characterization as confidential business information or trade secrets. EPA has promulgated regulations to protect the confidentiality of the business information it receives. These regulations are set forth in part 2, subpart B of Title 40 of the Code of Federal Regulations. A claim of business confidentiality may be asserted in the manner specified by 40 C.F.R. section 2.203(b) for part or all of the information requested. EPA will disclose business information covered by such a claim only as authorized under 40 C.F.R. part 2, subpart B. If no such claim accompanies the business information at the time EPA receives it, EPA may make it available to the public without further notice.

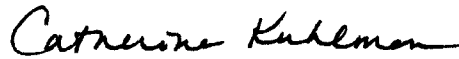
IX. GENERAL PROVISIONS

- A. This Order is not a permit under the Act, and does not relieve Laguna Beach of any obligations imposed by the Act or any other law, regulation or permit.
- B. All requirements to submit information to EPA set forth in this Order are not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because they are not "information collection requests" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). See also, 5 C.F.R. §§ 1320.3(c), 1320.4, and 1320.6(a). Furthermore, they are exempt from OMB review under the Paperwork Reduction Act because they are directed to fewer than ten persons and are an exempt investigation. 44 U.S.C. §§ 3502(4), (11), 3518(c)(1); 5 C.F.R. §§ 1320.4 and 1320.6(a).
- C. Issuance of an Order for Compliance shall not be deemed an election by EPA to forego any administrative, civil, or criminal action to seek penalties, fines, or other appropriate relief under the Act.
- D. Failure to respond, or any other violation of the terms of this Order could subject Laguna Beach to a civil action for appropriate relief pursuant to Section 309(b) of the Act [33 U.S.C. 1319(b)], and/or penalties under Section 309(d) of the Act [33 U.S.C. 1319(d)]. In addition, Section 309(c)(1) of the Act [33 U.S.C. 1319(c)(1)] provides

that negligent violations shall be punished by a fine of not less than \$2,500 per day or more than \$25,000 per day of violation, or imprisonment for not more than one year, or both. Section 309(c)(2) of the Act [33 U.S.C. 1319(c)(2)] provides that knowing violations shall be punished by a fine of not less than \$5,000 per day or more than \$50,000 per day of violation, or imprisonment for not more than three years, or both. Section 309(c)(4) of the Act [33 U.S.C. 1319(c)(4)] provides penalties for knowingly making false statements.

- E. If any event occurs that may cause a failure to timely carry out any requirement of this Order, the City shall notify EPA in writing within twenty-one (21) calendar days of the time the City becomes aware of the effect the event may have on compliance. The notice shall describe in detail the precise cause of the failure and measures taken to prevent or minimize the failure. The City shall implement reasonable measures to avoid or minimize any such failure. Failure of the City to timely notify shall render the provisions of this paragraph void and of no effect as to the particular incident involved unless notice is impossible due to catastrophic circumstances. For purposes of this Order, a Force Majeure is defined as any event arising from causes beyond the control of the City and which could not be overcome or prevented by due diligence, and which delays or prevents performance by a date required by this Order. If EPA agrees that the delay was caused by circumstances beyond the control of the City, EPA shall modify this Order to provide additional time for performance of the requirement and as applicable, any subsequent requirement.
- F. This Order remains in effect until terminated by the Director of the Water Division, EPA, Region 9. Such termination shall not occur before December 31, 2004, unless the Director determines otherwise. At any time after December 31, 2004, the City may petition the Director to terminate the order based on the City's progress toward reducing and eliminating sewage spills that are a violation of the CWA and certification by the City that they have completed each requirement of this Order and have in place programs and financial plans to assure the continued improvement of the collection system.

Dated this 30 day of Spt, 2002



Alexis Strauss

Director

 Water Division

U.S. Environmental Protection Agency, Region 9

ATTACHMENT 1: Finding of Violation and Order Docket No. CWA 402-9-02-62

CITY OF LAGUNA BEACH

Sewage Spills to Waters of the United States: July 1, 1997 to June 30, 2002¹

Date (mo./da./yr.)	Overflow Location (Laguna Beach address)	Total Overflow Volume (gallons) ²	Reached Surface Waters?
08/31/97	412 North Coast Highway	40,000	yes
12/08/97	505 Forest Avenue	20,000	yes
12/12/97	100 block South Coast Highway	250	yes
02/23-24/98	2556 Temple Hills Drive	200,000	yes
06/02/98	Cleo Street Beach	100	yes
12/24/98	300 block Ocean Avenue	100	yes
01/12/99	Shaws Cove	5,000	yes
03/02/99	1352 Circle Way	100	yes
10/19/99	723 Browncroft Road	4,000	yes
02/14/00	110 Anita Street	2,000	yes
02/29/00	657 Sleepy Hollow	12,000	yes
03/05/00	1914 Rimrock Canyon Drive	1,200	yes
04/10/00	1425 Hillcrest Drive	100	yes
05/14/00	240 Viejo Street	1,000	yes
11/24/00	2400 block South Coast Highway	5,000	yes
02/18/01	1900 Park Avenue	9,000	yes
03/09/01	100 Barranca Street	18,000	yes
04/23/01	1200 Laguna Canyon Road	10,500	yes
12/11/01	505 Forest Avenue	100	yes
12/17/01	900 block Temple Hills Drive	6,000	yes

¹ Sources: "City Responsible Sewer Spills, July 1, 1996 - November 30, 2001", December 10, 2001; "Summary Sewer Spill Report, January 1, 1997 through December 31, 2001", March 2002; 96-04 quarterly spill report for January 1, 2002 - March 31, 2002; and 96-04 quarterly spill report for April 1, 2002 - June 30, 2002.

² Laguna Beach reported that, for some spills, a portion of the spilled sewage was recovered.

ATTACHMENT 2: Finding of Violation and Order Docket No. CWA 402-9-02-62

City of Laguna Beach
Timetable of Order Requirements

Immediate

III.F.1. Pump Station generator checks

December 1, 2002

IV.A.1. Begin wet weather capacity assessment

IV.B.1. Control known significant sources of inflow

March 1, 2003

II.A. Revised Sanitary Sewer Overflow Response Plan*

III.A.1. Enhanced Sewer Cleaning and Root Control Plan*

III.C.1. Sewer Pipe Inspection and Condition Assessment Plan*

III.D.1. Sewer Repair, Rehabilitation and Replacement Plan*

III.F.1. Pump Station generator check certification

III.F.2. Pump Station maintenance procedures documentation

September 1, 2003

II.B. Obtain emergency response spare parts and equipment

III.B. Maintenance Management System

III.E.1. Engineer's report on condition of and options for North Coast Interceptor

III.F.3. Engineer's report on condition of and recommendations for pump stations and force mains

III.G.1. Fats, Oils and Grease Blockage Control Program report

February 1, 2004

III.E.2. North Coast Interceptor Repair/Replacement Plan*

III.F.4. Pump Station and Force Main Repair, Renovation and Upgrade Plan*

III.G.1. Fats, Oils and Grease Blockage Control Plan* (if required)

September 1, 2004

IV.B.2. Capacity Assessment Report and Capacity Assurance Plan*

Reports

February 1: Quarterly Spill Report for October - December

May 1: Quarterly Spill Report for January - March

August 1: Quarterly Spill Report for April - June

September 1: Annual Report for July to June

November 1: Quarterly Spill Report for July - September

* Plan subject to review and approval by EPA pursuant to paragraph V. of this Order.