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**Note to Media: Bureau of Sanitation Director**  
**Judith A. Wilson is available to speak to media**

## **CITY MOVES FORWARD ON BAYKEEPER/EPA LAWSUIT TO FOCUS ON IMPROVEMENTS TO SEWER SYSTEM**

**LOS ANGELES (April 22, 2003)** — The City of Los Angeles has reached an agreement with the plaintiffs in the Baykeeper lawsuit that wastewater spills from its collection system since the fall of 1993 constitute technical violations of federal and state law. If, as expected, the agreement is accepted by the Court, it will allow the Court to focus on the most important component of the litigation -- the improvements that the City has made to upgrade its sewer system.

A spokesperson for the Department of Public Works Bureau of Sanitation said the City has expended hundreds of millions of dollars to upgrade its sewer system and its maintenance programs. These upgrades will virtually eliminate wastewater spills during periods of wet weather, such as those that occurred during the El Niño rains of 1998, and will reduce significantly large spills that threaten our waters during dry weather.

City officials hope that this agreement and the improvements to its system will encourage Santa Monica Baykeeper and other parties to the suit to reach a settlement. However, if the City does go to Court, officials are confident that the Court will validate the high quality of the City's sewer system and maintenance programs.

“The record shows that the City has made a good faith effort to maintain and upgrade the City's sewer system to reduce spills,” said Bureau of Sanitation Director Judith A. Wilson. “The enhancements we have made will help us reach our stated goal of reducing spills by 25 percent by 2005.”

The lawsuit was filed against the City in 1998 following the El Niño rainy season, which resulted in the wettest February on record. The unique, intense and lengthy basin-wide storms combined with supersaturated soil conditions and excessively high groundwater tables caused the extraordinary wet weather overflows. The City's potential liability for these overflows was resolved in 1998, when it reached agreement with the Regional Water Quality Control Board on the terms of a settlement, which imposed upon the City, a schedule for the completion of approximately \$650 million in previously

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scheduled relief sewer improvements to mitigate the overflows. The City also paid a substantial penalty to resolve its potential legal liability for these spills.

“The vast majority of the spill volume cited in the current lawsuit is related to wet weather overflows,” said Wilson. “We have spent approximately \$650 million to mitigate this problem and have had only three incidents since 1998, all in areas that will be addressed by relief sewers currently under construction. The remaining issues relate to dry weather overflows and we have instituted a program to address that issue.”

City officials say dry weather overflows are caused mainly by fats, oils and grease (FOG) buildup and root intrusion, and the City has enhanced its sewer maintenance and upgrade programs to mitigate those problems. The multi-faceted, comprehensive approach includes spending \$2 billion on upgrading sewers, and implementing such innovative programs as:

- An extensive Fats, Oils and Grease (FOG) Control Program, implemented on October 15, 2001, aimed at reducing pollution from each of the 10,000 food-service establishments in the City and resulting in a 30 percent reduction in wastewater spills caused by FOG;
- A program in which an herbicide product, registered and approved by the EPA and the Department of Pesticide Regulation, is sprayed into sewer lines to retard the growth of tree roots that invade the lines in search of moisture;
- A program to expedite the cleaning of all of the City’s 6,700 miles of sewer lines to clear them of tree roots, fats, oils and grease, and other sources of blockages. The Bureau of Sanitation has increased and accelerated its system-wide sewer cleaning, along with focused and frequent cleaning of known sewer “hot spots” prone to grease blockages;
- An education program to inform the public about wastewater spill issues and to motivate the public to do their part to prevent spills.

Officials said the City’s overall performance exceeds the majority of the performance measures established by national benchmarks. “We’re pleased that the U.S. Environmental Protection Agency (EPA), using its own sponsored study and criteria, concluded that ‘the continuing success of [the City’s system] has been attributed to a preventive and proactive operation and maintenance program’,” Wilson said.

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The lawsuit was filed against the City by the Santa Monica Baykeeper in 1998. The EPA and the Regional Water Quality Control Board (RWQCB) joined the litigation in 2001.

Under the agreement filed today in U.S. District Court in Los Angeles, the City agreed that the spills constituted technical violations of the City's NPDES permit, the State Water Code or the Clean Water Act, depending upon the circumstances of each spill. Of the entire spill volume encompassed by the stipulation, 96% was subject to the prior settlement with the State, which included the construction of relief sewers that will prevent future spills in these areas. In addition, 72% of the spills at issue were fully contained and never reached a storm drain or water body, and were returned to the sewer system for treatment. While the agreement identifies these spills as technical violations of applicable law, these spills did not cause any beach closures nor have any reported adverse impact on the environment. It is also important to note that of these contained spills, 92% were less than 1,000 gallons, the minimum volume threshold established by the RWQCB for reporting purposes. The RWQCB does not require cities to report these small contained spills under its applicable guidelines.

The case now moves to the remedial phase where the City will demonstrate the quality of its overall program, its ongoing efforts to combat the causes of the spills and its commitment to reduce them by 25 percent by 2005. "We want to settle this case and move on to continue serving the residents of Los Angeles," Wilson said. "We are asking for recognition of the strength of our system, our efforts to improve it, and a fair and equitable settlement for the residents of Los Angeles, who ultimately pay the bills."

The City operates and maintains the largest wastewater collection system in the nation, serving more than four million people within a 550 square-mile service area. The City's collection system consists of more than 6,700 miles of sewers, 140,000 maintenance holes, and 46 sewage-pumping plants. In addition, the City's system outlets more than 600,000 private sewer connections totaling more than 11,000 miles.

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