

HOLMES, ATHEY, COWAN & MERMELSTEIN LLP

Andrew B. Holmes (SBN: 185401)

abholmes@holmesathey.com

Andrew S. Cowan (SBN: 165435)

acowan@holmesathey.com

811 Wilshire Boulevard, Suite 1460

Los Angeles, California 90017

Tel: (213) 985-2200

Fax: (213) 973-6282

NATIONAL ENVIRONMENTAL LAW CENTER

Lewis DeHope

ldehope@nelc.org

Pro hac vice motion to be filed

294 Washington Street, Suite 500

Boston, MA 02108

(617) 747-4317

David A. Nicholas, Esq.

dnicholas100@gmail.com

Pro hac vice motion to be filed

20 Whitney Road

Newton, MA 02460

(617) 964-1548

Attorneys for Plaintiff

ENVIRONMENT CALIFORNIA, INC.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ENVIRONMENT CALIFORNIA, INC.,

Plaintiff,

vs.

CITY OF LOS ANGELES; LOS
ANGELES HARBOR DEPARTMENT,
a/k/a/ THE PORT OF LOS ANGELES;
and LOS ANGELES BOARD OF
HARBOR COMMISSIONERS,

Defendants.

Case No. 2:24-cv-06154

COMPLAINT

INTRODUCTION

1
2 1. The Port of Los Angeles (“Port”) is illegally polluting the Los Angeles
3 Harbor and is violating the National Pollutant Discharge Elimination System (“NPDES”)
4 permit that governs wastewater discharges from the Port’s New Dock Street Pump
5 Station (“Pump Station”). The Port is violating its permit limits on discharges of
6 enterococci bacteria, fecal coliform bacteria, total coliform bacteria, copper, and
7 petroleum hydrocarbons. The Port is also violating the permit’s ban on bypassing
8 pollution control equipment, and the permit’s requirement to notify regulatory agencies of
9 pollution control bypass events. By violating the Port’s NPDES permit, the owners and
10 operators of the Port — the City of Los Angeles, the Los Angeles Harbor Department,
11 and the Los Angeles Board of Harbor Commissioners (collectively, “Defendants”) — are
12 violating the federal Clean Water Act (“CWA”).

13 2. The Pump Station discharges polluted water into the Cerritos Channel of the
14 Los Angeles/Long Beach Inner Harbor, which is part of the larger San Pedro Bay. The
15 Cerritos Channel and the broader Los Angeles Harbor are heavily used for public
16 recreation. People swim, fish, and boat in the Harbor, and picnic, barbecue, use
17 playgrounds, and engage in other activities along its shore. Over one million people,
18 including members of plaintiff Environment California, Inc., recreate in the Harbor every
19 year. The Harbor is polluted, and this diminishes the enjoyment that the public (including
20 members of Environment California) derives from the Bay. Defendants’ NPDES permit
21 violations contribute to this pollution.

22 3. Environment California, a non-profit environmental organization, brings this
23 enforcement suit on behalf of its members to prevent and redress Defendants’ ongoing
24 violations of the permit and the CWA. This suit is authorized under Section 505 of the
25 CWA, 33 U.S.C. § 1365, commonly known as the “citizen suit” provision. This is a
26 public interest lawsuit, not a suit for damages.
27
28

JURISDICTION, VENUE, AND NOTICE

4. This Court has subject matter jurisdiction over this action pursuant to 33 U.S.C. § 1365(a)(1) and 28 U.S.C. § 1331.

5. Venue lies in this District under 33 U.S.C. § 1365(a)(1) because the Pump Station is located within this District.

6. Pursuant to 28 U.S.C. § 2201(a), this Court may issue a declaratory judgment finding that the Defendants have violated their NPDES permit and the CWA, and determining the number of days of violations Defendants have committed.

7. On May 21, 2024, counsel for Environment California mailed a letter (the “Notice Letter,” a copy of which is attached as Exhibit 1 and is incorporated by reference herein) by certified mail, return receipt requested, to the following, each of whom received the Notice Letter (a copy of each return receipt is attached as part of Exhibit 2):

- a. The Executive Director of the Port, Eugene D. Seroka.
- b. The Acting Director of Environmental Management at the Port, Lisa Wunder.
- c. The Office of the City Clerk of the City of Los Angeles.
- d. The Mayor of the City of Los Angeles, Karen Bass.
- e. The President of the Los Angeles Board of Harbor Commissioners, Lucille Roybal-Allard.
- f. The Administrator of the Environmental Protection Agency (“EPA”), Michael S. Regan.
- g. The Regional Administrator of EPA Region 9, Martha Guzman.
- h. The Executive Director of the California State Water Resources Control Board, Eric Oppenheimer.
- i. The Executive Officer for the Los Angeles Regional Water Quality Control Board, Susana Arredondo.

8. The Notice Letter satisfies the CWA’s pre-suit notice requirements, as set forth in 33 U.S.C. § 1365(b)(1)(A) and 40 C.F.R. § 135.3.

1 9. Environment California will serve a copy of this Complaint on the U.S.
2 Attorney General and the Administrator of the EPA, pursuant to 33 U.S.C. § 1365(c)(3).

3 **PARTIES**

4 **Environment California**

5 10. Environment California, Inc., is a California non-profit corporation with
6 over 15,000 members throughout the state.

7 11. Environment California is a “person” within the meaning of 33 U.S.C. §
8 1362(5), which defines “person” under the CWA to include “corporation.”

9 12. Environment California advocates for clean air, clean water, clean energy,
10 wildlife and open spaces, and a livable climate. As part of this work, Environment
11 California advocates for the preservation and restoration of the coastal waters of
12 California.

13 13. Among other activities in pursuit of these goals, Environment California
14 researches and distributes analytical reports on environmental issues, advocates before
15 legislative and administrative bodies, conducts public education, and pursues public
16 interest litigation on behalf of its members.

17 14. Environment California has members who live, recreate, conduct research,
18 or spend time in or near San Pedro Bay, the Los Angeles Harbor, and the Cerritos
19 Channel in areas downstream of the Pump Station, or who would do so if those areas
20 were less polluted.

21 15. Environment California brings this suit on behalf of its members who are
22 adversely affected by Defendants’ violations.

23 **The Port of Los Angeles**

24 16. The Port (also known as the Los Angeles Harbor Department) is a
25 department of the City of Los Angeles and is governed by the Los Angeles Board of
26 Harbor Commissioners, a panel appointed by the Mayor of Los Angeles. The Port has
27 jurisdiction over the Los Angeles Harbor District, which includes property in San Pedro,
28 Wilmington, and Terminal Island, including the Pump Station on Terminal Island.

17. The CWA defines “person” to include “municipality,” 33 U.S.C. § 1362(5), and defines “municipality” as “a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes,” *id.* § 1362(4). The City of Los Angeles, the Los Angeles Harbor Department, and the Los Angeles Board of Harbor Commissioners are “municipalities,” and thus “persons,” within the meaning of the CWA.

18. The discharge of stormwater, groundwater, and specified pollutants (collectively, “wastewater”) from the Pump Station is governed by NPDES permit No. CA0064157 (“Permit”). The Port is the sole discharger listed on the Permit.

19. Defendants operate the Pump Station.

20. Defendants own the Pump Station.

21. The Port encompasses 7,500 acres of land and water along 43 miles of waterfront.

22. The Port has been the busiest container port in the Western Hemisphere each year since 2000.

23. The Port has 25 cargo terminals, 83 container cranes, 122 miles of rail, and 6 railyards.

24. In the current fiscal year, Fiscal Year 2024/2025, the Port has an approved budget of \$2.6 billion, with forecasted operating revenues of \$684.7 million, and forecasted operating expenses of \$403.7 million.

25. The Port is not supported by City of Los Angeles taxes. The Port generates its revenues from leasing and shipping service fees.

BACKGROUND ON THE CLEAN WATER ACT

A. The Clean Water Act Limits Pollution By “Point Sources”

26. The objective of the CWA “is to restore and maintain the chemical, physical, and biological integrity of the Nation’s water.” 33 U.S.C. § 1251(a).

1 27. Dischargers of wastewater from a “point source” must obtain and comply
2 with permits issued under the NPDES program, a federal program established in Section
3 402 of the CWA, 33 U.S.C. § 1342. In California, the NPDES program is administered
4 by the California State Water Resources Control Board (“State Board”) and nine
5 Regional Water Quality Control Boards, subject to the oversight of the EPA.

6 28. The CWA states that “point source” includes “any discernable, confined and
7 discrete conveyance, including, but not limited to, any pipe.” 33 U.S.C. § 1362.

8 29. An NPDES discharge permit contains limits on the discharge of allowable
9 pollutants and contains pollutant monitoring and reporting requirements. The discharge
10 of any pollutant in violation of an NPDES permit is prohibited by Section 301(a) of the
11 CWA, 33 U.S.C. § 1311(a), and is thus a violation of the CWA.

12 30. EPA regulations provide conditions that “apply to all NPDES permits.” 40
13 C.F.R. § 122.41. Among those conditions is a “[p]rohibition of bypass,” *id.* §
14 122.41(m)(4), and requirements to submit prior notice of both an “[a]nticipated bypass”
15 and an “[u]nanticipated bypass,” *id.* § 122.41(m)(3)(i)–(ii).

16 **B. Congress Authorized Citizens to Enforce the Clean Water Act**

17 31. The CWA authorizes citizens to bring an enforcement action against any
18 person who violates “an effluent standard or limitation” of the CWA. 33 U.S.C. § 1365(a).

19 32. “Effluent standard or limitation” includes any NPDES permit condition or
20 requirement. 33 U.S.C. § 1365(f).

21 33. The CWA grants jurisdiction to United States District Courts to enforce
22 effluent standards or limitations, to issue injunctions, to impose appropriate civil
23 penalties for violations, and to award costs of litigation to citizen plaintiffs. 33 U.S.C. §
24 1365(a) & (d).

25 34. To facilitate citizen oversight of water pollution and to encourage the filing
26 of citizen enforcement suits, the CWA requires the monitoring of pollution discharges
27 and makes the discharge data available to the public. 33 U.S.C. § 1318.
28

THE PUMP STATION IS SUPPOSED TO TREAT WASTEWATER PRIOR TO DISCHARGE, BUT OFTEN DOES NOT DO SO

35. The Pump Station was constructed in 1996 to prevent stormwater and groundwater from flooding the underpass area at Pier S Avenue and New Dock Street.

36. Stormwater is rain that runs off the landscape. In the natural environment, stormwater usually is absorbed by plants and soil as part of the water cycle. However, hard surfaces in developed areas, such as rooftops and parking lots, block this natural absorption from occurring.

37. Defendants collect stormwater from an approximately 53-acre area and convey that water by three lines of pipe to the Pump Station. Groundwater infiltration occurs at the junctions of the pipes conveying stormwater to the Pump Station. The groundwater is also then conveyed to the Pump Station through the pipes.

38. Both the stormwater and the groundwater transport a variety of pollutants, many of which originate from operations at Defendants' facilities, prior to reaching the Pump Station.

39. The Pump Station releases the collected wastewater into the Cerritos Channel through an open pipe, called Discharge Point 001.

40. In 2018, Defendants installed a treatment system at the Pump Station to remove pollutants from the wastewater before it is discharged into the Cerritos Channel.

41. The flow schematic submitted by Defendants with their application for an update to the Permit in January 2024, attached as Exhibit 3, accurately depicts the treatment system as of the date this Complaint is filed. The treatment system at the Pump Station comprises the following components, in sequence:

- a. Forebay, for initial sediment settling.
- b. Aeration basin, for removal of volatile organic compounds.
- c. Aquip system, for removal of particulates and dissolved pollutants.
- d. Purus cation exchange, for removal of particulates and dissolved pollutants.
- e. Ultra-violet light chamber, for removal of bacteria.

1 42. Two intake pumps draw water up from the subsurface aeration basin to the
2 surface level Aquip system.

3 43. The Aquip system is the first of the three surface level treatment
4 components.

5 44. Upon completion of the three surface level treatment components, the
6 treated wastewater is routed to a subsurface retention basin.

7 45. Three pairs of pumps — intermediate (P1A/P1B), large (P2A/P2B), and
8 sump (P3A/P3B) — convey wastewater from the retention basin to Discharge Point 001.

9 46. A weir and metal screen separate the subsurface aeration basin from the
10 subsurface retention basin.

11 47. The Aquip system has a treatment capacity of 80 gallons per minute —
12 about 115,000 gallons per day.

13 48. Defendants intentionally divert the wastewater past the Aquip system, Purus
14 cation exchange, and ultra-violet light chamber and into the retention basin when the
15 Aquip system is at full capacity. When this happens, the wastewater is discharged through
16 Discharge Point 001 without the intended treatment (*i.e.*, without the intended pollutant
17 removal).

18 49. On dry days (days with no rain), the Pump Station receives an average
19 inflow of 75,000 gallons of infiltrating groundwater alone.

20 50. After most rainstorms the Pump Station's treatment system does not have the
21 capacity to fully treat the wastewater before it is discharged out of Discharge Point 001.

22 51. Bacteria, copper, petroleum hydrocarbons, oil and grease, lead, mercury,
23 nickel, and zinc, among other pollutants, are each often in the wastewater discharged out
24 of Discharge Point 001, both when the wastewater has been fully treated and when the
25 wastewater has not been fully treated.
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27
28

THE PERMIT AND ITS REQUIREMENTS

52. Discharge Point 001 is a “point source” as defined in 33 U.S.C. § 1362(14).

53. Because Discharge Point 001 is a point source, the CWA requires that its discharges be subject to an NPDES permit.

54. The NPDES permit for the Pump Station was first issued in 1997, by the Los Angeles Regional Water Quality Control Board (“Regional Board”). The Regional Board has issued several superseding versions of this NPDES permit issued for the Pump Station since that time.

55. The Regional Board issued the Permit, which is the most recent iteration of the NPDES permit for the Pump Station, on May 9, 2019.

56. The Permit became effective on July 1, 2019.

57. The Permit expired on June 30, 2024. Defendants applied for a new permit within the time required by EPA regulation. As a result, even though the Regional Board has not yet issued a revised NPDES permit for the Pump Station, by law the existing version is still effective. Environment California anticipates that any new NPDES permit would contain permit limits and conditions no less stringent than the limits and conditions at issue in this case.

58. The Permit authorizes the Pump Station to discharge up to 7,250,000 gallons per day from Discharge Point 001.

59. Prior versions of this NPDES permit only authorized the Pump Station to discharge up to 725,000 gallons per day. In 2013, Defendants secured a permit modification that granted the Pump Station a tenfold increase to its discharge limit, to accommodate more severe rain events and anticipated increases in groundwater infiltration.

60. The Permit requires Defendants to monitor the effluent at Discharge Point 001 and to submit the monitoring results to the Regional Board on quarterly forms known as “discharge monitoring reports” (“DMRs”). Under the CWA, DMRs must be signed by an official under the penalty of law and are publicly available.

61. The DMRs Defendants submit to the Regional Board contain information on the levels of certain pollutants in the Pump Station's discharges and on other water quality indicators. These pollutants and water quality indicators, also known as "parameters," include enterococci, fecal coliform, total coliform, copper, petroleum hydrocarbons, oil and grease, lead, mercury, nickel, and zinc, among others.

62. The Permit's Table E-2, titled "Effluent Monitoring" provides that:

[d]uring periods of extended or frequent discharge, no more than one sample per week is required. Sampling shall be performed during the first hour of a discharge. If, for safety reasons, a sample cannot be obtained during the first hour of discharge, a sample shall be obtained at the first safe opportunity, and the reason for the delay shall be included in the [discharge monitoring] report.

63. The Permit sets numerical discharge limits on certain parameters. Certain numerical limits are expressed as a daily maximum and certain others are expressed as a monthly average. Violation of a monthly average limit means that Defendants violated the Permit for each day of that month. For example, violation of a monthly average during July counts as 31 days of violation.

64. The Permit's Table 4, titled "Effluent Limitations at Discharge Point 001" includes the following numerical limits:

Pollutant	Limit Type	Limit
Enterococci	Daily Maximum	104 MPN/100 mL ¹
	Monthly Average	35 MPN/100 mL
Fecal Coliform	Daily Maximum	400 MPN/100 mL
	Monthly Average	1000 MPN/100 mL
Total Coliform	Daily Maximum	1000 MPN/100 mL
	Monthly Average	1000 MPN/100 mL
Copper	Daily Maximum	6.9 µg/L ²
	Monthly Average	2.6 µg/L
Petroleum Hydrocarbons	Daily Maximum	100 µg/L

65. The DMRs Defendants submit to the Regional Board are conclusive evidence of the compliance information reported in those DMRs, including violations.

¹ Most probable number (of bacteria colonies) per 100 milliliters.

² Micrograms per liter (parts per billion).

66. As defined by the Permit in Attachment D at Section I.G.1.a, “[b]ypass” means the intentional diversion of waste streams from any portion of a treatment facility.”

67. Attachment D of the Permit, at Section I.G.3, further provides that “[b]ypass is prohibited . . . unless”:

- “Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage” [Section I.G.3.a];
- “There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance” [Section I.G.3.b]; and
- “The Discharger submitted notice to the Regional Water Board as required under Standard Provisions – Permit Compliance I.G.5 below” [Section I.G.3.c].

68. Permit Section I.G.5, in turn, requires one of two forms of notice to the Regional Board, depending on whether the treatment system bypass was anticipated.

69. For an “[a]nticipated bypass” where “the Discharger knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.” Section I.G.5.a.

70. For an “[u]nanticipated bypass,” the Discharger must comply with reporting requirements set forth in Section V.E of the Permit. Section I.G.5.b. Under these requirements, the Discharger must, among other things, provide oral notice within 24 hours of the Discharger’s discovery, as well as a report within 5 days of the event that details the event, the steps taken to reduce, eliminate, or prevent reoccurrence of the event, and the types of human health and environmental impacts of the event.

71. Defendants submit quarterly reports to the Regional Board detailing daily volumes of Pump Station discharges and the amount of rainfall measured daily at the nearby Long Beach Airport.

72. Defendants understand the conditions, requirements, prohibitions, and discharge limits listed in the Permit.

73. Defendants understand that each violation of a condition, requirement, prohibition, or discharge limit listed in the Permit constitutes a distinct violation of the CWA.

DEFENDANTS HABITUALLY VIOLATE THE PERMIT AND THE REGIONAL BOARD HAS ONLY GIVEN THEM A SLAP ON THE WRIST

74. Since the Pump Station was first subject to an NPDES permit in 1998, Defendants have committed thousands of violations of the Pump Station's NPDES permit.

75. Since the Pump Station's treatment system began operating in 2018, Defendants have committed over 2,400 days of NPDES permit violations.

76. Defendants have committed no fewer than the following number of days of violations of the NPDES permit's numerical limits for the years indicated:

Year	Numerical Limit Violations
2018	228
2019	385
2020	316
2021	392
2022	392
2023	640
2024 (through March)	132

77. Since November 2019, Defendants have violated the Permit's ban on bypasses on at least 124 occasions.

78. California Water Code section 13385, subdivisions (h) and (i), require the Regional Board to assess mandatory penalties of at least \$3,000 per violation for specified serious and chronic effluent limit and reporting violations. However, the Regional Board has discretion to impose a penalty of more than \$3,000 per violation.

79. Since 2010, the Regional Board and Defendants have entered into seven separate settlement agreements, each of which imposed monetary penalties for some of Defendants' violations of the NPDES permit and the CWA. Each settlement agreement contains a list of violations of numerical limits.

80. The Regional Board has never imposed more than the mandatory minimum administrative penalty of \$3,000 for an NPDES permit violation. In the settlement agreements, the violation of a monthly average numerical limit was counted as only one violation.

81. The Regional Board has never taken any administrative enforcement action to enforce the conditions in the NPDES permit relating to bypasses.

82. As of the time of the filing of this Complaint, neither EPA, the State Board, nor the Regional Board is diligently prosecuting a civil or criminal action against the Defendants in a court of the United States or a state to require compliance with any of the effluent standards or limitations that are the subject of the Claim For Relief below.

83. As of the date of service of the Notice Letter, neither EPA, the State Board, nor the Regional Board had begun an administrative action to penalize the Defendants for any of the numeric violations set forth in the Notice Letter that occurred after August 31, 2021, or for any of the bypass or notice of bypass violations, set forth in the Notice Letter.

84. No governmental agency has taken enforcement action sufficient to assure that Defendants will comply with the Permit and the CWA. In practice, the settlement agreements between Defendants and the Regional Board have been tantamount to a "pay to pollute" system.

DEFENDANTS DISCHARGE HARMFUL POLLUTANTS AT THE PUMP STATION

A. Bacteria

85. Enterococci are bacteria that live in the intestinal tracts of warm-blooded animals. The presence of enterococci indicates possible water contamination by fecal

1 waste, and therefore the possible presence in the water of disease-causing bacteria,
2 viruses, and protozoa. These pathogens can sicken those who use contaminated water
3 bodies for recreation.

4 86. Fecal and total coliform bacteria also indicate possible water contamination
5 by fecal waste, and therefore indicate the possible presence in the water of disease-
6 causing bacteria, viruses, and protozoa.

7 87. The beaches in San Pedro Bay are closed to the public due to elevated
8 bacteria levels following most rain events.

9 88. The Inner Cabrillo Beach within the Los Angeles Harbor is often closed due
10 to elevated levels of bacteria.

11 89. Inner Cabrillo Beach is on the “303(d) List” of impaired water bodies (a list
12 which the State is required to compile under Section 303(d) of the CWA, 33 U.S.C. §
13 1313(d)), due to bacteria pollution.

14 **B. Metals**

15 90. Copper, lead, nickel, mercury, and zinc are listed as “toxic pollutants” under
16 Section 307(a)(1) of the CWA, 33 U.S.C. § 1317(a)(1). 42 C.F.R. § 401.15. The CWA
17 defines “toxic pollutant” as “those pollutants . . . which after discharge and upon
18 exposure, ingestion, inhalation or assimilation into any organism, either directly from the
19 environment or indirectly by ingestion through food chains, will, on the basis of
20 information available to the [EPA] Administrator, cause death, disease, behavioral
21 abnormalities, cancer, genetic mutations, physiological malfunctions (including
22 malfunctions in reproduction) or physical deformations, in such organisms or their
23 offspring.” 33 U.S.C. § 1362(13).

24 91. The Los Angeles/Long Beach Inner Harbor is on the 303(d) List of impaired
25 water bodies due to copper pollution. In 2024, the Los Angeles Harbor Cabrillo Marina
26 and the Inner Cabrillo Beach Area, which are downstream of the Pump Station’s
27 discharges, were added to the 303(d) List as impaired water bodies due to copper
28 pollution.

1 92. On March 23, 2012, in response to sediment contamination by a variety of
2 metals, EPA approved the Harbor Toxics TMDL (total maximum daily load) for the Los
3 Angeles/Long Beach Harbor. The Harbor Toxics TMDL, issued under Section
4 303(d)(1)(C) of the CWA, 33 U.S.C. § 1313(d)(1)(C), formally acknowledges the need to
5 reduce concentrations of copper, lead, zinc, and other toxic pollutants in the Los
6 Angeles/Long Beach Harbor to a level that allows these waterbodies to fully support their
7 designated uses.

8 93. In sufficient concentrations, copper can have acute effects on aquatic life
9 including mortality. Chronic exposure of aquatic species to lower concentrations of
10 copper can lead to adverse effects on survival, growth, and reproduction, as well
11 alterations of brain function, enzyme activity, blood chemistry, and metabolism.

12 94. After the treatment system was installed at the Pump Station, Defendants
13 violated the Permit's limits on copper discharges.

14 95. Lead is neither essential nor beneficial to any living organisms. All
15 measured effects of lead on living organisms are adverse, with negative impacts on
16 survival, growth, development, reproduction, behavior, and metabolism. Adverse effects
17 of waterborne lead concentrations on aquatic organisms include reduced survival,
18 impaired reproduction, reduced growth, and high bioconcentration.

19 96. After the treatment system was installed at the Pump Station, Defendants
20 violated the Permit's limits on lead discharges.

21 97. Zinc can cause fatal damage to fish gill tissues and may induce fatal levels
22 of stress in aquatic organisms.

23 98. After the treatment system was installed at the Pump Station, Defendants
24 violated the Permit's limits on zinc discharges.

25 **C. Petroleum Hydrocarbons**

26 99. Compounds in different petroleum hydrocarbons can affect the body in
27 various ways, including effects to the blood, immune system, liver, spleen, kidneys,
28 developing fetus, and lungs. In aquatic organisms, petroleum hydrocarbons can be lethal,

1 and can have a variety of sublethal effects including delayed cellular division, abnormal
2 fish spawns, inhibited mating, and decreased feeding.

3 100. After the treatment system was installed at the Pump Station, Defendants
4 violated the Permit's limits on petroleum hydrocarbon discharges.

5 **D. Defendants' Sampling Understates the Extent of Pollution**

6 101. Because the Permit only requires one sample per week during periods of
7 frequent or extended discharge, bypass events caused by large quantities of stormwater
8 result in discharges that are not only largely untreated, but also unsampled after the first
9 hour.

10 102. Unsampled discharges from these bypass events likely contain higher levels
11 of pollutants than the sampled discharges taken during the first hour of a storm when
12 treated wastewater comprises a larger proportion of the discharge.

13 **DEFENDANTS' VIOLATIONS OF THE PERMIT AND CWA**

14 103. Defendants' violations of the Permit's limits for enterococci, fecal coliform,
15 total coliform, copper, and petroleum hydrocarbons are set forth in detail in the Notice
16 Letter attached as Exhibit 1 and in the Claim For Relief below. This information is based
17 on publicly available data for May 2019 through March 2024. The numeric limits are
18 taken from the Permit's Table 4, titled "Effluent Limitations at Discharge Point 001." For
19 each violation of these permit parameters, the following information is provided: (a) the
20 applicable limit; (b) the measurement in violation of that limit, and the percentage by
21 which that measurement exceeds the limit; (c) the date on which the violation occurred;
22 and (d) the number of days of violation that resulted. A violation of a daily maximum
23 limit constitutes one day of violation; a violation of a monthly average limit constitutes
24 28 to 31 days of violation (depending on the month). The Notice Letter also lists the
25 source of the information provided, whether from Defendants' reports to California's
26 Electronic Self-Monitoring Report ("eSMR") or EPA's Enforcement and Compliance
27 History Online ("ECHO") website.
28

1 104. Defendants' violations of the Permit's prohibition of bypasses, and the
2 Permit's requirement to notify the Regional Board of bypasses, are set forth in detail in
3 the Notice Letter attached as Exhibit 1 and in the Claim For Relief below. This
4 information is based on publicly available data for November 2019 through March 2024.
5 The reported treatment capacity is taken from the Permit's Attachment C, titled "Flow
6 Schematic," and from the January 2024 flow schematic attached as Exhibit 3, which
7 report a maximum treatment capacity of 80 gallons per minute and a maximum treatment
8 capacity of 0.115 million gallons per day. The gallons discharged and rainfall figures are
9 taken from quarterly reports that Defendants compile and submit to the Regional Board.
10 The Notice Letter lists each date between November 2019 and March 2024 on which
11 Defendants' reported discharge volumes exceeded Defendants' claimed treatment
12 capacity, along with the rainfall on that date as measured at the nearby Long Beach
13 Airport.

14 105. In the Notice Letter, Environment California stated: "If you believe any of
15 the information in this letter or in the attached tables is incorrect, if you believe you are
16 complying with the Permit or Clean Water Act, or if you would like to discuss any other
17 aspect of this matter," please contact Environment California's attorney. Before the filing
18 of this Complaint, Defendants never told Environment California that any of the
19 information in the Notice Letter's tables is incorrect or that they were complying with the
20 Permit or CWA.

21 106. With their existing water treatment system, Defendants will not attain
22 sustained compliance with the Permit requirements at issue in this case.

23 107. Environment California is unaware of any measures Defendants have
24 implemented to attain sustained compliance with the Permit requirements at issue in this
25 case.
26
27
28

DEFENDANTS' VIOLATIONS HARM
ENVIRONMENT CALIFORNIA MEMBERS

108. Numerous water access points and recreational areas are located throughout the Los Angeles Harbor, including beaches, parks, public boat docks, and private marinas.

109. Members of the public, including members of Environment California, regularly boat and fish in Los Angeles Harbor waters and recreate along its shore.

110. Environment California members consider the Los Angeles Harbor to be an important natural resource, and they want it to be as clean and healthy as possible. Environment California members want the Los Angeles Harbor to be subjected to as little pollution as possible, and their enjoyment of these waters is diminished by their knowledge of the Pump Station's pollution of these waters.

111. Environment California members recreate in and near the Los Angeles Harbor, and they work to understand and improve its water quality. These activities are adversely affected by Defendants' discharges in violation of the Permit.

112. Environment California member Jerry Faustinos owns a sailboat that he has moored for the last four years at the California Yacht Marina in Wilmington, California, which is across the Cerritos Channel from the Pump Station. Among other activities, Mr. Faustinos brings his sailboat for service at a point less than 500 yards from the Pump Station's outfall, and frequently navigates recreationally even closer to the outfall. Mr. Faustinos is concerned about the pollutant levels in this area and the larger Los Angeles Harbor. He avoids personal contact with the water for fear of illness and he is vigilant about cleaning any items that have contacted the water for fear of contamination. He has fished in other areas around Los Angeles but does not fish in the Los Angeles Harbor because of his concerns about the polluted water and unhealthy fish. He would fish in the Los Angeles Harbor if the waters were less polluted, but still would not consume any fish he catches because of his concerns about the health of the fish. Mr. Faustinos intends to continue his recreation in this area, but Defendants' pollution disrupts his ability to enjoy

sailing in the Los Angeles Harbor as a source of relaxation and calm, and he would be more at ease, and would enjoy these activities more, if Defendants' pollution was decreased.

113. Environment California members are concerned that Defendants' CWA violations pose a threat to public health and aquatic life in areas that they recreate, work, and enjoy. Environment California members want the waters of the Los Angeles Harbor to be as clean and safe as possible for themselves and for the entire aquatic environment, and for those reasons want as little pollution in the waters as possible.

114. The ongoing actual and threatened harm to Environment California members would be redressed by an injunction, civil penalty, or other relief that prevents or deters further violations of Defendants' Permit and by relief that remediates the harm caused to the Los Angeles Harbor by Defendants' violations.

CLAIM FOR RELIEF

A. Violations of Numeric Enterococci Limits

115. Table 1 of the Notice Letter sets forth violations of (a) the Permit's monthly average limit for enterococci for the period between June 30, 2019, and January 31, 2024, and (b) the Permit's daily maximum limit for enterococci limit for the period between June 3, 2019, and January 29, 2024.

116. The information in Table 1 of the Notice Letter is accurate.

117. Defendants violated the Permit's monthly average limit for enterococci for 19 months during the period between June 30, 2019, and January 31, 2024. Defendants violated the Permit's daily maximum limit for enterococci limit on 55 days during the period between June 3, 2019, and January 29, 2024. Defendants violated the Permit's limits for enterococci for a total of 639 days of violation between June 3, 2019, and January 29, 2024.

118. These violations are ongoing. The violations listed in the Notice Letter reflect Defendants' discharges through March 31, 2024, the last date for which such information is publicly available as of the date of this Complaint. Given the extensive

history and regularity of Defendants' enterococci violations, it is likely that additional such violations have occurred since March 31, 2024. Because Defendants have not adequately addressed the cause(s) of these enterococci violations, these violations will continue after the filing of this Complaint. It is likely that these violations will continue until Defendants significantly expand and improve the treatment of the Port's wastewater. This action addresses all such violations occurring after those listed in the Notice Letter.

B. Violations of Numeric Fecal Coliform Limits

119. Table 2 of the Notice Letter sets forth violations of the Permit's daily maximum fecal coliform limit during the period between March 18, 2020, and January 25, 2024.

120. The information in Table 2 is accurate.

121. Defendants violated the Permit's daily maximum fecal coliform limit on 11 days between March 18, 2020, and January 25, 2024.

122. These violations are ongoing. The violations listed in the Notice Letter reflect Defendants' discharges through March 31, 2024, the last date for which such information is publicly available as of the date of this Complaint. Given the extensive history and regularity of Defendants' fecal coliform violations, it is likely that additional such violations have occurred since March 31, 2024. Because Defendants have not adequately addressed the cause(s) of these fecal coliform violations, these violations will continue after the filing of this Complaint. It is likely that these violations will continue until Defendants significantly expand and improve the treatment of the Port's wastewater. This action addresses all such violations occurring after those listed in the Notice Letter.

C. Violations of Numeric Total Coliform Limits

123. Table 2 of the Notice Letter sets forth violations of (a) the Permit's monthly average limit for total coliform for the period between March 31, 2020, and January 31, 2024, and (b) the Permit's daily maximum limit for total coliform for the period between March 18, 2020, and December 31, 2023.

124. The information in Table 2 is accurate.

1 125. Defendants violated the Permit's monthly average total coliform limit for 8
2 months during the period between March 31, 2020, and January 31, 2024. Defendants
3 violated the Permit's daily maximum total coliform limit on 3 days during the period
4 between March 18, 2020, and December 31, 2023. Defendants violated the Permit's
5 limits for total coliform for a total of 239 days of violation between March 18, 2020, and
6 January 31, 2024.

7 126. These violations are ongoing. The violations listed in the Notice Letter
8 reflect Defendants' discharges through March 31, 2024, the last date for which such
9 information is publicly available as of the date of this Complaint. Given the extensive
10 history and regularity of Defendants' total coliform violations, it is likely that additional
11 such violations have occurred since March 31, 2024. Because Defendants have not
12 adequately addressed the cause(s) of these total coliform violations, these violations will
13 continue after the filing of this Complaint. It is likely that these violations will continue
14 until Defendants significantly expand and improve the treatment of the Port's wastewater.
15 This action addresses all such violations occurring after those listed in the Notice Letter.

16 **D. Violations of Numeric Copper Limits**

17 127. Table 3 of the Notice Letter sets forth violations of (a) the Permit's monthly
18 average limit for copper for the period between May 31, 2019, and February 29, 2024,
19 and (b) the Permit's daily maximum limit for copper for the period between May 30,
20 2019, and October 26, 2023.

21 128. The information in Table 3 is accurate.

22 129. Defendants violated the Permit's monthly average copper limit for 30
23 months during the period between May 31, 2019, and February 29, 2024. Defendants
24 violated the Permit's daily maximum copper limit on 16 days during the period between
25 May 30, 2019, and October 26, 2023. Defendants violated the Permit's limits for copper
26 for a total of 925 days of violation between May 30, 2019, and February 29, 2024.

27 130. These violations are ongoing. The violations listed in the Notice Letter
28 reflect Defendants' discharges through March 31, 2024, the last date for which such

1 information is publicly available as of the date of this Complaint. Given the extensive
2 history and regularity of Defendants' copper violations, it is likely that additional such
3 violations have occurred since March 31, 2024. Because Defendants have not adequately
4 addressed the cause(s) of these copper violations, these violations will continue after the
5 filing of this Complaint. It is likely that these violations will continue until Defendants
6 significantly expand and improve the treatment of the Port's wastewater. This action
7 addresses all such violations occurring after those listed in the Notice Letter.

8 **E. Violations of Numeric Petroleum Hydrocarbon Limits**

9 131. Table 4 of the Notice Letter sets forth violations of (a) the Permit's monthly
10 average limit for petroleum hydrocarbons in December 2021, and (b) the Permit's daily
11 maximum limit for petroleum hydrocarbons for the period between October 5, 2020, and
12 November 15, 2023.

13 132. The information in Table 4 is accurate.

14 133. Defendants violated the Permit's monthly average petroleum hydrocarbon
15 limit for 1 month in December 2021. Defendants violated the Permit's daily maximum
16 petroleum hydrocarbon limit on 5 days during the period between October 5, 2020, and
17 November 15, 2023. Defendants violated the Permit's limits for petroleum hydrocarbons
18 for a total of 35 days of violation between October 5, 2020, and November 15, 2023.

19 134. The Permit requires Defendants to conduct a grab sample to test for
20 petroleum hydrocarbons twice per year. According to EPA's ECHO website for public
21 reporting, each of Defendants' samples for the past five years has shown a violation of a
22 petroleum hydrocarbon limit in the Permit.

23 135. These violations are ongoing. The violations listed in the Notice Letter
24 reflect Defendants' discharges through March 31, 2024, the last date for which such
25 information is publicly available as of the date of this Complaint. Given the extensive
26 history and regularity of Defendants' petroleum hydrocarbon violations, it is likely that
27 additional such violations have occurred since March 31, 2024. Because Defendants have
28 not adequately addressed the cause(s) of these petroleum hydrocarbon violations, these

1 violations will continue after the filing of this Complaint. It is likely that these violations
2 will continue until Defendants significantly expand and improve the treatment of the
3 Port's wastewater. This action addresses all such violations occurring after those listed in
4 the Notice Letter.

5 **F. Violations of the Permit's Prohibition of Bypasses**

6 136. Table 5 of the Notice Letter sets forth 124 days on which the Pump Station's
7 reported discharge volumes exceeded the Pump Station's treatment capacity for the
8 period between November 20, 2019, and March 31, 2024.

9 137. The information in Table 5 is accurate.

10 138. Defendants violated the Permit's prohibition on treatment system bypasses
11 on these 124 days during the period between November 20, 2019, and March 31, 2024,
12 for a total of 124 days of violation.

13 139. These violations are ongoing. The violations listed in the Notice Letter
14 reflect Defendants' discharges through March 31, 2024, the last date for which such
15 information is publicly available as of the date of this Complaint. Given the extensive
16 history and regularity of Defendants' bypass violations, it is likely that additional such
17 violations have occurred since March 31, 2024. Because Defendants have not adequately
18 addressed the cause(s) of these bypass violations, these violations will continue after the
19 filing of this Complaint. It is likely that these violations will continue until Defendants
20 significantly expand and improve the treatment of the Port's wastewater. This action
21 addresses all such violations occurring after those listed in the Notice Letter.

22 **G. Violations of the Permit's Requirement to Notify the Regional Board of**
23 **Bypasses**

24 140. As described in Paragraphs 68 through 70 above, Defendants are required to
25 notify the Regional Board of each treatment system bypass, anticipated or unanticipated.

26 141. According to publicly available information, and information received
27 pursuant to a public records request to the Regional Board, Defendants have never
28 notified the Regional Board of any bypasses.

142. Each failure to notify the Regional Board of a treatment system bypass is a distinct violation of the Permit.

143. Defendants have violated the Permit's bypass notification requirement 124 times, once for each bypass event for which it failed to provide notice to the Regional Board.

144. These violations are ongoing. The violations listed in the Notice Letter reflect Defendants' discharges through March 31, 2024, the last date for which such information is publicly available as of the date of this Complaint. Given the extensive history and regularity of Defendants' bypass notification violations, it is likely that additional such violations have occurred since March 31, 2024. Because Defendants have not adequately addressed the cause(s) of these bypass notification violations, these violations will continue after the filing of this Complaint. Environment California is unaware of any measures Defendants have taken to assure compliance with the Permit's bypass notification requirement. Environment California believes these violations will continue after the filing of this Complaint. It is likely that these violations will continue until Defendants significantly expand and improve the treatment of the Port's wastewater. This action addresses all such violations occurring after those listed in the Notice Letter.

PRAYER FOR RELIEF

Plaintiff requests that this Court:

- a. Declare Defendants City of Los Angeles, Los Angeles Harbor Department (a/k/a The Port of Los Angeles), and Los Angeles Board of Harbor Commissioners to have violated and to be in continuing violation of the Clean Water Act and the Permit by committing (i) each of the violations described above, (ii) all additional violations of the same type occurring after March 31, 2024, but before the filing of this Complaint, and (iii) all additional violations of the same type that occur after the filing of this Complaint;

- b. Determine the number of days of violation committed by Defendants;
- c. Order Defendants to comply with the requirements of the Clean Water Act and the Permit that it has been violating, and to refrain from further violations of the effluent standards and limitations, and other prohibitions and requirements, at issue in this action;
- d. Order Defendants to implement measures to remedy, mitigate, or offset the harm to the environment caused by the violations alleged above;
- e. Assess an appropriate civil penalty against Defendants for each day of Permit and CWA violation referenced in part (a) above, as provided by 33 U.S.C. §§ 1319(d) & 1365 (a) and 40 C.F.R. § 19.4, which impose a penalty of up to a maximum of \$64,618 per day of violation; except that Plaintiff does not seek penalties for violations listed in settlement agreements between Defendants and the Regional Board that were finalized before the service of Plaintiff's Notice Letter on May 21, 2024;
- f. Award Plaintiff its costs of litigation (including reasonable attorney and expert witness fees), as provided by 33 U.S.C. § 1365(d); and
- g. Order such other relief as the Court deems appropriate.

Dated: July 23, 2024

HOLMES, ATHEY, COWAN & MERMELSTEIN LLP



Andrew B. Holmes
Attorneys for Plaintiff
Environment California, Inc.

Pro hac vice motions to be filed:

Lewis DeHope
Matthew J. Donohue
Charles C. Caldart
NATIONAL ENVIRONMENTAL LAW CENTER
294 Washington Street, Suite 500
Boston, MA 02108
(617) 747-4317
ldhope@nelc.org

David A. Nicholas
20 Whitney Road
Newton, MA 02460
(617) 964-1548
dnicholas100@gmail.com

Exhibit 1



Lewis DeHope
Staff Attorney
617.747.4317
ldehope@nelc.org

May 21, 2024

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Eugene D. Seroka
Executive Director
The Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731
Certified Mail # 9590 9402 8718 3310 7300 45

Lisa Wunder
Acting Director of Environmental Management
The Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731
Certified Mail # 9590 9402 8718 3310 7300 52

RE: Notice of Clean Water Act Violations

Dear Mr. Seroka and Ms. Wunder:

I write on behalf of Environment California and its members.

The Port of Los Angeles (“Port”) owns and operates the New Dock Street Pump Station (“Pump Station”), located at New Dock Street/151 South Henry Ford Avenue in Terminal Island, California. Based on publicly available information, Environment California believes the Port has violated, and will continue to violate, its National Pollutant Discharge Elimination System (“NPDES”) permit No. CA0064157 (“Permit”), which is administered by the California Regional Water Quality Control Board, Los Angeles Region (“Regional Board”). The Permit governs wastewater discharges from the Pump Station’s Discharge Point 001 into the Cerritos Channel, which is located in the Long Beach Inner Harbor. The discharge of pollutants in violation of an NPDES permit is prohibited by Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

The Pump Station’s Wastewater Treatment System

As described by the Fact Sheet incorporated into the Permit, the Port collects and conveys to the Pump Station stormwater runoff from an area of approximately 53 acres. Groundwater infiltration occurs at the junctions of the pipes conveying the stormwater; that groundwater is also conveyed to the Pump Station. *See* Permit Attachment F, at F-4.

As described by a Flow Schematic incorporated into the Permit and by the Fact Sheet, the Port is required to treat the stormwater and groundwater infiltration in the Pump Station's wastewater treatment system, which comprises the following components, in sequence: a forebay, for initial sediment settling; an aeration basin, to remove volatile organic compounds; an Aquip system, to remove particulates and dissolved pollutants; a Purus cation exchange, to remove particulates and dissolved metals; and lastly, an ultra-violet light chamber, to remove bacteria. *See* Permit Attachment C; Permit Attachment F, at F-4 to F-5. The wastewater then flows into a retention basin, where it is pumped through discharge piping to Discharge Point 001 for release into the Cerritos Channel.

The Permit authorizes the Port to discharge up to 7,250,000 gallons of wastewater per day through the Pump Station's Discharge Point 001.

Permit Violations – Numeric Limits

The Permit contains a variety of prohibitions, expressed as numeric limits, on the discharge of specific pollutants. The Port's violations of these numeric limits are described in the attached Tables 1 through 4, which contain the following information regarding violations occurring from May 2019 through March 2024, the latest month for which discharge information is publicly available: the date of violation; the type of limit (daily maximum, weekly average, or monthly average); the applicable numeric limit; the reported discharge in excess of the limit; the units in which the limit is expressed; the number of days of violation resulting from the discharge; the percentage by which the reported discharge exceeds the numeric limit; and the source from which the violation data was obtained (California's Electronic Self-Monitoring and Reporting Program, "eSMR"; or the United States Environmental Protection Agency's Enforcement and Compliance History Online website, "ECHO"). Tables 1 through 3 describe the Port's violations of its numeric limits at Discharge Point 001 for enterococci bacteria, coliform bacteria, and copper, respectively. Table 4 describes the Port's violations of its numeric limits at Discharge Point 001 for chronic toxicity, petroleum hydrocarbons, oil and grease, lead, mercury, nickel, and zinc.

Permit Violations – Treatment Facility Bypasses

The Permit incorporates the federal regulatory "[p]rohibition of bypass." Permit Attachment D, § I(G)(3)(a), *citing* 40 C.F.R. § 122.41(m)(1)(i). "Bypass" means "the intentional diversion of waste streams from any portion of a treatment facility." Environment California believes that the Port is in habitual violation of the Permit's bypass prohibition.

According to the Port's wastewater treatment flow schematic, the treatment system cannot handle inflows over 80 gallons per minute, which is the equivalent of 115,000 gallons per day. *See* Permit Attachment C. This is less than 2% of the permitted flow limit of 7,250,000 gallons per day. Flows over 115,000 gallons per day appear to never enter the treatment system's intake pumps and instead flow directly from the aeration basin to the retention basin, where they are then routed to Discharge Point 001 and discharged to the Cerritos Channel; the Aquip, Purus, and ultra-violet treatment processes – and their removal of particulates, dissolved pollutants, metals, and bacteria – are bypassed.

Publicly available information indicates that flows of stormwater and groundwater infiltration conveyed to the Port's Pump Station wastewater treatment system regularly surpass the design capacity of the system. An updated flow schematic commissioned by the Port in January 2024 indicates that the treatment system handles an average of 75,000 gallons per day from groundwater alone. Accordingly, the addition of even minimal amounts of stormwater – any more than 40,000 gallons per day – may lead to a prohibited bypass.¹

The Port submits quarterly reports to the Regional Board that list the volume of wastewater discharged from the treatment system each day. In each quarterly report, the Port explains that “daily discharge rates were based on average daily treatment system flow rate for each month, except during rain events, which are based upon pump operation times.” The Port's use of a different calculation method during rain events indicates that its total discharge volumes frequently exceed its treatment system discharge volumes during those events; in other words, untreated stormwater bypasses the treatment system and is discharged along with treated stormwater.

The Port's quarterly reports list 124 days within the last five years on which discharge volumes exceeded 115,000 gallons, and Environment California believes a prohibited bypass occurred on each of those days. The attached Table 5 contains the following information regarding these bypasses, covering the period from November 2019 to March 2024, the latest month for which discharge information is publicly available: the date of the discharge; the Port's reported discharge volume on that day; the percentage by which that discharge volume exceeded the 115,000-gallon daily treatment system capacity; and the amount of rainfall, in inches, that the Port reported was measured on that date at the Long Beach Airport.

Prohibited bypasses may also have occurred on days when discharge volumes were below 115,000 gallons but where short periods of heavy inflows overwhelmed the 80-gallon-per-minute treatment capacity. The precise dates of these treatment system bypasses are currently unavailable to Environment California, but can be ascertained by the Port from its own records.

On each day that the Port diverts flow past its wastewater treatment processes, it commits a prohibited treatment facility bypass in violation of the Permit and the Clean Water Act. To the extent that any of the numeric effluent limit violations listed in Tables 1 through 4 occurred on the same day as a treatment facility bypass, the prohibited bypass is a separate and additional violation of the Permit and the Clean Water Act.

The Permit further requires the Port to notify the Regional Board of both anticipated bypasses (in writing, at least 10 days before a bypass) and unanticipated bypasses (orally, within 24 hours of a bypass, and with an additional written report within 5 days). Permit Attachment D,

¹ The occurrence of prolonged bypasses is especially concerning because the Permit only requires sampling during the first hour of a stormwater discharge, with “no more than one sample per week . . . [d]uring periods of extended or frequent discharge.” Permit Attachment E, § 4(A) Table E-2, n. 1. After the initial one-hour sampling event, untold amounts of untreated stormwater may be discharged without any monitoring or reporting of the pollutants carried with it.

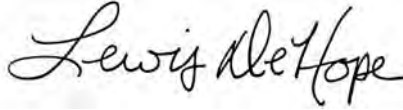
§ I(G)(5). Each time the Port fails to notify the Regional Board of any treatment facility bypass, it commits a separate and additional violation of the Permit and the Clean Water Act. Based on information received from the Regional Board, Environment California believes that the Port has not provided the required notice for any of the bypasses occurring during the time period covered by this notice, and has thereby committed an additional violation of the Permit and the Clean Water Act with respect to each bypass event described above and in Table 5.

Time Period Covered by This Notice

This notice covers all violations of the permit requirements identified herein that occurred within the five years immediately preceding the date of this notice, and all similar violations occurring thereafter. In addition, Environment California believes that, should the Regional Board issue the Port a revised NPDES permit with comparable pollutant discharge limits, prohibition of bypasses, and notice requirements for bypasses, the Port will violate those permit conditions, and Environment California intends this notice to cover all such violations.

If you believe any of the information in this letter or in the attached tables is incorrect, if you believe you are complying with the Permit and the Clean Water Act, or if you would like to discuss any other aspect of this matter, please contact me by email at ldehope@nelc.org or by telephone at (617) 747-4317 within 21 days.

Sincerely,



Lewis DeHope
Staff Attorney

Additional counsel sending this letter

David A. Nicholas, Esq.
20 Whitney Road
Newton, Massachusetts 02460
dnicholas100@gmail.com
(617) 964-1548

Addresses and telephone number of party giving notice

Environment California
3435 Wilshire Blvd., Suite 385
Los Angeles, CA, 90010
(213) 251-3688

cc: (by certified mail – return receipt requested)

Port of Los Angeles, c/o City of Los Angeles
Office of the City Clerk
200 North Spring Street
Room 395, City Hall
Los Angeles, CA 90012
Certified Mail # 9590 9402 8718 3310 7300 69

Mayor Karen Bass
City of Los Angeles
200 North Spring Street
Los Angeles CA 90012
Certified Mail # 9590 9402 8718 3310 7300 76

Lucille Roybal-Allard, President
Los Angeles Board of Harbor Commissioners
425 South Palos Verdes Street
San Pedro, CA 90731
Certified Mail # 9590 9402 8718 3310 7300 83

Michael S. Regan, Administrator
U.S. Environmental Protection Agency
Office of the Administrator, 1101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Certified Mail # 9590 9402 8718 3310 7300 90

Martha Guzman, Regional Administrator
U.S. EPA Region 9 Administrator
75 Hawthorne St.
San Francisco, CA 94105
Certified Mail # 9590 9402 8718 3310 7301 06

Eric Oppenheimer, Executive Director
California State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812
Certified Mail # 9590 9402 8718 3310 7301 13

Susana Arredondo, Executive Officer
California Regional Water Quality Control Board, Los Angeles Region
320 West Fourth Street, Suite 200
Los Angeles, CA 90013
Certified Mail # 9590 9402 8718 3310 7301 20

Table 1
Port of Los Angeles New Dock Street Pump Station NPDES Permit Violations – Enterococci
June 2019 – January 2024

Date	Limit Type	Permitted Limit	Reported Discharge	Units	Days of Violation	Percentage Over Permit Limit	Source
6/30/19	Monthly Average	35	93	MPN/100 mL	30	166%	eSMR
3/31/20	Monthly Average	35	311	MPN/100 mL	31	789%	eSMR
9/30/20	Monthly Average	35	44	MPN/100 mL	30	26%	eSMR
8/31/21	Monthly Average	35	812.5	MPN/100 mL	31	2221%	eSMR
6/30/19	Monthly Average	35	93	MPN/100 mL	30	166%	eSMR
3/31/20	Monthly Average	35	311	MPN/100 mL	31	789%	eSMR
9/30/20	Monthly Average	35	44	MPN/100 mL	30	26%	eSMR
8/31/21	Monthly Average	35	812.5	MPN/100 mL	31	2221%	eSMR
12/31/21	Monthly Average	35	78.3	MPN/100 mL	31	124%	eSMR
3/31/22	Monthly Average	35	76.7	MPN/100 mL	31	119%	eSMR
5/31/22	Monthly Average	35	98.2	MPN/100 mL	31	181%	eSMR
8/31/22	Monthly Average	35	281	MPN/100 mL	31	703%	eSMR
12/31/22	Monthly Average	35	610	MPN/100 mL	31	1643%	eSMR
3/31/23	Monthly Average	35	327	MPN/100 mL	31	834%	eSMR
6/30/23	Monthly Average	35	250	MPN/100 mL	30	614%	eSMR
8/31/23	Monthly Average	35	553	MPN/100 mL	31	1480%	eSMR
10/31/23	Monthly Average	35	1103	MPN/100 mL	31	3051%	eSMR
12/31/23	Monthly Average	35	1087	MPN/100 mL	31	3006%	ECHO
1/31/24	Monthly Average	35	534	MPN/100 mL	31	1426%	eSMR
6/23/21	Weekly Average	104	1600	MPN/100 mL	7	1438%	eSMR
6/30/21	Weekly Average	35	184.9	MPN/100 mL	7	428%	eSMR
6/3/19	Daily Maximum	104	150	MPN/100 mL	1	44%	eSMR
6/10/19	Daily Maximum	104	140	MPN/100 mL	1	35%	eSMR
6/17/19	Daily Maximum	104	610	MPN/100 mL	1	487%	eSMR
6/19/19	Daily Maximum	104	550	MPN/100 mL	1	429%	eSMR
10/17/19	Daily Maximum	104	170	MPN/100 mL	1	63%	eSMR
10/23/19	Daily Maximum	104	110	MPN/100 mL	1	6%	eSMR
3/9/20	Daily Maximum	104	230	MPN/100 mL	1	121%	eSMR
3/18/20	Daily Maximum	104	2200	MPN/100 mL	1	2015%	eSMR
3/20/20	Daily Maximum	104	1000	MPN/100 mL	1	862%	eSMR
3/24/20	Daily Maximum	104	140	MPN/100 mL	1	35%	eSMR
11/10/20	Daily Maximum	104	260	MPN/100 mL	1	150%	eSMR
8/4/21	Daily Maximum	104	1700	MPN/100 mL	1	1535%	eSMR
8/11/21	Daily Maximum	104	780	MPN/100 mL	1	650%	eSMR
8/17/21	Daily Maximum	104	1000	MPN/100 mL	1	862%	eSMR

8/24/21	Daily Maximum	104	300	MPN/100 mL	1	188%	eSMR
8/31/21	Daily Maximum	104	890	MPN/100 mL	1	756%	eSMR
12/1/21	Daily Maximum	104	130	MPN/100 mL	1	25%	eSMR
12/10/21	Daily Maximum	104	300	MPN/100 mL	1	188%	eSMR
12/28/21	Daily Maximum	104	4900	MPN/100 mL	1	4612%	eSMR
3/3/22	Daily Maximum	104	140	MPN/100 mL	1	35%	eSMR
3/9/22	Daily Maximum	104	150	MPN/100 mL	1	44%	eSMR
3/23/22	Daily Maximum	104	200	MPN/100 mL	1	92%	eSMR
5/3/22	Daily Maximum	104	1600	MPN/100 mL	1	1438%	eSMR
5/10/22	Daily Maximum	104	190	MPN/100 mL	1	83%	eSMR
5/16/22	Daily Maximum	104	150	MPN/100 mL	1	44%	eSMR
8/2/22	Daily Maximum	104	330	MPN/100 mL	1	217%	eSMR
8/10/22	Daily Maximum	104	430	MPN/100 mL	1	313%	eSMR
8/17/22	Daily Maximum	104	240	MPN/100 mL	1	131%	eSMR
8/22/22	Daily Maximum	104	320	MPN/100 mL	1	208%	eSMR
8/29/22	Daily Maximum	104	160	MPN/100 mL	1	54%	eSMR
12/14/22	Daily Maximum	104	24196	MPN/100 mL	1	23165%	eSMR
12/15/22	Daily Maximum	104	220	MPN/100 mL	1	112%	eSMR
12/19/22	Daily Maximum	104	380	MPN/100 mL	1	265%	eSMR
12/27/22	Daily Maximum	104	320	MPN/100 mL	1	208%	eSMR
3/9/23	Daily Maximum	104	460	MPN/100 mL	1	342%	eSMR
3/13/23	Daily Maximum	104	560	MPN/100 mL	1	438%	eSMR
3/17/23	Daily Maximum	104	680	MPN/100 mL	1	554%	eSMR
3/24/23	Daily Maximum	104	340	MPN/100 mL	1	227%	eSMR
6/1/23	Daily Maximum	104	130	MPN/100 mL	1	25%	eSMR
6/6/23	Daily Maximum	104	460	MPN/100 mL	1	342%	eSMR
6/12/23	Daily Maximum	104	390	MPN/100 mL	1	275%	eSMR
6/20/23	Daily Maximum	104	160	MPN/100 mL	1	54%	eSMR
6/27/23	Daily Maximum	104	260	MPN/100 mL	1	150%	eSMR
8/7/23	Daily Maximum	104	110	MPN/100 mL	1	6%	eSMR
8/16/23	Daily Maximum	104	430	MPN/100 mL	1	313%	eSMR
8/25/23	Daily Maximum	104	24196	MPN/100 mL	1	23165%	eSMR
8/29/23	Daily Maximum	104	1100	MPN/100 mL	1	958%	eSMR
10/2/23	Daily Maximum	104	2600	MPN/100 mL	1	2400%	eSMR
10/18/23	Daily Maximum	104	200	MPN/100 mL	1	92%	eSMR
10/24/23	Daily Maximum	104	1400	MPN/100 mL	1	1246%	eSMR
10/26/23	Daily Maximum	104	24196	MPN/100 mL	1	23165%	eSMR
1/2/24	Daily Maximum	104	2200	MPN/100 mL	1	2015%	eSMR
1/10/24	Daily Maximum	104	300	MPN/100 mL	1	188%	eSMR

1/25/24	Daily Maximum	104	5200	MPN/100 mL	1	4900%	eSMR
1/29/24	Daily Maximum	104	420	MPN/100 mL	1	304%	eSMR
Total Days of Violation					653		

Table 2
Port of Los Angeles New Dock Street Pump Station NPDES Permit Violations – Coliform
March 2020 – January 2024

Date	Limit Type	Permitted Limit	Reported Discharge	Units	Days of Violation	Percentage Over Permit Limit	Source
Fecal Coliform							
3/18/20	Daily Maximum	400	5400	MPN/100 mL	1	1250%	eSMR
12/10/21	Daily Maximum	400	920	MPN/100 mL	1	130%	eSMR
12/28/21	Daily Maximum	400	1600	MPN/100 mL	1	300%	eSMR
12/14/22	Daily Maximum	400	1600	MPN/100 mL	1	300%	eSMR
6/6/23	Daily Maximum	400	540	MPN/100 mL	1	35%	eSMR
8/25/23	Daily Maximum	400	1600	MPN/100 mL	1	300%	eSMR
10/2/23	Daily Maximum	400	1600	MPN/100 mL	1	300%	eSMR
10/24/23	Daily Maximum	400	1600	MPN/100 mL	1	300%	eSMR
10/26/23	Daily Maximum	400	1600	MPN/100 mL	1	300%	eSMR
1/2/24	Daily Maximum	400	920	MPN/100 mL	1	130%	eSMR
1/25/24	Daily Maximum	400	1600	MPN/100 mL	1	300%	eSMR
Total Coliform							
3/31/20	Monthly Average	1000	2547	MPN/100 mL	31	155%	eSMR
8/31/22	Monthly Average	1000	1282	MPN/100 mL	31	28%	eSMR
12/31/22	Monthly Average	1000	1153	MPN/100 mL	31	15%	eSMR
3/31/23	Monthly Average	1000	1432	MPN/100 mL	31	43%	eSMR
6/30/23	Monthly Average	1000	1282	MPN/100 mL	30	28%	eSMR
8/31/23	Monthly Average	1000	1181	MPN/100 mL	31	18%	eSMR
10/31/23	Monthly Average	1000	1600	MPN/100 mL	31	60%	eSMR
1/31/24	Monthly Average	1000	1057	MPN/100 mL	31	6%	eSMR
3/18/20	Daily Maximum	10000	16000	MPN/100 mL	1	60%	eSMR
3/20/20	Daily Maximum	10000	16000	MPN/100 mL	1	60%	eSMR
12/31/23	Daily Maximum	1000	1600	MPN/100 mL	1	60%	ECHO
Total Days of Violation					250		

Table 3
Port of Los Angeles New Dock Street Pump Station NPDES Permit Violations – Copper
May 2019 – February 2024

Date	Limit Type	Permitted Limit	Reported Discharge	Units	Days of Violation	Percentage Over Permit Limit	Source
5/31/19	Monthly Average	2.9	4	ug/L	31	38%	eSMR
7/31/19	Monthly Average	2.6	2.92	ug/L	31	12%	eSMR
8/31/19	Monthly Average	2.6	3.4	ug/L	31	31%	eSMR
10/31/19	Monthly Average	2.6	4.5	ug/L	31	73%	eSMR
11/30/19	Monthly Average	2.6	11.6	ug/L	30	346%	eSMR
12/31/19	Monthly Average	2.6	3.3	ug/L	31	27%	eSMR
1/31/20	Monthly Average	2.6	4.7	ug/L	31	81%	eSMR
2/28/20	Monthly Average	2.6	4.8	ug/L	28	85%	eSMR
3/31/20	Monthly Average	2.9	6.2	ug/L	31	114%	eSMR
4/30/20	Monthly Average	2.6	3.32	ug/L	30	28%	eSMR
5/31/20	Monthly Average	2.6	2.85	ug/L	31	10%	eSMR
8/31/20	Monthly Average	2.6	3.74	ug/L	31	44%	eSMR
9/30/20	Monthly Average	2.6	3.04	ug/L	30	17%	eSMR
2/28/21	Monthly Average	2.6	3.31	ug/L	28	27%	eSMR
3/31/21	Monthly Average	2.6	3.11	ug/L	31	20%	eSMR
6/30/21	Monthly Average	2.6	4.08	ug/L	30	57%	eSMR
8/31/21	Monthly Average	2.6	3.34	ug/L	31	28%	eSMR
10/31/21	Monthly Average	2.6	15.6	ug/L	31	500%	eSMR
11/30/21	Monthly Average	2.6	2.82	ug/L	30	8%	eSMR
1/31/22	Monthly Average	2.6	4.13	ug/L	31	59%	eSMR
2/28/22	Monthly Average	2.6	11.7	ug/L	28	350%	eSMR
3/31/22	Monthly Average	2.6	3.19	ug/L	31	23%	eSMR
11/30/22	Monthly Average	2.6	11.2	ug/L	30	331%	eSMR
1/31/23	Monthly Average	2.6	6.19	ug/L	31	138%	eSMR
2/28/23	Monthly Average	2.6	5.15	ug/L	28	98%	eSMR
3/31/23	Monthly Average	2.6	4.67	ug/L	31	80%	eSMR
4/30/23	Monthly Average	2.6	4.38	ug/L	30	68%	eSMR
5/31/23	Monthly Average	2.6	3.45	ug/L	31	33%	eSMR
10/31/23	Monthly Average	2.6	6.68	ug/L	31	157%	eSMR
2/29/24	Monthly Average	2.6	4.27	ug/L	29	64%	eSMR
5/30/19	Daily Maximum	6.5	6.7	ug/L	1	3%	eSMR
10/8/19	Daily Maximum	6.9	8.4	ug/L	1	22%	eSMR
11/25/19	Daily Maximum	6.9	36	ug/L	1	422%	eSMR
11/26/19	Daily Maximum	6.9	11	ug/L	1	59%	eSMR
1/2/20	Daily Maximum	6.9	9	ug/L	1	30%	eSMR

2/20/20	Daily Maximum	6.9	8.1	ug/L	1	17%	eSMR
3/2/20	Daily Maximum	6.9	11	ug/L	1	59%	eSMR
10/27/21	Daily Maximum	6.9	15.6	ug/L	1	126%	eSMR
2/1/22	Daily Maximum	6.9	7.75	ug/L	1	12%	eSMR
2/7/22	Daily Maximum	6.9	43	ug/L	1	523%	eSMR
3/23/22	Daily Maximum	6.9	7.25	ug/L	1	5%	eSMR
11/14/22	Daily Maximum	6.9	37.8	ug/L	1	448%	eSMR
1/13/23	Daily Maximum	6.9	11.4	ug/L	1	65%	eSMR
1/31/23	Daily Maximum	6.9	7.28	ug/L	1	6%	eSMR
10/18/23	Daily Maximum	6.9	7.77	ug/L	1	13%	eSMR
10/26/23	Daily Maximum	6.9	9.33	ug/L	1	35%	eSMR
Total Days of Violation					925		

Table 4
Port of Los Angeles New Dock Street Pump Station NPDES Permit Violations – Other
October 2020 – March 2024

Date	Limit Type	Permitted Limit	Reported Discharge	Units	Days of Violation	Percentage Over Permit Limit	Source
Chronic Toxicity							
12/31/22	Monthly Average	0	1	Pass/Fail (Pass = 0, Fail = 1)	31	N/A	eSMR
Chronic Toxicity–Inland SilverSide–Growth Other							
8/11/23	Monthly Average	0	1	Pass/Fail (Pass = 0, Fail = 1)	30	N/A	eSMR
Chronic Toxicity–Inland SilverSide–Survival Other							
8/11/23	Monthly Average	0	1	Pass/Fail (Pass = 0, Fail = 1)	30	N/A	eSMR
Hydrocarbons, Petroleum							
12/1/21	Monthly Average	0.1	1.2	mg/L	30	1100%	eSMR
10/5/20	Daily Maximum	100	630	ug/L	1	530%	eSMR
5/3/22	Daily Maximum	0.1	1.96	mg/L	1	1860%	eSMR
12/15/22	Daily Maximum	100	150	ug/L	1	50%	eSMR
6/12/23	Daily Maximum	100	260	ug/L	1	160%	eSMR
11/15/23	Daily Maximum	100	560	ug/L	1	460%	eSMR
Oil and Grease							
3/5/24	Daily Maximum	15	18	mg/L	1	20%	eSMR
Lead							
10/31/21	Monthly Average	4.4	13.5	ug/L	31	207%	eSMR
11/14/22	Daily Maximum	14	33.3	ug/L	1	138%	eSMR
Mercury							
8/1/23	Daily Maximum	0.1	0.12	ug/L	1	20%	eSMR
10/31/21	Monthly Average	0.05	0.077	ug/L	31	54%	eSMR
Nickel							
2/28/23	Monthly Average	8	9.18	ug/L	28	15%	eSMR
11/14/22	Daily Maximum	9.5	10.6	ug/L	1	12%	eSMR
2/20/23	Daily Maximum	9.5	9.81	ug/L	1	3%	eSMR
Zinc							
10/31/21	Monthly Average	76	221	ug/L	31	191%	eSMR
11/30/22	Monthly Average	76	111	ug/L	30	46%	eSMR
10/27/21	Daily Maximum	121	221	ug/L	1	83%	eSMR
11/14/22	Daily Maximum	121	474	ug/L	1	292%	eSMR
Total Days of Violation					63		

Table 5
Port of Los Angeles New Dock Street Pump Station NPDES Permit Violations – Bypass
November 2019 – March 2024

Date	Reported Gallons Discharged	Percent Over Reported Treatment Capacity	Rainfall (inches)
11/20/19	173,158	51%	0.38
11/21/19	120,962	5%	Trace Amount
11/27/19	216,084	88%	0.18
11/28/19	1,280,190	1013%	2.18
11/29/19	266,846	132%	0.1
11/30/19	207,956	81%	0.02
12/1/19	211,910	84%	0
12/3/19	199,540	74%	Trace Amount
12/22/19	173,558	51%	0.24
12/23/19	902,794	685%	1.28
12/24/19	223,334	94%	0
12/25/19	266,012	131%	1.03
12/26/19	1,486,928	1193%	1.14
12/27/19	243,304	112%	0
1/16/20	157,538	37%	0.06
1/17/20	270,026	135%	0.15
2/9/20	211,516	84%	0.3
2/10/20	190,942	66%	0.02
2/22/20	281,668	145%	0.01
3/1/20	262,966	129%	0.04
3/9/20	211,844	84%	0.09
3/10/20	218,188	90%	0.08
3/11/20	194,162	69%	Trace Amount
3/12/20	531,618	362%	1.23
3/13/20	359,782	213%	0.5
3/14/20	243,028	111%	0.01
3/15/20	188,028	64%	0.03
3/16/20	255,492	122%	0.27
3/17/20	210,536	83%	Trace Amount
3/19/20	193,204	68%	0.03
3/23/20	227,804	98%	0.71
3/24/20	142,942	24%	0.02
3/25/20	136,910	19%	Trace Amount
4/6/20	214,620	87%	0.74
4/7/20	203,662	77%	0.82

4/8/20	115,606	1%	0.08
4/9/20	524,862	356%	0.89
4/10/20	396,628	245%	0.36
11/7/20	175,900	53%	0.04
12/28/20	678,876	490%	1.49
12/29/20	280,446	144%	0
12/30/20	185,540	61%	0
12/31/20	205,236	78%	0
1/23/21	215,264	87%	0.37
1/26/21	122,754	7%	0
1/27/21	354,240	208%	0
1/28/21	387,294	237%	0.49
1/29/21	418,804	264%	0.34
1/30/21	122,754	7%	0
2/12/21	121,770	6%	0.05
3/3/21	263,272	129%	0.48
3/4/21	225,244	96%	0
3/10/21	322,236	180%	0.6
3/11/21	303,032	164%	0.21
3/12/21	200,654	74%	0
3/15/21	363,634	216%	0.18
3/16/21	236,542	106%	0
12/14/21	436,600	280%	0.88
12/23/21	362,600	215%	1.32
12/24/21	621,600	441%	0.41
12/26/21	173,900	51%	0.02
12/27/21	125,800	9%	0.04
12/30/21	1,357,900	1081%	2.07
3/28/22	484,250	321%	0.72
9/10/22	146,794	28%	Trace Amount
11/8/22	555,760	383%	0.86
12/11/22	555,760	383%	0.91
12/12/22	263,272	129%	0.45
12/27/22	263,272	129%	0.51
12/31/22	531,618	362%	1.15
1/3/23	263,272	129%	0.47
1/4/23	211,516	84%	0.3
1/5/23	531,618	362%	1.06
1/9/23	147,516	28%	0.44

1/10/23	985,774	757%	0.93
1/14/23	678,876	490%	1.72
1/15/23	173,158	51%	0.38
1/16/23	836,750	628%	0.56
1/29/23	173,558	51%	0.27
2/23/23	139,302	21%	0.28
2/24/23	476,520	314%	0.77
2/25/23	964,862	739%	1.56
2/26/23	232,452	102%	Trace Amount
2/27/23	143,516	25%	0.1
2/28/23	131,490	14%	0.15
3/1/23	540,178	370%	0.36
3/10/23	930,212	709%	1.03
3/11/23	235,876	105%	0.18
3/14/23	735,574	540%	1.53
3/15/23	2,284,282	1886%	0.81
3/21/23	1,231,738	971%	1.53
3/22/23	233,200	103%	0.05
3/23/23	144,964	26%	0.07
3/29/23	674,292	486%	0.94
3/30/23	460,168	300%	0.21
3/31/23	119,910	4%	0
5/4/23	177,444	54%	0.42
8/20/23	1,079,054	838%	2.27
8/21/23	1,712,228	1389%	0.36
11/15/23	527,176	358%	0.52
11/29/23	397,616	246%	0
12/20/23	143,780	25%	0.29
12/21/23	527,176	358%	0.5
12/22/23	2,515,798	2088%	0.44
12/30/23	397,616	246%	0.44
1/3/24	143,780	25%	0.24
1/20/24	227,804	98%	0.65
1/22/24	531,618	362%	1.08
1/25/24	143,516	25%	0.1
2/1/24	1,079,054	838%	2.45
2/4/24	735,574	540%	1.5
2/5/24	1,079,054	838%	2.57
2/6/24	1,550,000	1248%	3.16

2/7/24	143,780	25%	0.3
2/19/24	320,210	178%	0.57
2/20/24	530,244	361%	0.9
2/21/24	431,940	276%	0.4
2/22/24	160,990	40%	0
3/2/24	143,780	25%	0.2
3/3/24	121,770	6%	0.05
3/6/24	397,616	246%	0.43
3/23/24	242,984	111%	0.18
3/30/24	1,008,484	777%	1.86
3/31/24	690,056	500%	0.86
Total Days of Violation		124	

Exhibit 2

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Lucille Roybal-Allard, President
Los Angeles Board of Harbor Comm.
425 South Palos Verdes St.
San Pedro, CA 90731



9590 9402 8718 3310 7300 83

2. Article Number (Transfer from service label)

9589 0710 5270 1204 5306 42

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*☐ Agent☐ Addressee

B. Received by (Printed Name)

Tracy Tamplin

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature ☐ Priority Mail Express®
☐ Adult Signature Restricted Delivery ☐ Registered Mail™
☐ Certified Mail® ☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery ☐ Signature Confirmation
☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery Restricted Delivery

all Restricted Delivery (over \$500)

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Lisa Winder, Acting Director of
Enviro Management
The Port of Los Angeles
425 South Palos Verdes St.
San Pedro, CA 90731



9590 9402 8718 3310 7300 52

2. Article Number (Transfer from service label)

9589 0710 5270 1204 5306 11

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*☐ Agent☐ Addressee

B. Received by (Printed Name)

Tracy Tamplin

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature ☐ Priority Mail Express®
☐ Adult Signature Restricted Delivery ☐ Registered Mail™
☐ Certified Mail® ☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery ☐ Signature Confirmation
☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery Restricted Delivery

all Restricted Delivery (over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Eugene Serdka, Executive Dir.
The Port of Los Angeles
425 South Palos Verdes St.
San Pedro, CA 90731



9590 9402 8718 3310 7300 45

2. Article Number (Transfer from service label)

9589 0710 5270 1204 5306 04

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*☐ Agent☐ Addressee

B. Received by (Printed Name)

Tracy Tamplin

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature ☐ Priority Mail Express®
☐ Adult Signature Restricted Delivery ☐ Registered Mail™
☐ Certified Mail® ☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery ☐ Signature Confirmation
☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery Restricted Delivery

all Restricted Delivery (over \$500)

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: Port of Los Angeles, No City of LA Office of the City Clerk 200 North Spring St. Room 3013, City Hall Los Angeles, CA 90012  9590 9402 8718 3310 7300 69		A. Signature X <i>[Signature]</i> ☐ Agent ☒ Addressee B. Received by (Printed Name) <i>Michael Alden</i> C. Date of Delivery <i>5/28/21</i> D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below:	
2. Article Number (Transfer from service label) 9589 0710 5270 1204 5306 28		3. Service Type ☐ Adult Signature ☐ Priority Mail Express® ☐ Adult Signature Restricted Delivery ☐ Registered Mail™ ☐ Certified Mail® ☐ Registered Mail Restricted Delivery ☐ Certified Mail Restricted Delivery ☐ Signature Confirmation™ ☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail Restricted Delivery (over \$500)	

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: Michael S. Regan, Administrator U.S. Environmental Protection Agency Office of the Administrator, 1101A 1200 Pennsylvania Ave., NW Washington, D.C. 20460  9590 9402 8718 3310 7300 90		A. Signature X <i>[Signature]</i> ☐ Agent ☒ Addressee B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below: <i>MAY 28 2021</i>	
2. Article Number (Transfer from service label) 9589 0710 5270 1204 5306 59		3. Service Type ☐ Adult Signature ☐ Priority Mail Express® ☐ Adult Signature Restricted Delivery ☐ Registered Mail™ ☐ Certified Mail® ☐ Registered Mail Restricted Delivery ☐ Certified Mail Restricted Delivery ☐ Signature Confirmation™ ☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail Restricted Delivery (over \$500)	

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: Mayor Karen Bass City of Los Angeles 200 North Spring St. Los Angeles, CA 90012  9590 9402 8718 3310 7300 76		A. Signature X <i>[Signature]</i> ☐ Agent ☒ Addressee B. Received by (Printed Name) C. Date of Delivery <i>5-28-24</i> D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below:	
2. Article Number (Transfer from service label) 9589 0710 5270 1204 5306 35		3. Service Type ☐ Adult Signature ☐ Priority Mail Express® ☐ Adult Signature Restricted Delivery ☐ Registered Mail™ ☐ Certified Mail® ☐ Registered Mail Restricted Delivery ☐ Certified Mail Restricted Delivery ☐ Signature Confirmation™ ☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail Restricted Delivery (over \$500)	

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: Martha Guzman, Regional Admin. U.S. EPA Region 9 Admin. 75 Hawthorne St. San Francisco, CA 94105  9590 9402 8718 3310 7301 06 Article Number (Transfer from service label) 9589 0710 5270 1204 5306 66	A. Signature X <u>EPA MAIL ROOM</u> ☐ Agent ☐ Addressee B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No MAY 28 2024 3. Service Type ☐ Priority Mail Express® ☐ Adult Signature ☐ Registered Mail™ ☐ Adult Signature Restricted Delivery ☐ Registered Mail Restricted Delivery ☐ Certified Mail® ☐ Signature Confirmation™ ☐ Certified Mail Restricted Delivery ☐ Signature Confirmation Restricted Delivery ☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery ☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation Restricted Delivery ☐ Insured Mail ☐ Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: Susane Arredondo, Exec. Officer CRWACB, Los Angeles Region 320 West Fourth St. Suite 200 Los Angeles, CA 90013  9590 9402 8718 3310 7301 20 Article Number (Transfer from service label) 9589 0710 5270 1204 5306 80	A. Signature X <u>[Signature]</u> ☐ Agent ☐ Addressee B. Received by (Printed Name) C. Date of Delivery + <u>Amber Barnes</u> + <u>5/28/24</u> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No 3. Service Type ☐ Priority Mail Express® ☐ Adult Signature ☐ Registered Mail™ ☐ Adult Signature Restricted Delivery ☐ Registered Mail Restricted Delivery ☐ Certified Mail® ☐ Signature Confirmation™ ☐ Certified Mail Restricted Delivery ☐ Signature Confirmation Restricted Delivery ☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery ☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation Restricted Delivery ☐ Insured Mail ☐ Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: Eric Oppenheimer, Executive Dir. CA State Water Resources Control Bd. P.O. Box 100 Sacramento, CA 95812  9590 9402 8718 3310 7301 13 2. Article Number (Transfer from service label) 9589 0710 5270 1204 5306 73	A. Signature X <u>[Signature]</u> ☐ Agent ☐ Addressee B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No 3. Service Type ☐ Priority Mail Express® ☐ Adult Signature ☐ Registered Mail™ ☐ Adult Signature Restricted Delivery ☐ Registered Mail Restricted Delivery ☐ Certified Mail® ☐ Signature Confirmation™ ☐ Certified Mail Restricted Delivery ☐ Signature Confirmation Restricted Delivery ☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery ☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation Restricted Delivery ☐ Insured Mail ☐ Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

Tracking Number:

9589071052701204530673



Copy



Add to Informed Delivery

Latest Update

Your item has been delivered and is available at a PO Box at 10:34 am on May 24, 2024 in SACRAMENTO, CA 95812.

Get More Out of USPS Tracking:



USPS Tracking Plus®



Delivered

Delivered, PO Box

SACRAMENTO, CA 95812

May 24, 2024, 10:34 am

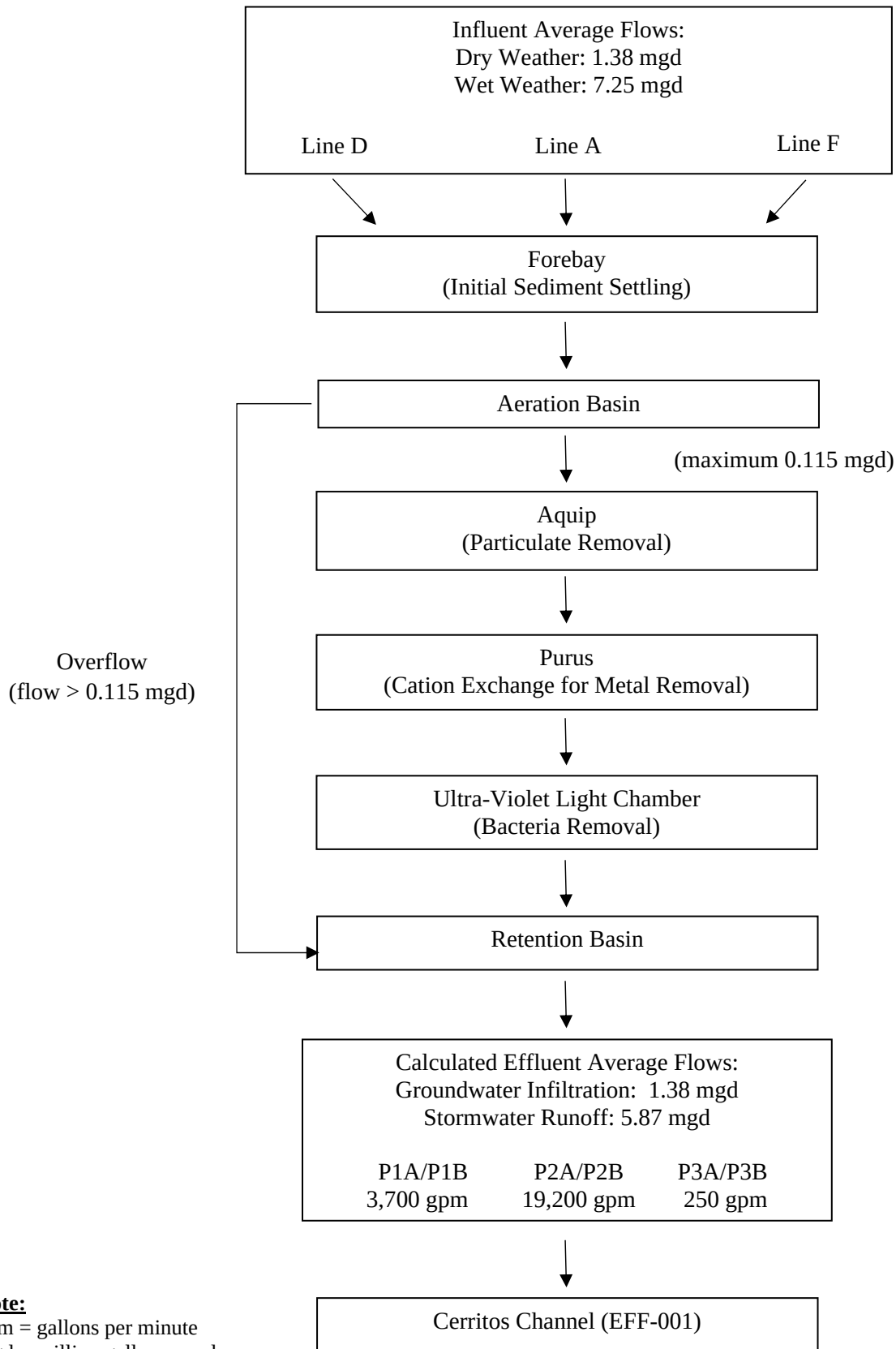
[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean?](#)

Exhibit 3

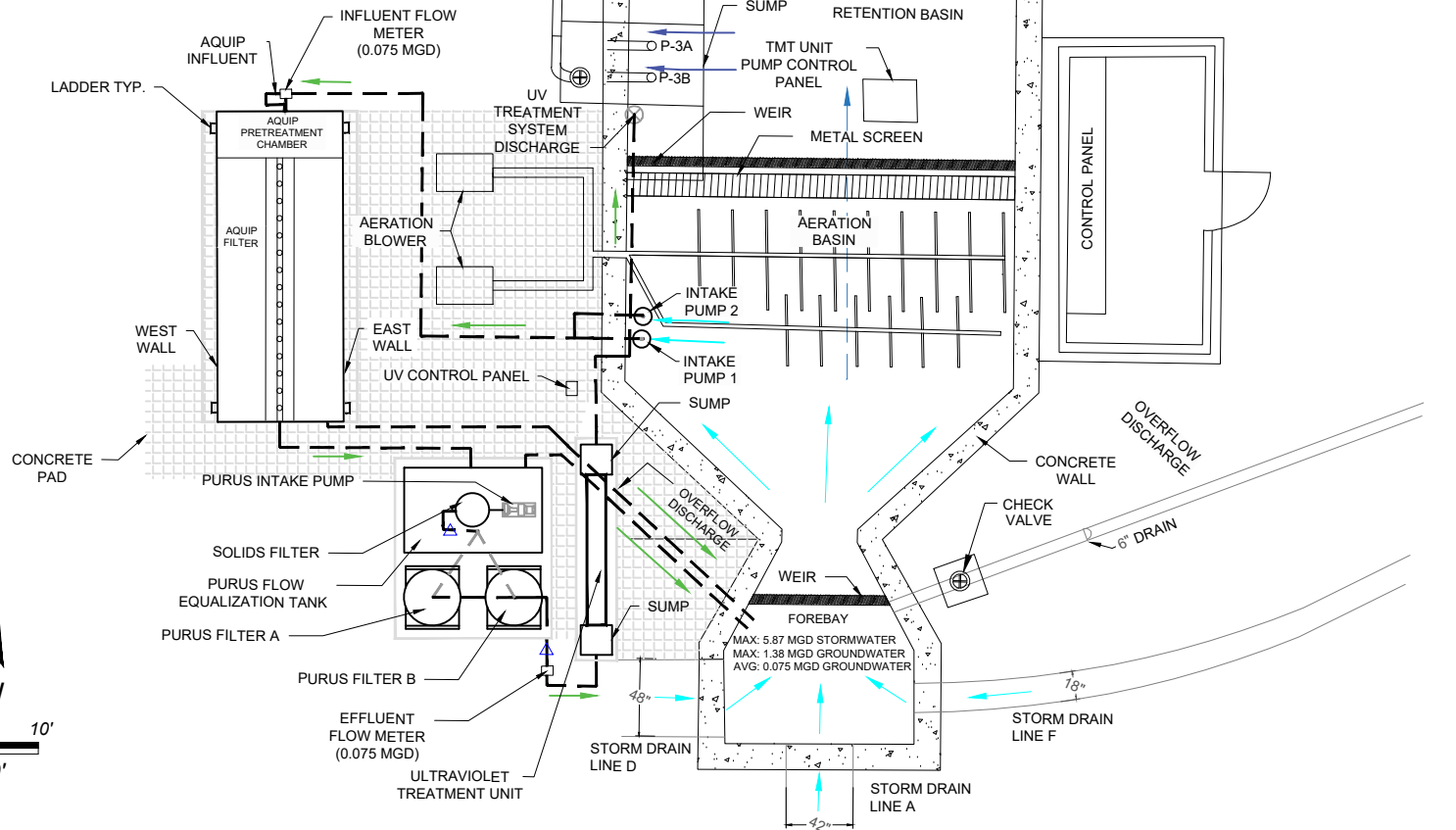
FORM 1: FLOW SCHEMATIC FOR NEW DOCK PUMP STATION

January 2024



LEGEND

	Gate Valve
	Check Valve
P1A/P1B	Intermediate Pump (3,700 GPM)
P2A/P2B	Large Pump (19,200 GPM)
P3A/P3B	Sump Pump (250 GPM)
GPM	Gallons Per Minute
MGD	Million Gallons Per Day
TYP	Typical
	Treatment System Intake Pump
	Treatment System Pipe
	Treatment System Flex Pipe
	Storm and Groundwater Flow Direction
	Treatment System Pipe Flow Direction
	Discharge Flow
	Overflow Influent >80 gallons per minute (GPM)
	Purus Pressure Equalization Valves



I:\PASICAD\Projects\POLA\New Dock Pump Station\2023 NPDES Permit App\Figure 2 treatment system layout.dwg



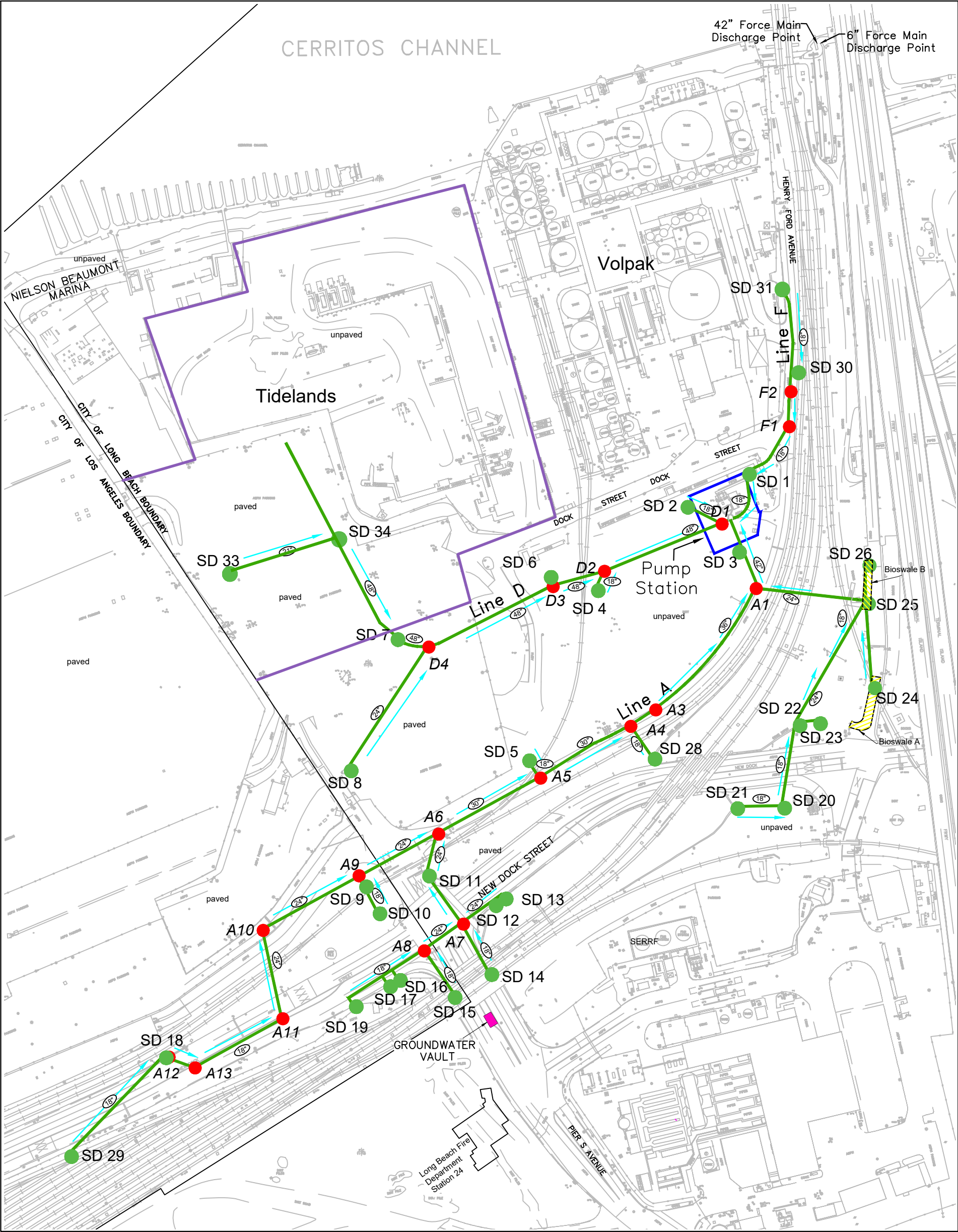
Tetra Tech
3475 E. Foothill Blvd.
Pasadena, California 91107



CITY OF LOS ANGELES HARBOR DEPARTMENT
Environmental Management Division
425 South Palos Verdes St.
San Pedro, CA 90733-0151

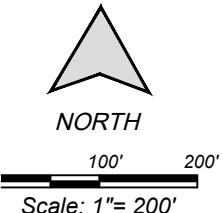
NEW DOCK PUMP STATION
FORMS 1 and 2C
LINE DRAWING

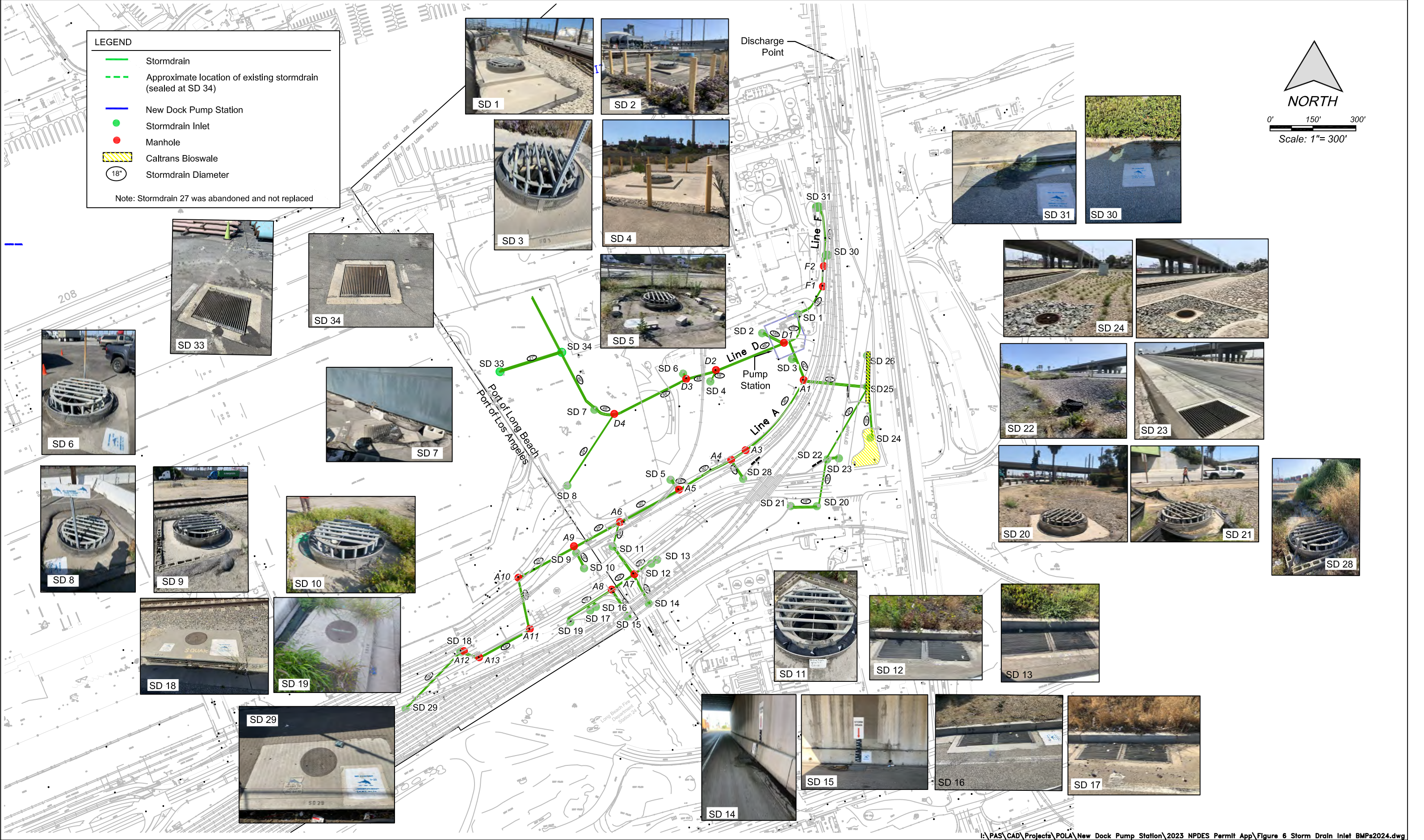
DATE	January 2024
SCALE	1"=10'
PROJECT NUMBER	T23990.01

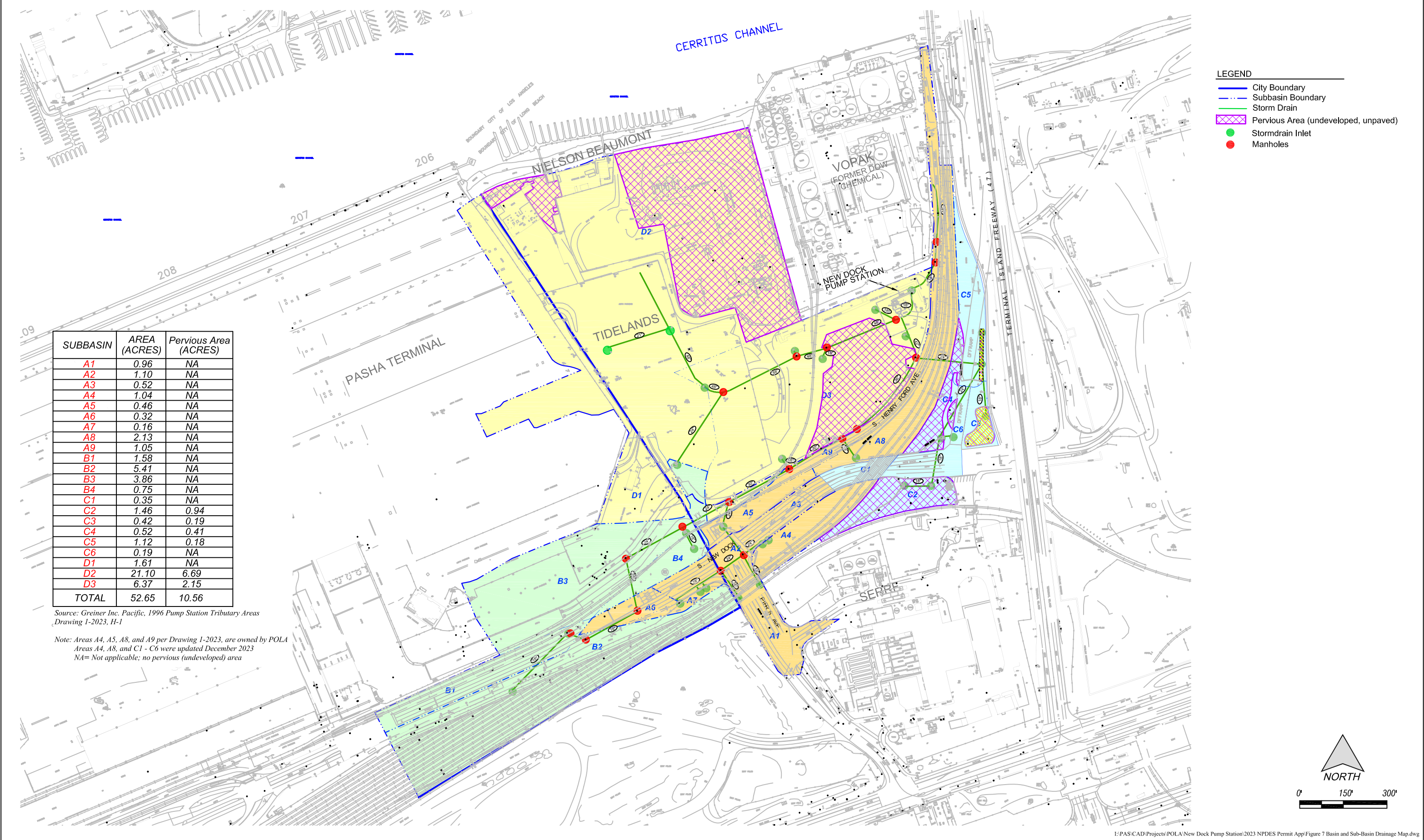


LEGEND

- Storm Drain
 - New Dock Pump Station Site Boundary
 - Storm Drain Inlet
 - Manhole
 - Approx. Tidelands Lease Boundary
 - Groundwater Collection Vault
 - Water Flow Direction within storm drain
 - Storm Drain Diameter
 - SD Storm Drain
 - Caltrans Bioswale (installed May 2021)
- Note: When preparing for a stormdrain cleanout or inspection, traffic control must be arranged for Stormdrain 23, located on the 47 Terminal Island Freeway exit





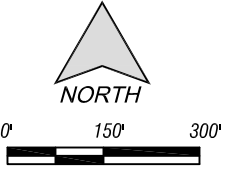


SUBBASIN	AREA (ACRES)	Pervious Area (ACRES)
A1	0.96	NA
A2	1.10	NA
A3	0.52	NA
A4	1.04	NA
A5	0.46	NA
A6	0.32	NA
A7	0.16	NA
A8	2.13	NA
A9	1.05	NA
B1	1.58	NA
B2	5.41	NA
B3	3.86	NA
B4	0.75	NA
C1	0.35	NA
C2	1.46	0.94
C3	0.42	0.19
C4	0.52	0.41
C5	1.12	0.18
C6	0.19	NA
D1	1.61	NA
D2	21.10	6.69
D3	6.37	2.15
TOTAL	52.65	10.56

Source: Greiner Inc. Pacific, 1996 Pump Station Tributary Areas
Drawing 1-2023, H-1

Note: Areas A4, A5, A8, and A9 per Drawing 1-2023, are owned by POLA
Areas A4, A8, and C1 - C6 were updated December 2023
NA= Not applicable; no pervious (undeveloped) area

- LEGEND
- City Boundary
 - Subbasin Boundary
 - Storm Drain
 - Pervious Area (undeveloped, unpaved)
 - Stormdrain Inlet
 - Manholes



I:\PAS\CAD\Projects\POLA\New Dock Pump Station\2023 NPDES Permit App\Figure 7 Basin and Sub-Basin Drainage Map.dwg

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY(S)
OR OF PARTY APPEARING IN PRO PER

Andrew B. Holmes
HOLMES, ATHEY, COWAN & MERMELSTEIN LLP
811 Wilshire Boulevard, Suite 1460
Los Angeles, California 90017
(213) 985-2200
abholmes@holmesathey.com

ATTORNEY(S) FOR: Plaintiff Environment California, Inc.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Environment California, Inc.

Plaintiff(s),

v.

City of Los Angeles; Los Angeles Harbor
Department, a/k/a/ The Port of Los Angeles; and
Los Angeles Board of Harbor Commissioners

Defendant(s)

CASE NUMBER:

Case No. 2:24-cv-06154

**CERTIFICATION AND NOTICE
OF INTERESTED PARTIES
(Local Rule 7.1-1)**

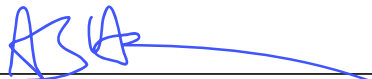
TO: THE COURT AND ALL PARTIES OF RECORD:

The undersigned, counsel of record for Environment California, Inc.
or party appearing in pro per, certifies that the following listed party (or parties) may have a pecuniary interest in
the outcome of this case. These representations are made to enable the Court to evaluate possible disqualification
or recusal.

(List the names of all such parties and identify their connection and interest. Use additional sheet if necessary.)

PARTY	CONNECTION / INTEREST
Environment California, Inc.	Plaintiff
City of Los Angeles	Defendant
Los Angeles Harbor Department, a/k/a/ The Port of Los Angeles	Defendant
Los Angeles Board of Harbor Commissioners	Defendant

July 23, 2024
Date


Signature

Attorney of record for (or name of party appearing in pro per):

Environment California, Inc.