



City of El Segundo

Office of the City Manager

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City Attorney

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Transmitted Via Email

December 14, 2022,

Honorable Chairperson Verdugo-Peralta and SCAQMD Hearing Board Members
21865 Copley Drive
Diamond Bar, CA 91765

Re: Hearing Matter No. 1212-39: SCAQMD v. City of Los Angeles (Hyperion Treatment Plant – Flaring Operations) – Continued Hearing 12/15/2022

Honorable Chairperson Verdugo-Paralta and Board Members,

Overview

The City of El Segundo has submitted prior letters on March 18, 2022, and September 6, 2022 to the Hearing Board regarding this matter, and is once again writing to express its continued frustration and concerns regarding the ongoing health and odor issues that are being caused by the City of Los Angeles' failures to properly maintain and operate the Hyperion wastewater treatment facility. These letters also contained requested action items, some of which are repeated below.

The SCAQMD has issued 70 Notices of Violations (NOV's) since July 2021 regarding Hyperion. The breakdown of these NOV's is 68 for odor public nuisance, 1 for visible emissions (smoke), and 1 for flares not passing the source test. The last NOV was issued on November 21, 2022 for odors/public nuisance.

The residents of the City of El Segundo have been suffering since the unfortunate incident on 7/11/2021. The City has unsuccessfully tried to obtain the status of the implementation of the 33 recommendations made by the Ad Hoc Advisory Committee formed by the City of Los Angeles Department of Public Works. These recommendations made by the City of Los Angeles are now apparently being abandoned by Los Angeles.

Rather than become more transparent after the July 21 disaster at the plant and working to ensure that such a disaster does not happen again, Los Angeles is doing just the opposite. This behavior just heightens the growing mistrust and frustration with the Hyperion plant and Los Angeles and provides no assurances about the plant's maintenance or operation activities.

Further, El Segundo continues to have great concerns regarding the needed repairs of the existing system, including the flaring operations which are designed to keep odors and harmful materials being released from the plant. From the complaints El Segundo has received from its residents, it appears that Hyperion continues to undertake activities which cause odors and harmful gases to be released from the plant. If these activities which cause public health problems are necessary to repair the plant, such should be done in an orderly manner with full disclosure to the adjacent communities of the timing and impacts of the activities.

Hyperion's executive staff is not taking the NOV's issued by SCAQMD seriously. Hyperion needs to assess each NOV, be pro-active and transparent about each NOV and how it is being addressed, and quickly resolve each NOV. This is not happening.

El Segundo is requesting that the Hearing Board revisit its prior requests submitted to the Board as well as consider the matters identified in this letter.

Action Requested

At the SCAQMD Hearing Board meeting held this past March 9th, it was clearly demonstrated that Hyperion has long term maintenance, operational and compliance failures, and that the City of Los Angeles is completely lacking in any sense of urgency with regard to correcting the situation. A Hyperion staff member attempted to blame the pandemic and budget cuts allegedly made by the City's prior Mayor, but the evidence presented showed the violations were happening for years before the pandemic. El Segundo previously pointed out these serious failures and is again focusing on such for purposes of hopefully focusing your attention on the severe mismanagement of the Hyperion facility. The City of Los Angeles should have been appalled and humiliated at what was revealed at the March 9th hearing, but instead has ignored such, has become even less transparent about the problems at the plant, and is not making any meaningful effort to address the problems. Los Angeles is acting in a belligerent manner about rectifying its monumental failures at the Hyperion facility.

Given the quantity and quality of failures that have occurred with the system which was designed to keep harmful chemicals and odors from exiting the plant, including the flaring system which is designed to be the "failsafe" component of the system; the ongoing lack of concern or motivation demonstrated by the Los Angeles about the current NOV's and the harm being inflicted on the surrounding residents and the environment; El Segundo is requesting that you and your staff immediately take measures to reverse the deplorable conditions at the plant and the odors and hazardous chemicals emanating from the plant.

Addressing the many concerns currently plaguing the facility can only be accomplished if the entire Hyperion plant maintenance and operations failures are brought into compliance as

quickly as possible. Additionally, consistent ongoing oversight measures need to be implemented.

The City of El Segundo is requesting the following measures be imposed by the Board:

1. Immediately require the implementation of the mitigation and action items identified in the February 11, 2022, Ad Hoc Advisory Committee Report, approved and released by the L.A. Board of Public Works.
2. Installation of fence line air quality monitoring system and 24/7 continuous monitoring of all types of harmful emissions, including monitoring for volatile gases and Nox emissions.
3. Installation of air quality monitoring systems at the flare stations and 24/7 continuous monitoring of all types of harmful emissions, including monitoring for volatile gases and Nox emissions.
4. On-going quality assurance compliance of operations and maintenance at Hyperion overseen by a neutral third party.
5. Expedite the needed repair work at the plant, including the flaring system, so that odors and harmful materials cease being emitted from the plant.
6. Review of all critical functions and operations at Hyperion and institute monthly, quarterly, and annual reports for purposes of establishing and monitoring plant maintenance and operations, testing and testing results of the critical components at the plant, and establishing capital improvement schedules and monitor the timely implementation of these improvements.

Sincerely,



Darrell George,
City Manager

Cc: El Segundo Honorable Mayor Boyles and City Council Members
South Coast Air Quality Management District Honorable President Benoit and Board Members
Faye Thomas, Clerk of the Boards
City of Los Angeles Honorable Mayor and Council Members
Elias Sassoon, El Segundo Public Works Director
Mark Hensley, El Segundo City Attorney