



City of El Segundo

Office of the City Manager

Elected Officials:

Drew Boyles,
Mayor
Chris Pimentel,
Mayor Pro Tem
Carol Pirsztuk,
Council Member
Lance Giroux,
Council Member
Ryan Baldino,
Council Member
Tracy Weaver,
City Clerk
Matthew Robinson,
City Treasurer

Appointed Officials:

Darrell George,
City Manager
Mark D. Hensley,
City Attorney

Department Directors:

Barbara Voss,
Deputy City Manager
Joseph Lillio,
Chief Financial Officer
Aly Mancini,
Recreation, Parks, and
Library Director
Michael Allen,
Community Development Director
Deena Lee,
Fire Chief
Rebecca Redyk,
Human Resources Director
Jose Calderon,
IT Director
Jaime Bermudez,
Police Chief
Elias Sassoon,
Public Works Director

www.elsegundo.org
www.elsegundobusiness.com
www.elsegundo100.org

Transmitted Via Email

January 23, 2023

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

Re: Hearing Matter No. 1212-40: SCAQMD v. City of Los Angeles (Hyperion Treatment Plant – Flaring Operations) – Continued Hearing 1/25/2023

Honorable Chairperson Verdugo-Paralta and Board Members,

Overview

The City of El Segundo has submitted prior letters on March 18, 2022, September 6, 2022, and December 14, 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. **Despite the hearing boards activities and the notices of violations that have been issued, the Hyperion Plant was the source of continuous odors and gasses being released in El Segundo over the past two months, including the holiday season. In short, nothing is changing regarding the problems with the plant.**

The SCAQMD has issued 72 Notices of Violations (NOV's) since July 2021 regarding Hyperion. The breakdown of these NOV's is 70 for odor public nuisance, 1 for visible emissions (smoke), and 1 for flares not passing the source test. The last two NOV's were issued on December 26, 2022, and January 10, 2023, 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 gasses 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. Hyperion should prepare a publicly accessible spreadsheet and regularly update the status of all 33 recommendations reflected on the Ad Hoc Advisory Committee final report dated February 11, 2022. Upon updating the spreadsheet, Hyperion should notify El Segundo City staff immediately so this information can be shared out by the City more widely to its residents when appropriate.
2. Hyperion should post correct and concise information regarding any odor, chemical release, or sound nuisance issue by indicating the cause, what is being done to rectify it, when the issue is anticipated to be resolved, and when Hyperion will resume its normal operation. Such issues should be messaged out via Nixle or similar emergency communications systems to those who subscribe and directly sent to El Segundo City staff immediately so this information can be shared out more widely by the City to its residents when appropriate. Hyperion also needs to ensure that LA County Public Health is included in emergency announcements to trigger their immediate response.
3. Hyperion should inform City staff in advance regarding upcoming projects which could potentially cause odor, chemical release, or sound nuisance issues, with details including the scope of the project, when the work begins, anticipated environmental impacts, and when it is scheduled to be completed.
4. Hyperion should develop a Preventive Maintenance Program (PMP) for the entire plant and particularly trouble-shoot its most vulnerable components because most of the incidents which cause severe air quality impacts are preventable. As part of this PMP, Hyperion should maintain a substantial inventory of needed parts/units for permitted equipment, in case of failure of a critical component of the plant such as what occurred with the scrubber in December 2022. An automated minimum and maximum ordering requirements could prevent running out of covers, working pressure gauges, scrubber fluid, and carbon absorber filters, for example.
5. Hyperion should install air quality monitoring systems at the flare stations and upgrade other air monitoring systems to provide 24/7 continuous monitoring of ALL types of harmful emissions, including volatile gasses and NOx. These systems need to be checked regularly for functionality to avoid downtime as much as possible, as has been evident in the last few weeks.

6. Hyperion should announce unplanned flares via Nixle or similar emergency communications systems to those who subscribe and also directly sent to El Segundo City staff immediately, so this information can be shared out more widely by the City to its residents when appropriate.
7. Hyperion needs to be overseen by a neutral third party or higher-level environmental agency to ensure continuous compliance of operations, effectiveness of maintenance schedules, and implementation of its capital improvement program.
8. Hyperion needs to understand and respect the fact that while it serves a vital function for the City of Los Angeles, it also has environmental and humane responsibilities to uphold for its immediate neighbors and surrounding natural elements.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darrell George', with a stylized flourish at the end.

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