

ODOR TASKS in SETTLEMENT AGREEMENT

IV. DEFINITIONS

“Deliverable” shall mean any written reports required to be prepared and/or submitted pursuant to Sections VI (Reporting Requirements) and VIII (Supplemental Environmental Projects) of this Settlement Agreement.

“Independent Review of the Sewer Odor Control Program for the City of Los Angeles” shall mean the review conducted by the independent expert retained pursuant to the July 2001 Stipulated Case Management Order.

“Intervenors” shall mean the Plaintiffs in Intervention Baldwin Hills Estates Homeowners’ Association, Inc., Baldwin Hills Village Garden Homes Association, United Homeowners Association, Village Green Owners Association, and Concerned Citizens of South Central Los Angeles.

“Odor Advisory Board” shall mean the community advisory board established pursuant to the July 2001 Stipulated Case Management Order.

“Odor Outreach Plan” shall mean the plan adopted by the City to publicize the existence of the Sewer Odor Hotline.

“Odor Complaint Response Form” shall mean the form used by City crews to respond to odor complaints.

“Sewer Odor Hotline” shall mean the hotline operated by the City for the purpose of receiving and recording calls reporting sewage odor complaints, which was established pursuant to the July 2001 Stipulated Case Management

Order.

V. WORK

G. ODOR PROVISIONS

General

¶32. The City will continue to investigate, resolve, and mitigate sewer odors to the maximum extent practicable. The City will continue to work closely with the Odor Advisory Board on these efforts.

Sewer Odor Hotline and Response

¶33. The City will continue to operate the Sewer Odor Hotline. Within six months from the entry of this Settlement Agreement, the City shall, if practicable, arrange for calls to the Sewer Odor Hotline to be answered and documented by a live person rather than a recording.

¶34. Within six months from the entry into this Settlement Agreement, the City will develop an updated Odor Outreach Plan for advertising the Sewer Odor Hotline. The Plan will continue the public outreach efforts advertising the Sewer Odor Hotline in Los Angeles City Council Districts 8, 9, and 10 and gradually expand the outreach to the entire City.

¶35. As part of the City's Odor Outreach Plan, the City will develop a community feedback system. Under this system, the City will periodically contact a select group of people who live near known odor hot spots to inquire about their recent

experiences with sewage odors and, if applicable, their experiences with the Sewer Odor Hotline.

¶36. The City will implement its updated Odor Outreach Plan and will report on the progress as part of the Annual Report required under Subsection VI.G. of this Settlement Agreement.

¶37. The City will modify its Odor Complaint Response Form to include a qualitative description of the wind condition (i.e. calm, windy, or gusty) observed in good faith by the field crews and wind direction, as readily available to the field crews. In some special cases and as deemed necessary by the City, available basic weather information may be used for the odor complaint investigation.

¶38. The City will make an initial return call to the community member filing the sewer odor complaint through the Sewer Odor Hotline (complainant) within 1 week from the receipt of the hotline complaint if requested by the complainant and the complainant has provided call back information.

¶39. The City will investigate the sewer odor complaint received by the Sewer Odor Hotline and shall call the complainant to attempt to report findings and actions within 30 days from the receipt of the Sewer Odor Hotline complaint if requested by the complainant and the complainant has provided call back information.

¶40. For the first year after the entry into this Settlement Agreement, the City will prepare quarterly reports reviewing the Sewer Odor Hotline program. The reports shall list all sewer odor complaints received by the Sewer Odor Hotline for that

period, the date received, the location, the date when the initial call was made, the cause of the odor complaint as determined by the field inspection crew, the action taken and the date of the follow-up call made. The report shall assess the effectiveness of the Sewer Odor Hotline program, including whether callers are reasonably satisfied with the Sewer Odor Hotline, and shall include any recommendations for improvement, if necessary. A draft of the report will be reviewed with the Odor Advisory Board and the Odor Advisory Board shall have an opportunity to comment on the report, as well as its findings and recommendations. The final report, including any findings and recommendations for improvement, shall be posted on the sewer hotline web page. Thereafter, the City will prepare and post an annual report. The Odor Advisory Board may request a quarterly report if necessary.

Odor Advisory Board

¶41. The City will continue to support the Odor Advisory Board for the length of this Settlement Agreement, unless sooner terminated by mutual assent of the parties.

¶42. The City will provide the Odor Advisory Board with all of the reports relating to system evaluation and capacity assurance, including reports concerning flow levels and sewer capacity, that the City is required to provide under this Settlement Agreement.

Existing Odor Control Measures

¶43. Within six months of the entry into this Settlement Agreement, the City will prepare written procedures for the odor control measures the City currently employs including the addition of chemicals for sewer odor control. The procedures will outline and describe the type of chemicals and the underlying assumptions utilized to estimate the necessary dosage, including baseline monitoring data, performance monitoring data, odor complaints, and any other factors as deemed necessary to ensure the effectiveness of the odor control measures. The procedures will also outline instances with significant changes that require notification of the Odor Advisory Board. This will include instances where the chemicals used are changed or the underlying assumptions are changed.

¶44. The City will distribute these written procedures to the Odor Advisory Board. On an annual basis, or as requested by the Odor Advisory Board, the City will share summary data with the Odor Advisory Board regarding the odor control measures utilized by the City and any relevant information.

Odor Master Plan

¶45. The City will complete the preparation of its Odor Master Plan within 2 years from the entry into this Settlement Agreement. This will include the assessment of known odor hotspots, additional testing and monitoring, and recommended actions. The City will develop the Odor Master Plan in consultation with the Odor Advisory Board or its designees. The Odor Advisory Board will be updated quarterly on the progress of the Master Plan preparation.

Air Treatment Facilities & Interim Scrubbers

¶46. The City will install and operate seven Air Treatment Facilities (“ATFs”) for the control of sewer odors at the following locations by the corresponding dates:

<u>Project Title</u>	<u>Construction End Date</u>
ATF – ECIS/NORS (4 Sites) Mission & Jesse 23rd and San Pedro Jefferson Siphon (Jefferson & La Cienega) At NORS Connection	5/23/08
ATF - NCOS Jefferson & Rodeo	5/23/08
ATF - NEIS (2 Sites) Humboldt Richmond	3/26/09

The deadline for completion of construction will reflect appropriate design, permitting and/or construction contingencies. The City shall make its best efforts to ensure that any delays do not exceed one year.

¶47. While the ATFs are being constructed, interim odor carbon scrubbers will be installed at the following locations per the corresponding dates:

<u>Project Title</u>	<u>Construction End Date</u>
Interim Carbon scrubber – NCOS	completed
Interim Carbon scrubber – ECIS/NORS (4 Sites) Mission & Jesse 23rd and San Pedro Jefferson Siphon (Jefferson & La Cienega) At NORS connection	8/27/04

The deadline for completion of construction will reflect appropriate construction contingencies. The Parties recognize that these dates represent the most reliable estimates based on information currently available and that the dates may be modified as new circumstances dictate.

¶48. In addition, the City will continue to operate the odor control carbon scrubber at the traffic island at the intersection of Rodeo and Jefferson until the ATFs at that location is operational.

¶49. The City will develop written maintenance and operations manual for each of the ATFs. The written operations manual shall state that the standard operating procedure for the ATFs includes the operation of the ATF's biotrickling filter and its carbon polishing system.

¶50. The City will monitor all the odor control facilities as necessary to comply with all regulatory and permit requirements. The City will disclose the terms of these regulatory and permit requirements to the Odor Advisory Board.

¶51. The City will install an indicator light on the outside wall of each ATF that visually depicts whether the biotrickling filter of the ATF is operational or not and the number to call to report any issues with the operations.

¶52. The City will report quarterly to the Odor Advisory Board, or more frequently if requested by the Odor Advisory Board, on the removal levels for hydrogen sulfide

at each of the odor control facilities (interim scrubbers and permanent ATFs) showing inlet concentration and outlet concentration. The information will also be posted on the odor hotline web site. One year after the last ATF is installed, the reports will become annual or as requested by the Odor Advisory Board.

¶53. The City will report on the construction progress of the odor control facilities as part of the annual report and construction progress will be discussed with the Odor Advisory Board on annual basis or as requested by the Odor Advisory Board.

¶54. With the completion of each of the ATFs, the City will extend an invitation to the Odor Advisory Board to tour the facility.

ECIS Odor Monitoring

¶55. Within two months after ECIS (the East Central Interceptor Sewer) becomes operational, the City will conduct monitoring of hydrogen sulfide gas levels, air pressure, and other necessary parameters in ECIS as necessary to evaluate the effectiveness of the odor control efforts. Within 3 months after the operation of ECIS, the City will share the results of this monitoring with the Odor Advisory Board or its designees.

Independent Review of the Sewer Odor Control Program

¶56. Within six months from entry into this Settlement Agreement, the City will prepare an implementation plan for implementing the recommendations made as part of the Independent Review of the Sewer Odor Control Program for the City of

Los Angeles. The implementation plan will include an implementation schedule and reasons for deviating from the recommendations in the Independent Review, if any.

¶57. The progress on the implementation of the recommendations will be reported as part of the annual report and will be discussed with the Odor Advisory Board on annual basis or as requested by the Odor Advisory Board.

H. MODIFICATION OF CONSTRUCTION DEADLINES

VI. REPORTING REQUIREMENTS

G. ANNUAL PROGRESS REPORT

¶70. Timing. By October 1 following the end of Year One and on September 1 of each following year this Settlement Agreement remains in effect, the City shall submit an Annual Progress Report (“Annual Report”) to Government Plaintiffs for their review. The Annual Report shall cover at least the period in the Fiscal Year ending on the previous June 30.

¶151. The Court’s management orders, including the Stipulated Case Order dated and filed on July 3, 2001, are hereby terminated.