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Hermosa Beach City Council
City of Hermosa Beach
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Dear Councilmembers,

I write to oppose the proposed construction of an infiltration project on the Hermosa Beach Greenbelt. While as an environmentalist and concerned resident of Hermosa Beach, I recognize the need to address the Water Quality Act issues with the Herondo storm drain, this project in its current proposed location on the Hermosa Greenbelt is, simply put, the right project in the wrong place. I ask the council to take a careful look at this project, the engineering studies that have been done to date, and to listen carefully to your constituents who have raised pointed and valid objections to the project at its current location. I urge the council to look for a more adequate solution in a different location that does not pose such tremendous risks to Hermosa Beach residents and massive liability to our city and its taxpayers.

As a lawyer who has worked on environmental litigation in my career, when I first learned of this project in April, I began to read the voluminous environmental and project documents from all available public sources that I and other residents have been able to locate. The more reading I have done, the more shocked I have become at the utter lack of due diligence regarding the proposed project location. Not only do the minimal studies conducted to date raise multiple red flags concerning the safety of the project, but the City is apparently also attempting to avoid conducting a site-specific Environmental Impact Report (EIR) which would likely identify and underscore the impropriety of this location. As a voter, I have also been amazed by the City's continuing failures to properly notify residents regarding this project—a violation of the Brown Act that I believe calls the entire project into question.

These failures, which I detail below, have been all the more stunning to me because I voted for many of the current council members after working with them on the No on O campaign. Given that experience, my hope was that our council formed of its current members would avoid some of the problems our small city government has had

in the past—such as the massive expense borne by our City as a result of a hasty and improperly studied decision to allow oil drilling and a massive oil pipeline project in a densely populated beach City. Yet I feel, with this project, here we are again. Please renew my faith in your leadership. Take a careful look at this project, listen to your constituents, and do the right thing. Find one or more new locations to address the 2 million gallons of proposed infiltration water rather than injecting it in the Greenbelt within feet of people's homes.

Red Flags with Current Engineering Studies

There are a number of red flags with the current project location raised by the engineering studies conducted to date, some of which have been detailed in correspondence by my neighbor Alex Reizman. I share all of Mr. Reizman's concerns regarding those studies and detail several other concerns below. Each issue alone is a reason to relocate this project, but cumulatively, they should make it obvious that this is the wrong place to handle this project.

First, this project is being located in a known liquefaction zone. Basically, dirt turns to liquid in the event of an earthquake. It doesn't take an engineer to understand what happens to homes built on top of that dirt-now-liquid when an earthquake comes. See, e.g., *San Francisco Chronicle*, "Loma Prieta quake at 28: Long-forgotten photos show disaster's depths" (Oct. 17, 2017) ("The Marina was the hardest-hit area in the city, with the ground below the homes and businesses liquefying, causing more than 100 buildings to collapse.") We have all been warned that another earthquake of equal or greater size and scope of the Northridge earthquake will hit. It is only a matter of time. And my City is contemplating injecting 2 million gallons of additional water per storm surge within feet of homes and multi-story apartment buildings built on or near that liquefaction zone? Something does not compute. Moreover, the City's own engineering firm Geosyntec performed 6 soil boring tests on the mulch path of the Greenbelt where this proposed project is to be located. Two of those borings showed liquefaction! Even Geosyntec recommended additional studies had to be performed in light of that finding.

Second, this project is being located in a site with extremely high groundwater levels. That is critical because the entire engineering bet here is that there is sufficient soil between the infiltration gallery and the water table to clean pollutants before they enter our groundwater. The City's own engineering study with its minimal 6 soil borings taken on a single day in late March 2017 showed groundwater levels of 25 feet for 4 of the 6 soil borings. Given current LA County regulations concerning infiltration structures, a minimum of 10 feet must exist between the high water mark of groundwater and the lowest portion of the infiltration structure. Even according to the rosy calculations based on those 6 soil tests, that gives the project only 15 feet, including

dirt to cover up the top portion of the project. There will be no room for the replacement greenery or trees of the type we presently have on our Greenbelt. Moreover, even Geosytec's report does not take into account historical groundwater levels, which based on nearby well data have been as high as 15 feet. With the 10 foot buffer required between groundwater levels and the infiltration gallery, allowing no space for this project to exist without risk of polluting groundwater. Other concerns, given the high groundwater levels, include surface pooling and odors caused by bacteria levels considering the inadequate amount of soil that exists to properly infiltrate and clean the polluted water being injected into our ground.

Third, this project does not provide adequate pre-filtering before the water enters the infiltration gallery, thus exposing our groundwater and Greenbelt to significant pollutants. I specifically asked Mr. Massey during a community meeting about possible pollution and he assured me the project included filtering. What he did not mention is that the project filter is called a gross debris filter. In other words, the filters are designed to capture trash and large particle soils from entering the infiltration gallery, and not to clean any pollutants from the water before entering the infiltration system. The watershed that leads into the Herondo Storm drain primarily runs from Redondo Beach and Torrance, including a light industrial area in Torrance. This project offers zero assurance that heavy metals, including lead, and other pollutants will not be injected into this site. What happens with those contaminants as they filter through the ground? Even if the infiltrated pollution does not reach the groundwater, creating a plume of who knows what toxic pollutants in our groundwater, the pollutants are not leaving the soil. What is to stop them from exposing our children and adult residents who use the Greenbelt to pollution, high bacteria levels, odors and contaminants? Based on what I have read from the details provided to the public to date, I have very little assurance that this project will not expose residents and our environment to harms of this nature.

Finally, I have been amazed that the City is pushing forward with a design plan for an infiltration system without conducting any studies on the impact either construction of this giant project or injection of 2 million gallons of water per storm surge into the soil will have on adjacent residential homes. Homes such as the Mooring and Cochise townhomes are mere feet from the project's borders. The Mooring in particular has condos with partially subterranean structures and the homes are built on a slab. I have reviewed photos and video of Tetra Tech's other infiltration projects, available online, and based on those projects, large machinery such as excavators and pile drivers will be used for dirt and tree removal and for creating retaining walls around the project. We know from the experience of the Beachside Condos during Redondo Beach's storm drain project on Herondo Street the types of damage that work from a single pile driver and/compactor can cause to our residences: Burst pipes and struc-

tural damage, to name just a few issues, all of which led to litigation with the City of Redondo Beach. And yet, the City has not commissioned any study of what this proposed construction will do to homes feet away from this project.

Additionally, the City does not seem to have taken into account what injecting 2 million gallons of water will do to the foundations of homes only feet from this project site. It does not take an engineer to understand that water flows. And where water flows, it undermines the ground around it. The mere fact that the City is relying on 6 soil borings taken from only the Greenbelt mulch trail to gain an understanding of the feasibility of this project, while the main design under consideration from the project covers the entire Greenbelt, shows how deficient the engineering studies have been to date. Furthermore, neither Geosyntec in its report, nor Tetra Tech according to its RFP response and billings to the City, has undertaken any structural analysis of what injection of such a large amount of water will do to adjacent structures. These failures suggest manifest negligence.

No Proposed EIR

Many of the questions and concerns I raise above should be addressed in a site-specific Environmental Impact Report ("EIR"). However, to my surprise when reviewing the Request for Proposal ("RFP") for design bids for this project, the City requested that all bidders budget for preparing a negative declaration under CEQA, and not the creation of an EIR. A negative declaration is prepared only when a governmental entity wishes to avoid an EIR by contending that there are no negative environmental impacts from a project or that any environmental impacts can be mitigated. When asked directly by concerned residents about when an EIR will be drafted, the City's staff has provided contradictory and shifting explanations. We have been told an EIR exists, in the form of the Project EIR prepared by the County of Los Angeles. I have read that document. It covers at a very high level every watershed project in the County. It is certainly not adequate to address the concerns of residents regarding the specifics of this project. More recently, City staff have claimed that "studies" will be completed, without using the word EIR, which has caused confusion among residents. Finally, just days ago, another resident received an email from City staff suggesting that if trees are removed, then an EIR will likely be prepared. I am not sure if these shifting explanations are intended to obfuscate the issue and confuse residents, but that is what has occurred. It is time for the City to commit, once and for all, to doing a site-specific EIR for this project, regardless of whether trees are removed or not. We do an EIR in this city for every major and even minor project, and with good reason. It provides essential information to allow an informed electorate to understanding proposed projects in the community. The recent North School construction project and the oil project are just two examples. Why not this project, which is so obviously huge in scope and with such clear implications for people's lives and homes? It is time for the City Coun-

cil to do the right thing and, if it wants to proceed with a project such as this infiltration project within City boundaries, commit to doing a site specific EIR for whichever location is ultimately selected.

Lack of Notice to City Residents

I first received notice of this project, as all my neighbors did as well, with a March 29th community meeting flyer post-marked March 27, 2018. I received it in my mailbox the same day as the meeting and, as a consequence, could not attend the meeting. No prior mailed notice was given to any resident regarding the possible use of the Greenbelt for an infiltration project prior to that notice. Nor have residents ever been asked to provide opinions regarding alternative locations to the Greenbelt at any stage in this process prior to the March 27th notice.

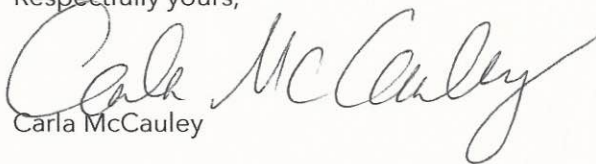
In fact, I find it surprising that the City manages to send me a notice every year regarding the upcoming triathlon and its road closures, and I receive an email soliciting my opinion about three alternative locations for a new library building, but when the City decides to build a two football-field-sized infiltration project in my backyard, it did not bother to notify a single resident about the project until March 2018, at which time the project was presented as a *fait accompli*.

I have looked through all of the Hermosa Beach city council agendas relating to the project that predate the March 2018 meeting notice, and it is curious how the agenda descriptions relating to this project are all vague and provide no address information for the proposed site location, such that residents might be informed as to what the council was reviewing. As the City is well aware, in this state we have the Brown Act, which has specific requirements regarding providing the public with adequate notice. I do not believe those requirements were met with respect to this project from the outset.

Certainly it is peculiar how early plans for this project have been proposed for various locations, including outside of Hermosa Beach. Indeed, at one time, the responsibility for treating these 2 million gallons of polluted water would have been split between several locations, including Perry Ellison play field in Redondo Beach, the parking lot at the bottom of Herondo Street, and possible alternatives such as the SCE power line easement location on Herondo Street, in addition to the Greenbelt and South Park. Yet, I can find no reported council agenda or discussion anywhere at which our elected officials made a publicly noticed decision to take on this project entirely within our small city's borders, effectively exposing our citizens to massive risks and our city to enormous liability.

I don't throw out that last comment cavalierly. When you are discussing issues such as liquefaction and earthquakes, people's lives are on the line and the city has massive potential exposure should this project cause property damage and loss of life. Similarly, our City is liable in the event of damage to our properties as a result of construction or post-construction damage. Subsidence of buildings and polluted groundwater and soils are not inexpensive issues to address, nor are the lawsuits that arise when those issues are at stake, as everyone on the council should be very aware following No on O. I recognize that the City has an obligation to address issues such as the Water Quality Act permit with an eye toward budget responsibility, but the City is either going to pay a little now or pay a lot later if this project goes through in its current location. And with what ultimate end goal? So that our city, which is responsible only for approximately 10% of this watershed, can clean up the remaining 90% of pollutants flowing downhill from Torrance and Redondo Beach? The math simply does not add up here. It's time to look at alternative locations.

Respectfully yours,



Carla McCauley