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Resources

▶ [Safety](#)

▶ [Pressroom](#) (web)

▶ [Ask the CEO](#)

▶ [CEO Forum](#)

▶ [Employee Recognition](#)

▶ [Employee Activities](#)

▶ [Metro Projects](#)

▶ [Facts at a Glance](#)
(web)

▶ [Archives](#)

▶ [Events Calendar](#)

▶ [Research Center/ Library](#)

▶ [Metro Classifieds](#)

▶ [Bazaar](#)

Metro Info

▶ [30/10 Initiative](#)

▶ [Policies](#)

▶ [Training](#)

▶ [Help Desk](#)

▶ [Intranet Policy](#)

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City Attorney Charges Metro with Violating State Water Code

- Metro reported discharges as required, Catoe says
- Agency took steps to prevent future overflows

(Oct. 20, 2005) The Los Angeles City Attorney filed criminal charges against Metro, Tuesday, alleging nine violations of the state water code, but Deputy CEO John Catoe says the agency promptly reported the violations to water quality officials and has corrected the problem.

The charges apparently stem from underground water overflows at the Vermont/Beverly Metro Rail station on 12 occasions from December 2001 to January 2005. According to the City Attorney, the overflows carried “unpermitted discharges of chromium VI, zinc, copper and selenium....”

“We’re surprised the City Attorney would bring these charges. We were not purposely dumping anything,” Catoe said. “We look forward to working with the City Attorney’s office.”

Metro holds permits from the Regional Water Quality Control Board that allow the agency to discharge water from subway tunnels into the sewage system for processing at a treatment plant.

Normally, the groundwater seeping from the subway tunnel at Vermont/Beverly is collected in a catch basin prior to discharge. During periods of heavy rainfall, however, water was discharged directly into the storm drainage system, which empties into Ballona Creek and flows from there to the ocean.

Routine monitoring, reports

Metro routinely monitors some 25 “outfall” locations on the subway line and reports any overflows as required by the Water Quality Control Board, according to agency environmental specialists. Each report of an overflow into the storm drains includes an analysis of the water discharged.

During the period cited by the City Attorney, Metro worked to pinpoint the problem at the Vermont/Beverly station and during last winter’s rains, was able to take measures to prevent further overflows, including raising the pump-out threshold on the holding tank.

There have been no further discharges at the station since Jan. 27.

Each violation of the state water code could carry a penalty ranging from \$5,000 to \$25,000. Arraignment on the charges is scheduled, Dec. 16, in Los Angeles Superior Court.

The charges against Metro are believed to be the first case in California in which a city has brought criminal charges against a county

agency for alleged illegal discharge of pollutants.

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