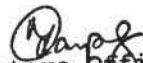


DEPARTMENT OF PUBLIC WORKS  
BUREAU OF SANITATION  
BOARD REPORT NO. 2  
APRIL 25, 2018

APR 25 2018

  
Executive Officer  
Board of Public Works

CD: 5, 6, 10, 11

AND REFERRED TO THE CITY COUNCIL

**BALLONA CREEK BACTERIA TOTAL MAXIMUM DAILY LOAD PROJECT –  
RECOMMENDATIONS FOR CERTIFICATION OF ENVIRONMENTAL IMPACT  
REPORT (SCH No. 2017021047) AND PROJECT APPROVAL BY THE CITY  
COUNCIL**

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**RECOMMENDATIONS**

1. Review and consider the Final Environmental Impact Report (FEIR) for Ballona Creek Bacteria Total Maximum Daily Load Project (Project), which finds that the Project may have a significant construction-related impact to ambient noise levels.
2. Adopt this report and forward it to the City Council with the recommendation that the City Council:
  - a. Review and consider the FEIR, which finds that the Project may have a significant construction-related impact to ambient noise levels.
  - b. Certify that the FEIR was completed in compliance with the California Environmental Quality Act (CEQA); that the City Council review and consider the information contained in the FEIR; that the FEIR reflects and expresses the City's independent judgment and analysis; and the documents constituting the record of proceedings in this matter are in the custody of the City Clerk and in the files of the Board of Public Works and the Department of Public Works, Bureau of Sanitation (LASAN).
  - c. Adopt the Findings and Statement of Overriding Considerations.
  - d. Adopt the Mitigation Monitoring Program.
  - e. Approve the Project as described in the FEIR.

**FISCAL IMPACT STATEMENT**

There is no impact on the General Fund or LASAN Special Funds for this CEQA determination.

## **TRANSMITTALS**

1. Final Environmental Impact Report (FEIR)
2. Finding, Statement of Overriding Considerations, and Mitigation Monitoring Program

## **DISCUSSION**

### **Background**

In June 2006, the Los Angeles Regional Water Quality Control Board (LARWQCB) adopted a Basin Plan Amendment (LARWQCB Order No. 2006-011) establishing the Ballona Creek, Ballona Estuary, and Sepulveda Channel Bacteria Total Maximum Daily Load (Bacteria TMDL). The Bacteria TMDL became effective on April 27, 2007, after approvals by the State Water Resources Control Board and the US Environmental Protection Agency. In general, the intent of the Bacteria TMDL is to protect the recreational beneficial uses of Ballona Creek, Ballona Estuary, and Sepulveda Channel by setting waste load allocations to dry- and wet-weather urban runoff discharges from the storm drain system. These discharges often contain elevated levels of bacteria that could potentially endanger public health.

The requirements of the Bacteria TMDL became enforceable after this TMDL was incorporated into the 2012 National Pollutant Discharge Elimination System Permit for the Municipal Separate Storm Sewer System (MS4 Permit; LARWQCB Order No. R4-2012-0175; Permit No. CAS004001). The Cities of Los Angeles, Beverly Hills, Culver City, Inglewood, Santa Monica, and West Hollywood, the County of Los Angeles, and the Los Angeles County Flood Control District (collectively, MS4 Permittees) are the jurisdictions and agencies responsible for compliance with the Bacteria TMDL under the MS4 Permit. The Bacteria TMDL has established two compliance milestones: 1) the dry weather requirements shall be met by April 27, 2013; and 2) the wet weather requirements shall be met by July 15, 2021.

The MS4 Permittees anticipated that additional time would be necessary to comply with the dry weather requirements of the Bacteria TMDL and requested a time schedule order (TSO) in April 2013. This request was granted by the LARWQCB as TSO No. R4-2015-0108 on May 14, 2015. The TSO will be in effect until December 15, 2019, and provides interim bacteria limits for compliance, control measures for implementation by the MS4 Permittees, and completion dates for the implementation of those control

measures. Failure to comply with the provisions of the TSO would result in further action by the LARWQCB, including enforcement. The proposed Project constitutes the MS4 Permittees' strategy to attain compliance with the TSO and dry weather requirements of the Bacteria TMDL, which would result in maintaining the recreational beneficial uses established for Ballona Creek, Ballona Estuary, and Sepulveda Channel. The proposed Project has the additional goal of making a new source of freshwater available for reclamation at the Hyperion Water Reclamation Plant (HWRP).

### **Project Description**

The proposed Project includes three regional projects in the Ballona Creek watershed, which are further discussed below:

#### Low Flow Treatment Facility #1 (LFTF-1)

The LFTF-1 project would repurpose the existing North Outfall Treatment Facility, which is located adjacent to Reach 2 of Ballona Creek in the City of Culver City but owned by LASAN. The North Outfall Treatment Facility was originally designed for disinfection of sewer overflows prior to discharge into Ballona Creek but is no longer used for that purpose. After the proposed retrofit, the LFTF-1 project would divert up to 29 million gallons per day (mgd) of dry weather flow from Ballona Creek to the facility. The LFTF-1 project would treat up to 6 mgd of dry weather flow with in-line ultraviolet (UV) or ozone disinfection technology and release the treated flow back to Ballona Creek. Development of LFTF-1 would also include the installation of a new North Outfall Sewer (NOS) connection that would convey a maximum of 23 mgd of dry weather flow from Ballona Creek to the (HWRP) for treatment and reclamation. LASAN would be responsible for the design, construction, operation, and maintenance of LFTF-1.

#### Low Flow Treatment Facility #2 (LFTF-2)

LFTF-2 is a new regional treatment facility adjacent to Sepulveda Channel in the City of Los Angeles. LFTF-2 would divert up to 1.3 mgd of dry weather flow from Sepulveda Channel, disinfect it by UV or ozone treatment, and release the treated flow back to Sepulveda Channel. LASAN would be responsible for the design, construction, operation, and maintenance of LFTF-2.

#### Mesmer Low Flow Diversion

The proposed Mesmer Low Flow Diversion is adjacent to Centinela Creek and located in Culver City. The existing Mesmer wastewater pumping plant would be repurposed to a dual facility servicing wastewater and dry weather flow from Centinela Creek. A maximum of 0.96 mgd of dry weather flow from Centinela Creek would be conveyed to

HWRP for treatment and reclamation. The City of Culver City would be responsible for the design, construction, operation, and maintenance of the Mesmer Low Flow Diversion.

Collectively, the three regional projects constitute the proposed Project and they would improve downstream water quality in Ballona Creek, Ballona Estuary, Sepulveda Channel, and Centinela Creek during dry weather, thereby providing compliance with the TSO and the dry weather requirements of the Bacteria TMDL. Additionally, the conveyance of dry weather flows from Centinela and Ballona Creeks to HWRP would provide a new supply source of water for potential increases of recycled water production and beneficial use to offset future potable water demands. While the Cities of Los Angeles and Culver City will be responsible for the design, construction, operation, and maintenance of the three regional projects, all costs associated with these three projects will be cost-shared by the MS4 Permittees that are subject to the TSO and the Bacteria TMDL. Costsharing by MS4 Permittees will be proportional to the land area of each MS4 Permittee in the Ballona Creek watershed, with LASAN'S share approximately – 70.

### **Findings of EIR**

The FEIR (Transmittal 1) states that the Project would result in significant environmental impacts related to construction-related noise effects to ambient levels. However, even with the implementation of mitigation as described in the Mitigation Monitoring Program (Transmittal 2), temporary but significant and unavoidable adverse impacts related to noise would remain. As such, the Project would require that a Statement of Overriding Considerations (Transmittal 2) be adopted by the City Council to approve this Project.

LASAN recommends that the proposed Project be approved for the following reasons:

1. The Project best meets the key project objectives of complying with the TSO and TMDL. The Project would preserve public recreational assets (Ballona Creek, Ballona Estuary, and Sepulveda Channel, per the Basin Plan and Bacteria TMDL) and protect human health by significantly reducing the bacteria levels in Ballona Creek, Centinela Creek, and Sepulveda Channel (Sections 1.2, 4.9, and 4.14 of the FEIR).
2. Through the redevelopment of existing public infrastructure, the Project would create a new source of freshwater available for beneficial reuse and assist with alleviating demand on regional potable water supplies (Sections 1.2, 2.2, and 4.9 of the FEIR).

3. The Project was identified as the environmentally superior alternative under CEQA (Section 2.6).
4. The Project provides a cost-effective approach to treating the discharge of the Ballona Creek watershed by locating the treatment and diversion facilities at three sites already owned/leased by the City of Los Angeles and City of Culver City, and/or which contain existing stormwater or wastewater facilities (Section 2.7.4 and Appendix B of the FEIR).

### **Project Alternatives**

In accordance with the requirements of CEQA, the EIR evaluated a range of project alternatives. In all, the City evaluated three stormwater treatment/diversion alternatives and a No Project Alternative. Detailed descriptions of the alternatives are provided in Section 2 of the FEIR. The City's reasons for not selecting the alternatives to the proposed Project are described below.

#### No Project Alternative

Under the No Project Alternative, the three regional projects (LFTF-1, LFTF-2, and Mesmer Low Flow Diversion) would not be constructed. This alternative would not improve the bacteriological water quality in Ballona Creek, Ballona Estuary, and Sepulveda Channel, and thus not comply with the TSO and the dry weather requirements of the Bacteria TMDL. It would not provide a new source of freshwater for reclamation at the HWRP (Sections 1.2, 2.5, 4.9.3, 4.10.3, and 4.14.3 of the FEIR).

#### Alternative 1

Alternative 1 differs from the proposed Project in that it would not include conveyance of dry weather runoff to HWRP at LFTF-1. Up to 29 mgd of dry weather runoff would be treated by in-line UV or ozone disinfection technology at LFTF-1 and returned to Ballona Creek. Alternative 1 would meet the key project objectives of complying with the TSO and Bacteria TMDL. However, this approach only makes available 0.97 mgd of freshwater available for potential beneficial reuse via HWRP. The Preferred Alternative would make available up to 6 mgd for potential beneficial reuse and result in the same environmental impacts as Alternative 2. Therefore, Alternative 1 was not considered environmentally superior to the Preferred Alternative (Project) (Sections 1.2, 2.3, 4.9.3, 4.10.3, and 4.14.3 of the FEIR).

#### Alternative 2

Alternative 2 differs from the proposed Project in that it would not include treatment of dry weather runoff by inline UV or ozone disinfection technology at the LFTF-1. Instead,

all of up to 29 mgd dry weather runoff would be conveyed from Ballona Creek to HWRP. Alternative 2 would not meet the water quality standards established in the Bacteria TMDL and, therefore, does not meet the key project objectives and is not recommended for selection (Sections 1.2, 2.4, 4.9.3, 4.10.3, and 4.14.3 of the EIR).

### **Alternatives Considered but Not Carried Forward for Analysis**

Several other alternatives were considered, but not carried forward for analysis. These alternatives included implementation of distributed projects at the watershed level, expansion of the storm drain system for centralized treatment and/or diversion, and diversion and conveyance of Ballona Creek dry weather flow to Ballona Wetlands (Sections 2.7.1, 2.7.2, and 2.7.3 of FEIR). These alternatives were not carried forward as they failed to meet the purpose, need, and/or key objectives of the Project.

### **Public Participation**

On February 17, 2017, LASAN released a Notice of Preparation (NOP) pursuant to CEQA Guidelines Section 15082 to agencies, organizations, and the public, including the State of California Governor's Office of Planning and Research State CEQA Clearinghouse (SCH No. 2017021047). The NOP was distributed through a variety of media, including being printed in the Los Angeles Times (a newspaper of citywide circulation) and the Argonaut (a local west Los Angeles newspaper); property owners within 300 feet of LFTF-1, LFTF-2, and the Mesmer Low Flow Diversion received letters notifying them of the Project and comment period; project fliers and copies of the NOP were disseminated to two multi-family residential buildings located adjacent to LFTF-2; LASAN posted the NOP on the website of the Watershed Protection Program; and a notification e-mail was sent to 116 e-mail addresses.

LASAN held two public scoping meetings on March 2, 2017 at the Westchester Municipal Building close to the proposed location of LFTF-2. These meetings were conducted as open-house workshop-style meetings with information stations and subject matter experts available to discuss issues and answer questions. A total of 22 people attended the public scoping meetings.

Additionally, leading up to the release of the NOP, LASAN conducted extensive public outreach to substantially enhance communication with potentially interested parties beyond the requirements of CEQA. LASAN held several face-to-face meetings to inform stakeholders about the proposed Project and CEQA/EIR process, and obtain their input.

LASAN engaged numerous agencies, environmental organizations, Council Districts, and neighborhood associations.

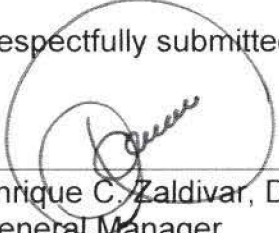
### **Draft EIR Review and Comments**

The Draft EIR, which is incorporated into the Final EIR, was circulated for public review from August 17, 2017 to October 16, 2017. The Notice of Availability was sent by email and postal mail to all responsible agencies, organizations, and individuals known to have interest in the Project, and posted on the Watershed Protection Program website. The Notice of Availability was also sent to all property owners within 300 feet of LFTF-1, LFTF-2, and the Mesmer Low Flow Diversion, and newspaper notices were posted on August 17, 2017 in the Los Angeles Times and the Argonaut. In addition, the Notice of Availability and Draft EIR were sent to the State of California Governor's Office of Planning and Research State CEQA Clearinghouse. The Draft EIR was available at several local public facilities (Council District 11 Field Office at Westchester Municipal Building, Playa Vista Library, Westchester Loyola Village Library, Westchester Senior Center, Office of the City Clerk of City of Los Angeles, Regulatory Affairs Division Bureau of Sanitation, City Clerk of City of Culver City, Culver City Senior Center, and Culver City Julian Dixon Library). On September 20, 2017, LASAN held two public hearings at the Westchester Municipal Building to solicit comments on the Draft EIR.

A total of twenty (20) comment letters and emails were received during the Draft EIR public review period. None of the comments received, identified any new issues or required significant changes to the Draft EIR. Responses to the comments are documented in the Final EIR. None of the public comments necessitated changes in the findings of the EIR, which shows that the Project would result in temporary but significant and unavoidable noise impacts during construction.

(SK, AH, LBM)

Respectfully submitted,



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Enrique C. Zaldivar, Director &  
General Manager  
Bureau of Sanitation

BUREAU OF SANITATION  
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