

FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) and ENERGY, CLIMATE CHANGE, AND ENVIRONMENTAL JUSTICE COMMITTEE REPORT relative to the Ballona Creek Bacteria Total Maximum Daily Load (TMDL) Project.

Recommendations for Council action:

1. FIND that the Ballona Creek Bacterial TMDL Project may have significant construction-related impact to ambient noise levels as detailed in the FEIR (State Clearing House No. 2017021047), attached to the Council file.
2. CERTIFY that:
  - a. The FEIR was completed in compliance with the California Environmental Quality Act (CEQA).
  - b. The FEIR reflects and expresses the City's independent judgment and analysis.
  - c. 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 (BPW) and the Bureau of Sanitation (BOS).
3. ADOPT the:
  - a. Findings and Statement of Overriding Considerations
  - b. Mitigation Monitoring Program
4. APPROVE the Ballona Creek Bacteria TMDL Project as detailed in the FEIR, attached to the Council file.

Fiscal Impact Statement: The BPW reports that there is no impact to the General Fund or BOS for this CEQA determination.

Community Impact Statement: None submitted.

Summary:

On June 19, 2018, your Committee considered an April 25, 2018 BPW report, FEIR, Mitigation and Monitoring Program, and Statement of Overriding Considerations relative to the Ballona Creek Bacteria TMDL Project. According to the BPW, 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 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.

After further consideration, the Committed moved to recommend approval of the recommendations as contained in the April 25, 2018 BPW report and detailed in the above recommendations. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

ENERGY, CLIMATE CHANGE, AND ENVIRONMENTAL JUSTICE COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
MARTINEZ:	YES
KORETZ:	YES
KREKORIAN:	YES
CEDILLO:	YES
O'FARRELL:	YES

ARL  
6/19/18

-NOT OFFICIAL UNTIL COUNCIL ACTS-