


DEPARTMENT OF PUBLIC WORKS

BUREAU OF SANITATION
BOARD REPORT NO. 1
May 6, 2015

CD: ALL

ADOPTED BY THE BOARD
PUBLIC WORKS OF THE CITY
of Los Angeles California
AND REFERRED TO THE MAYOR
MAY 18 2015
AND REFERRED TO THE CITY COUNCIL

Executive Officer
Board of Public Works

AUTHORITY TO SUBMIT FIVE ENHANCED WATERSHED MANAGEMENT PROGRAMS TO THE REGIONAL WATER QUALITY CONTROL BOARD AS REQUIRED BY THE NEW NPDES PERMIT FOR THE MUNICIPAL SEPARATE STORM SEWER SYSTEM, AUTHORITY TO EXECUTE THREE MEMORANDA OF UNDERSTANDING FOR COST SHARING, AND CEQA RECOMMENDATIONS

RECOMMENDATIONS

1. Find that the information contained in the Draft California Environmental Quality Act ("CEQA") Addendum to the Los Angeles County Flood Control District Enhanced Watershed Management Programs Program Environmental Impact Report ("Draft CEQA Addendum"), which will be finalized and forwarded to the City Council as the CEQA Addendum before final consideration by the City Council, has been reviewed and considered by the Board of Public Works, and forward the Draft CEQA Addendum to the City Council for consideration.
2. Recommend that the City Council find that the Enhanced Watershed Management Programs (EWMPs), as set forth in the CEQA Addendum, (i) have met the requirements of CEQA State Guidelines Section 15168(c)(2); (ii) are covered under the Los Angeles County Flood Control District Enhanced Watershed Management Programs Program Environmental Impact Report (PEIR); and (iii) did not require additional CEQA documentation, besides the CEQA Addendum, pursuant to CEQA Guidelines 15162.
3. Recommend that the City Council adopt the relevant mitigation measures developed in the PEIR, as set forth in the CEQA Addendum.
4. Recommend that the City Council adopt the CEQA Addendum.
5. Approve and forward this report with the transmittals to the Mayor and City Council, requesting approval of: the five (5) Enhancement Watershed Management Programs (EWMPs) developed by the City of Los Angeles and 26 partner agencies to meet the requirements of the new NPDES Permit for the Municipal Separate Storm Sewer System; the three proposed Memoranda of Understanding (MOUs) between the City of Los Angeles and the Cities of San Fernando, El Monte, and Lomita for administering the cost of including these cities in the development of the EWMPs.

6. Request the Mayor and City Council to authorize LA Sanitation to submit the five (5) EWMPs to the Regional Water Quality Control Board by June 28, 2015.
7. Request the Mayor and City Council to authorize LA Sanitation to revise the five (5) EWMPs upon receiving comments from the Regional Water Quality Control Board and resubmit the documents by April 2016.
8. Request the Mayor and the City Council to authorize the director of LA Sanitation to execute the three proposed MOUs with the Cities of San Fernando, El Monte, and Lomita.
9. Notify LA Sanitation, Watershed Protection Division [(213) 485-3958] when the three (3) MOUs are ready to be executed by the Director of LA Sanitation.
10. Upon execution, request the City Clerk to attest and certify the original copies of the three (3) MOUs. The City Clerk and the Board of Public Works each are to retain an original copy of each MOU, and the remaining original copies are to be returned to LA Sanitation, Watershed Protection Division [(213) 485-3958 for pick up].

FISCAL IMPACT STATEMENT

This report is to request authority to submit the Enhanced Watershed Management Programs to the Regional Water Quality Control Board. Implementation of watershed control measures proposed in the plans will be financed by the Stormwater Pollution Abatement Fund. It is estimated that the cost of implementation is approximately \$7.4 billion over the next 20 years. However, proposed capital projects for improving water quality do not currently have a funding source. The City will continue to pursue funding alternatives in partnership with other municipalities in the watersheds and the County of Los Angeles, including potential State and Federal grants to supplement the cost of the implementing the EWMPs.

The three (3) MOUs with the Cities of San Fernando, South El Monte, and Lomita will reimburse the Stormwater Pollution Abatement Fund.

TRANSMITTALS

1. Proposed MOU between the City of Los Angeles and the City of San Fernando.
2. Proposed MOU between the City of Los Angeles and the City of South El Monte.
3. Proposed MOU between the City of Los Angeles and the City of Lomita.

4. EWMP for the Santa Monica Bay watershed Jurisdictional Groups 2 and 3 (provided on CD).
5. EWMP for the Upper Los Angeles River watershed (provided on CD).
6. EWMP for the Ballona Creek watershed (provided on CD).
7. EWMP for the Dominguez Channel watershed (provided on CD).
8. EWMP for the Marina del Rey watershed (provided on CD).
9. Los Angeles County Flood Control District PEIR (provided on CD).
10. Draft CEQA Addendum to Los Angeles County Flood Control District PEIR.

DISCUSSION

Background

The National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit (MS4 Permit) Order No. R4-2012-0175 establishes the waste discharge requirements for stormwater and non-stormwater discharges within the watersheds of Los Angeles County. The MS4 Permit was adopted by the California Regional Water Quality Control Board, Los Angeles Region (Regional Board), on November 8, 2012, and became effective on December 28, 2012. The permittees are the City of Los Angeles (City), the County of Los Angeles, Los Angeles County Flood Control District, and 83 other cities within the County of Los Angeles. The current MS4 Permit is the last of four consecutive permits (issued in 1990, 1996, 2001, and 2012) and contains the most stringent provisions to date as it establishes numeric water quality limits for receiving waters in Los Angeles County and effluent limitations for discharges of stormwater and urban runoff from the MS4. The new MS4 Permit includes increased permittee responsibilities for inspections, land development, and monitoring, and it requires that permittees comply with all Total Maximum Daily Load (TMDL) water quality regulations. To date, the City is subject to 22 TMDLs that address multiple water quality impairments in Los Angeles River, Ballona Creek, the Santa Monica Bay shoreline, Dominguez Channel, Marina del Rey, and several lakes within the City.

The MS4 Permit includes provisions for the development and implementation of Enhanced Watershed Management Programs (EWMPs) by permittees to comply with MS4 Permit requirements and TMDL water quality regulations. The development of an EWMP encompasses the prioritization of water-quality issues in the watershed, the identification of implementation strategies, watershed control measures, and Best Management Practices (BMPs) to meet water quality standards and other MS4 permit requirements, integrated water quality monitoring, and a process for stakeholder input. In addition, permittees participating in an EWMP are required to develop a compliance strategy that will maximize opportunities for stormwater capture in order to use this

water for infiltration and augmentation of local water supplies, and/or to offset potable water use for landscape irrigation and other uses.

The MS4 Permit requires that EWMPs be submitted to the Regional Board by June 28, 2015 for their review. Submittal of the final EWMPs is three (3) months after receiving comments from the Regional Board and final Regional Board approval is anticipated by April 2016, upon which the permittees are to begin implementation of the approved EWMPs. Implementation of proposed watershed activities at the timelines as established in the Regional Board-approved EWMPs will constitute compliance with the MS4 Permit and TMDL milestones.

City EWMPs and partner agencies

The MS4 Permit encourages collaboration among permittees in a watershed to address water quality issues and other permit requirements more effectively. The City is located in four major watersheds: the Santa Monica Bay, Upper Los Angeles River, Ballona Creek, and Dominguez Channel watersheds. Since the adoption of the new MS4 Permit, the City through the Watershed Protection Division (WPD) of LA Sanitation (LASAN) has taken a lead role in the establishment of Watershed Management Groups (WMGs) to coordinate the development of the EWMPs in each of the four aforementioned watersheds. In addition, the City participates in the Marina del Rey WMG which is being lead by the County of Los Angeles. The following table summarizes the City's EWMPs and the partner agencies:

EWMP/WMG	Lead agency	Partner agencies
Santa Monica Bay (Jurisdictions 2 & 3)	City	County of Los Angeles, LACFCD, Santa Monica, El Segundo
Upper Los Angeles River	City	County of Los Angeles, LACFCD, Alhambra, Burbank, Calabasas, Glendale, Hidden Hills, La Canada Flintridge, Montebello, Monterey Park, Pasadena, Rosemead, San Gabriel, San Marino, South El Monte, South Pasadena, San Fernando, Temple City
Ballona Creek	City	County of Los Angeles, LACFCD, Beverly Hills, Culver City, Inglewood, Santa Monica, West Hollywood
Dominguez Channel	City	County of Los Angeles, LACFCD, El Segundo, Hawthorne, Inglewood, Lomita
Marina del Rey	County of Los Angeles	City, LACFCD, Culver City

Notes:

- LACFCD: Los Angeles County Flood Control District
- The Cities of San Fernando, South El Monte, and Lomita have requested inclusion in the EWMPs for Upper Los Angeles River and Dominguez Channel, respectively.

As lead agency for the City's four watersheds, the City is using consultant services to develop the EWMPs for the respective WMGs. All participating agencies have contributed to the cost of plan developments in amounts that are proportional to their area as percentage of the total area of a WMG. Similarly, the City has contributed its share of the cost to County for developing the EWMP for the Marina del Rey WMG. Cost-sharing of plan development was formalized in several Memoranda of Understanding (MOUs) as executed by the WMG members in December 2013.

Recently, the Cities of San Fernando and South El Monte requested the City to be included in the WMG for the Upper Los Angeles River and to enter into separate agreements with the City to collaborate on and share the cost of the development of the EWMP for the Upper Los Angeles River watershed (Transmittals 1 and 2, respectively). Similarly, the City of Lomita requested the City to be included in the WMG for Dominguez Channel and to enter into separate agreement with the City to collaborate on and share the cost of the development of EWMP for the Dominguez Channel watershed (Transmittal 3). Through the execution of these MOUs, the Cities of San Fernando, South El Monte, and Lomita will become full members of their respective WMGs, and reimburse the City for the additional costs for including these cities in the EWMPs.

Proposed compliance strategies of EWMPs

As required by the MS4 Permit, each EWMP provides for a prioritization of water quality priorities of the watershed, a compliance strategy specifying the watershed control measures and timelines for implementation, a Reasonable Assurance Analysis to demonstrate that the proposed strategy will result in compliance with the MS4 Permit and the TMDLs milestones, and a financial strategy for funding EWMP implementation (Transmittals 4, 5, 6, 7 and 8). The compliance strategy contains three main categories of watershed control measures to be implemented by the City and other WMG members:

1. Minimum control measures: these are the programmatic core requirements of the MS4 Permit and include, for example, industrial inspections and enforcement, implementation of Low Impact Development requirements, street sweeping, catch basin cleaning, and public outreach.

2. Distributed green street projects: these are small-scale retrofits in the public right-of-way consisting of bioswales, infiltration swales and trenches, and similar devices to capture stormwater from the street for cleaning and infiltration.
3. Regional stormwater capture projects: these large-scale projects usually capture stormwater from a larger drainage area (about 10 acres and up) for treatment, infiltration and other beneficial uses of stormwater. Examples include constructed wetlands, infiltration facilities, and detention basins.

The EMWPs specify the number and location of regional stormwater capture projects and provide a prioritization of distributed green street projects. Depending on the watershed, it has been estimated that compliance with water quality regulations will require stormwater capture and management of up to 70% of the City's area. Since opportunities for regional stormwater capture projects vary by watershed and are in general more limited in urbanized areas, it may additionally be required to implement regional stormwater capture projects on private land to ensure compliance with water quality regulations.

While the primary objective of the stormwater capture projects proposed by the EWMPs is to improve water quality of the City's waters, they will provide the added benefits of capturing large amounts of stormwater for infiltration and recharge to local groundwater aquifers, the offset of potable water use, neighborhood greening and community enhancements, and habitat restoration. As such, the EWMPs integrate and support the Mayor's goals as provided by the Mayor's Sustainable City pLAN and Executive Directive #5.

CEQA Addendum to Los Angeles County Flood Control District PEIR

On January 21, 2015, the Los Angeles County Flood Control District (LACFCD) issued a Notice of Availability for public review of the Draft Program Environmental Impact Report (Draft PEIR) for the EWMPs (Transmittal 9). This Draft PEIR addresses the potential environmental impacts of all twelve (12) EWMPs in the County of Los Angeles, including the five (5) EWMPs that have been developed for the watersheds that include the City of Los Angeles. The LACFCD conducted several public hearings throughout the County of Los Angeles between January 29 and February 17, 2015. The 45-day period for public review was on March 9, 2015, but was extended to March 16, 2015. The final PEIR by LACFCD is anticipated to be certified approximately by the middle of May 2015. The City is currently reviewing LACFCD's Draft PEIR in order to prepare a CEQA Addendum to LACFCD's PEIR, which will be necessary to take the actions recommended in this report. A Draft CEQA Addendum is available and is included as a transmittal to this report (Transmittal 10).

Due to the short time period between the County's anticipated certification of the PEIR (middle of May 2015) and the deadline for submittal of the EWMPs to the Regional Board (June 28, 2015), as authorized by CEQA Guidelines 15025(c), this report provides the Board of Public Works with the Draft CEQA Addendum for purposes of making CEQA recommendations to the City Council and taking the actions required for submittal of the EWMPs to the Regional Board.

Cost estimates for EWMP implementation

The EWMPs provide the compliance strategies to meet all applicable water quality regulations (MS4 Permit, TMDLs) with interim and final milestones for compliance in the near and long-term (up to 25 years depending on the watershed). The estimated cost for implementation of the EWMPs is primarily determined by the capital cost for construction of distributed green street projects and regional stormwater capture projects in the watersheds, as follows:

EWMP/WMG	Final compliance date	Estimated total capital cost for distributed and regional projects	Estimated City share	Estimated City cost
Santa Monica Bay Jurisdictions 2&3	2021	\$600 million	75%	\$450 million
Upper Los Angeles River	2037	\$6,000 million	59%	\$3,540 million
Ballona Creek	2021	\$2,500 million	83%	\$2,075 million
Dominguez Channel	2032	\$2,000 million	53%	\$1,060 million
Marina del Rey	2021	\$400 million	69%	\$276 million
TOTAL		\$11,500 million		\$7,401 million

The City's Stormwater Program is funded by a Stormwater Pollution Abatement Charge (SPAC) of \$1.92 for a typical single-family residential parcel, providing an annual budget of approximately \$28 million. This budget has remained the same since 1993 and has been fully allocated to the existing obligations of the Stormwater Program. The watershed control measures proposed in the EWMPs will require additional funding to ensure compliance with the new MS4 Permit. Whereas the total cost for City compliance is estimated at \$7-8 billion for the long term, immediate funding needs for the next five years could be less than proportional if addressing only the most urgent water quality priorities in the short term. LASAN has developed a preliminary 5-year Capital Improvement Program for stormwater capture projects to address the immediate needs and that could potentially be funded through increasing the SPAC rate to \$4 per

month (increasing the annual budget to approximately \$70 million). Such an increase, or a new stormwater fee, has recently become an option as AB 2403 (Rendon, D-So. Gate) was signed by Governor Brown on June 28, 2014. This bill recognizes that stormwater is a valuable source to augment local water supplies in this time of severe drought. AB 2403 provides an important opportunity for LASAN and the City to impose a new stormwater fee or increase the SPAC on properties without having to obtain voters or property owners approval (as provided by Proposition 218). This could provide the needed funding for implementation of the EWMPs and, specifically, the water quality improvement projects that augment local water supplies or offset potable water use by reusing stormwater for irrigation and other purposes.

Non-compliance with the MS4 Permit and TMDLs will expose the City to enforcement action by the Regional Board, civil penalties and fines (up to \$37,000 per violation per day), and third-party lawsuits.

Stakeholder involvement

As required by the MS4 Permit, a Technical Advisory Committee consisting of Regional Board and U.S. EPA staff, permittees, and environmental organizations was established to discuss and guide the development of the EWMPs. The Technical Advisory Committee met on multiple occasions over the past two years and the City was one of the leading permittees providing support the activities of this committee. In addition, LASAN conducted three large public EWMP workshops in April 2014, November 2014, and March 2015 that were each attended by 100-150 people from the City, WMG partners, regulatory agencies, environmental organizations, community groups, and the general public. These workshops provided the audience with updates on the goals and objectives of the EWMPs and solicited input on the proposed strategies for compliance with the MS4 Permit and TMDL water quality regulations.

LASAN worked closely with the Department of Water and Power and other City departments to identify opportunities for collaboration on stormwater capture projects that provide multiple benefits (water quality improvement of the City's receiving waters, stormwater capture for infiltration and groundwater recharge, potable water use offset, etc.). The EWMPs integrate many of the components of the LADWP's Stormwater Capture Master Plan and the LA River Revitalization Plan.

Coordinated Integrated Monitoring Programs

Concurrently with the development of the EWMPs, LA Sanitation also developed Coordinated Integrated Monitoring Programs (CIMPs) to address all MS4 Permit and TMDL requirements for water quality monitoring in receiving waters and discharges from stormdrain outfalls. Five (5) CIMPs were developed, one for each WMG, and submitted to the Regional Board in June 2014. The CIMPs are currently being revised to address Regional Board comments, and final approval is anticipated by June of this year.

The CIMPs consolidate most of the existing TMDL water quality monitoring programs that have been in effect for several years in the City's receiving waters. Water quality monitoring as specified in the CIMPs is anticipated to begin in July 2015, and the results will be provided to the Regional Board on an annual basis to evaluate compliance with the MS4 Permit and TMDLs, and to provide data for future revisions of the EWMPs. The anticipated annual cost for monitoring in each watershed is summarized below:

EWMP/WMG	Estimated annual cost for water quality monitoring	Estimated City share	Estimated City cost
Santa Monica Bay Jurisdictions 2&3	\$500,000	75%	\$375,000
Upper Los Angeles River	\$1,400,000	59%	\$826,000
Ballona Creek	\$700,000	83%	\$581,000
Dominguez Channel	\$800,000	53%	\$424,000
Marina del Rey	\$1,400,000	69%	\$966,000
TOTAL	\$4,800,000		\$3,172,000

Approval as to Form

The MOUs with the Cities of San Fernando, South El Monte, and Lomita have been reviewed by the City Attorney's Office and approved as to form.

Respectfully-submitted,


 ENRIQUE C. ZALDIVAR, Director
 Bureau of Sanitation

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