

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 05/08/06		Item Number: <u>A-4</u>
AGENDA ITEM: Update on the Federal Clean Water Act's Total Maximum Daily Load Requirements and Their Fiscal Implications to Future City Budgets		
Contact Person/Dept.: Cathy Chang/PW		Phone Number: 310.253.5619
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐
Public Hearing: ☐		Action Item: ☒ Attachments: ☒
Public Notification: National Resources Defense League (05/04/06); Heal the Bay (05/04/06); Clean Water Alliance (05/04/06); Ballona Creek Renaissance (05/04/06); Master Notification List (05/04/06)		
Department Approval: Charles D. Herbertson (04/27/06)	CAO Approval: Martin R. Cole for Jerry B. Fulwood (05/04/06)	
City Controller Approval: Marlee Chang (05/04/06)		

RECOMMENDATION:

Staff will present an update on Total Maximum Daily Loads (TMDLs) and their fiscal implications to future City Budgets and answer questions of the City Council and the public.

BACKGROUND:

The Federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board, Los Angeles Region (Board), to develop water quality standards that identify beneficial uses and criteria to protect beneficial uses for each water body found within its region. Beneficial uses include swimming, fishing, drinking water, navigability, and wildlife habitats and reproduction. The Board carries out its CWA responsibilities through the state's Porter-Cologne Water Quality Control Act and establishes water quality objectives designed to protect beneficial uses contained in the Water Quality Control Plan (Basin Plan).

Section 303(d) of the CWA requires all States to prepare a list of water bodies that do not meet water quality standards and establish for each of these water bodies load and waste load allocations (load refers to pollutants), that is, a total maximum daily load (TMDL), to ensure attainment of water quality standards, and to incorporate them into their Water Quality Basin Plans. A TMDL represents an amount of pollution that can be released by anthropogenic and natural sources of a watershed into a specific water body without causing a decline in water quality and beneficial uses. TMDLs are numerical standards to control pollution. For example, the existing zero trash TMDL states that no trash can enter Ballona Creek. For the

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new bacterial TMDLs, specific numbers of days of exceeding the concentration of a bacterium are allowed.

Culver City TMDLs

Many of the water bodies in Los Angeles County are listed on California's 1998 Section 303(d) list, including Ballona Creek, Ballona Creek Estuary, and Marina del Rey Harbor, to which the City of Culver City drains. Ballona Creek and Marina del Rey Harbor (tidal influence) flow directly into the Santa Monica Bay and therefore contribute to the Santa Monica Bay beaches closures that are triggered by elevated bacterial concentrations. Approximately 99% of Culver City drains into Ballona Creek and a very small remaining portion drains into the Marina del Rey Harbor through the Oxford Basin. Specifically, the impairments for Ballona Creek are trash (includes wetlands), metals, and bacteria (includes Sepulveda Channel); and for Ballona Creek Estuary and Marina del Rey (back basins) are bacteria and toxics. Therefore, Culver City has a total of seven (7) TMDLs for all of the aforementioned pollutants causing impairments that have been developed and adopted by the Regional Board and are effective, with the exception of the bacteria TMDL which will be considered in June 2006 for adoption.

TMDL Requirements

The TMDLs require 'responsible jurisdictions and agencies' (RJAs) to submit an 'Implementation Plan' and a 'Compliance Monitoring Plan' within a set timeframe after the effective date of the TMDL. The Implementation Plan's purpose is to outline and quantitatively demonstrate (e.g. pollutant load reduction modeling) how each jurisdiction intends to achieve TMDL compliance. The objective of the Monitoring Plan is to assess the baseline water quality conditions, measure the results of the implementation efforts, and demonstrate TMDL compliance. Bacteria TMDLs provide RJAs an opportunity to obtain a longer compliance deadline when an integrated water resources management approach, which incorporates infiltration, capture, treatment, reuse, and recycling, is adequately demonstrated in the Implementation Plan. For all of the aforementioned TMDLs, except for the Ballona Creek Trash TMDL, responsible jurisdictions and agencies are planning to implement or already implementing a watershed-based approach in that unified Implementation and Monitoring Plans will be submitted on behalf of all RJAs in the watershed and cost-sharing will be implemented to achieve compliance.

The Associate Engineer/Stormwater Program Manager represents the City at regular meetings with RJAs to develop the implementation plans and monitoring plans. Since many TMDLs were adopted in a timeframe of less than 5 years, there are multiple TMDL meetings for both Ballona Creek and Marina del Rey Harbor that

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require City's participation. Attachment 1 summarizes the dates of the final TMDLs approval by the United States Environmental Protection Agency pertinent to the City.

A Memorandum of Agreement (MOA) or Memorandum of Understanding (MOU) is required for the cost-sharing by the RJAs for both the development of the necessary plans (i.e. in order to execute the development of the Implementation Plans and the Monitoring Plans) as well their implementation. For the Marina del Rey Harbor Bacteria TMDL, the Implementation Plan and the Monitoring Plan were developed primarily by the Los Angeles County Department of Public Works and City of Los Angeles respectively, due to these agencies being the largest contributors to the watershed, with input provided by other RJA's. Due to time- and the resource-intensive nature of developing these necessary plans, future plans for other TMDLs will most likely be developed by consultants under a cost-sharing agreement. Also, structural treatment solutions that will be proposed in the implementation plans will require a separate MOA for cost-sharing. Attachment 2 summarizes the status of the development of the various plans and corresponding implementation efforts.

FISCAL ANALYSIS:

Of the TMDLs, the City currently has budgeted to fully fund only the Ballona Creek trash TMDL, through a Proposition 50 grant awarded in 2005 (to be completed by 2008), which provided money to place two-tiered screen filters in all 672 catch basins within the City's boundary and several other best management practices (namely structural treatment measures) at city-owned facilities.

Presently, the only TMDL that is in the stage of cost-sharing discussion and MOA development is the Marina del Rey Bacteria TMDL. This MOA, which will be presented to the Council when ready for consideration, addresses *only part of the solutions needed to comply with the above TMDL*, and the City's cost-sharing for this MOA is estimated at \$160,000. Considering the fact that close to 99% of the City drains into Ballona Creek Watershed, an urbanized watershed with multiple TMDLs, the total cost over the next decade to be incurred by the City in order to comply with the TMDLs could escalate into tens of millions of dollars. Attachment 3 summarizes the potential implementation strategies and their associated costs provided by the Regional Board for the various TMDLs.

A number of cities in Los Angeles County have passed stormwater or equivalent assessment fees to help fund their stormwater and TMDL program activities, including the cities of Santa Monica, Los Angeles, Redondo Beach, Beverly Hills, and Santa Clarita. In 2004, the City of Los Angeles voters passed a clean water bond, Proposition O to help pay for projects to clean stormwater pollution and improve water quality because the city's current \$24 per house per year stormwater

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pollution abatement fee wasn't enough to cover the cost of new regulations. The clean water bond would add about \$10 per \$100,000 assessed value to property tax bills.

Apart from establishing a stormwater assessment fee, one way to significantly alleviate the fiscal burdens from TMDL on the City's budget is to aggressively seek and apply for grants to pay for structural treatment solutions. Due to competing priorities and workload, the City's Associate Engineer/Stormwater Program Manager is very limited in time and resources to seek grant opportunities, prepare and submit grant applications, and manage grant projects. Proposition 12 and Proposition 50 (Chapter 5 and 8) are the grant opportunities currently available. Culver City was recently awarded a Proposition 50 Chapter 5 grant in the amount of \$1.252 million to help fund its structural storm water treatment measures for the Ballona Creek Trash TMDL.

ATTACHMENTS:

1. Summary of Dates of Final TMDLs Approval by US EPA (or effective dates) for Ballona Creek (including Estuary) and Marina del Rey Harbor;
2. Summary of Progress in Developing Implementation and Monitoring Plans and in Implementation Efforts for Ballona Creek (including Estuary) and Marina del Rey Harbor.
3. Summary of Potential Implementation Strategies and Their Associated Costs Provided by the Regional Board for Various TMDLs for Ballona Creek and Marina del Rey Harbor.

MOTIONS:

That the City Council:

1. Receive and file the report, and
2. Direct staff to work with the City Controller to develop ideas for generating funding for implementation of TMDLs and return to City Council with recommendations.