

**City of Culver City, California
Agenda Item Report**

Meeting Date: 06/08/2015		Item Number: <u>C-5</u>	
CITY COUNCIL AGENDA ITEM: Authorization of the Submittal of Enhanced Watershed Management Program Plans for the Ballona Creek and Marina Del Rey Harbor Watersheds to the Los Angeles Regional Water Quality Control Board.			
Contact Person/Dept.: Kaden Young/PW-EPO; Damian Skinner/PW-EPO		Phone Number: (310) 253-6445; (310)253-6421	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☐ Attachments: ☐	
Commission Action Required: Yes ☐ No ☒ Date: _____			
(E-Mail) Agenda and Meetings – City Council (06/03/15)			
Department Approval: Charles D. Herbertson (05/27/15)		City Attorney Approval: Carol Schwab (by H. Baker) (06/01/15)	
Chief Financial Officer Approval: Jeff Muir (06/02/15)		City Manager Approval: John M. Nachbar (06/03/15)	
<u>RECOMMENDATION:</u> Staff recommends the City Council authorize the submittal of the Enhanced Watershed Management Program (EWMP) Plans for the Ballona Creek and Marina del Rey Harbor Watersheds to the Los Angeles Regional Water Quality Control Board (RWQCB). <u>BACKGROUND:</u> On November 8, 2012, the RWQCB adopted a new National Pollutant Discharge Elimination System (NPDES) Permit under the Federal Clean Water Act (CWA) for discharges from municipal separate storm sewer systems (MS4) within Los Angeles County. This permit is commonly referred to as the MS4 Permit. This latest MS4 Permit incorporates water quality based effluent limits via adopted Total Maximum Daily Load (TMDL) provisions. TMDL is a regulatory term in the CWA describing the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards required to support assigned water body beneficial uses. Beneficial uses are assigned to water bodies by the RWQCB and include uses such as swimming, boating, fishing, marine habitat, and others. TMDLs have been issued to Ballona Creek, Ballona Creek Estuary, and Marina del Rey Harbor addressing trash, metals, toxics, and bacteria.			

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DISCUSSION:

The RWQCB, in developing this permit, acknowledged the need to allow municipalities to develop comprehensive management plans for the purpose of complying with the TMDLs. For this reason, the permit established criteria for the development of Watershed Management Programs (WMPs) or Enhanced Watershed Management Programs (EWMPs) and allows agencies several alternatives to achieve compliance. All alternatives require that the MS4 Permit-mandated water quality objectives be met through implementation of pollutant control measures. The WMP alternative required completion of the WMP plan by June 28, 2014. The EWMP alternative allows an extra year to fully analyze the watershed and prepare the EWMP Plan. The EWMP Plan is due to the RWQCB by June 28, 2015.

The EWMP requires the development of a plan by June 28, 2015 to meet water quality standards through implementation of best management practices (BMPs) that maximize storm water retention, infiltration, and reuse. This option could have been pursued individually or collectively with other agencies in a watershed. The EWMP is similar to the WMP with the addition of larger regional projects that would capture, infiltrate, and/or reuse storm flows from an 85th percentile storm event or roughly 1.1 inch of rain. This is the option preferred by the RWQCB. As an incentive for agencies to pursue EWMPs and acknowledging the additional planning involved, the MS4 Permit gives agencies additional time to complete EWMPs. As additional incentive, the permit provides that areas draining to regional retention projects would be declared compliant, as long as the EWMP plan and required monitoring are implemented accordingly.

Pursuant to City Council authorization provided on 11/12/2013, Culver City and all other watershed agencies including Los Angeles County, and the Cities of Los Angeles, Beverly Hills, West Hollywood, Inglewood, and Santa Monica, have elected to pursue the EWMP alternative to achieve compliance within both the Ballona Creek and Marina del Rey Harbor watersheds. In June 2013, both watershed groups submitted notices of intent to prepare EWMPs by the June 2015 deadline. Culver City staff and other watershed agencies deem the EWMP compliance alternative to be the most effective approach to utilize opportunities to retain runoff and to address the unique challenges of the watersheds. An additional requirement when pursuing an EWMP or WMP is the preparation of a Coordinated Integrated Monitoring Plan (CIMP), which is a plan to monitor water quality in a coordinated interagency manner.

EWMP/CIMP Development

The watershed groups selected consultants to prepare the EWMPs/CIMPs. Black & Veatch and the Weston Group were selected for Ballona Creek and Marina del Rey Harbor, respectively. The City of Los Angeles is the lead agency in the Ballona

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Creek EWMP/CIMP effort and the County of Los Angeles is lead in the Marina del Rey Harbor Watershed. These lead agencies are performing all administrative and project management tasks related to the consultant contracts. Other agencies in the group, including Culver City, are providing support and are closely involved in EWMP development. Consultant costs are being shared among watershed agencies based on area percentage. For Culver City, it is 4% for Ballona Creek and 3% for Marina del Rey Harbor. City Council approved cost sharing memoranda of understanding for EWMP/CIMP development for both watersheds on November 12, 2013.

The EWMP development effort has been underway since July 2013. The consultants and the watershed agencies have been working together since that time to compile information needed to complete the plan. Numerous meetings with the consultant team have been conducted to give status, share information, and to answer questions.

EWMP Methodology

The EWMP recommends control measures throughout the watershed and within the multitude of subwatersheds within each city's jurisdiction. The location and types of measures will depend on the pollutant removal needs and soil characteristics in each subwatershed. Industrial areas will have different pollutant loadings than residential areas; and, areas with clay soils and poor percolation characteristics cannot depend heavily on infiltration and would need to depend more on filtration or reuse. The consultants have taken all the information available and have placed measures at strategic locations to provide a suite of control measures.

The permit requires that a Reasonable Assurance Analysis (RAA) be performed using computer modeling software prescribed in the MS4 permit. The RAA models the suite of control measures identified in the EWMP as a quantitative demonstration that the control measures will be effective in removing enough pollutants to meet water quality objectives. The RAA computer model is also the primary tool used to select and site control measures.

The EWMPs depend on three basic strategies: Low Impact Development (LID), Green Streets, and Regional Infiltration BMPs. LID consists of projects that treat storm water on site by utilizing such BMPs as rain gardens and cisterns. Green Streets will upgrade streets to capture and infiltrate storm water and urban runoff. Regional Infiltration BMPs capture, infiltrate, and/or reuse storm flows from an 85th percentile storm event or roughly 1.1 inch of rain and are depended upon the most, requiring large amounts of land. Parks and other City-owned properties are prime candidates as there would be no land acquisition costs. These properties will be used first. However, the need for infiltration is so great that the plan assumes that there will still be a substantial need to acquire the rights to use private properties as well for infiltration. The need for private land could be substantially reduced if it is possible to develop joint cooperative projects that would allow use of Culver City

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Unified School District (CCUSD) property. Private parcels generally would be the least attractive and last alternative due to the significant land acquisition expense. However, some unique opportunities for public/private cooperative projects may arise.

At any site, there are a number of engineering considerations that come into play such as the amount of drainage that can be diverted to the site, the type of soil and its ability to infiltrate water, and depth to ground water.

Currently, two potential infiltration sites are being evaluated: the median on Culver Boulevard between Elenda Street and Sepulveda Boulevard and the Costco parking lot. Costco is planning an expansion in the parking lot adjacent to their main building. Staff is working with Costco to possibly develop a public/private partnership to infiltrate water from Costco's site as well as the remaining Marina del Rey Harbor drainage area located within Culver City and a small section of Los Angeles into the ground on and/or near the Costco site if conditions are suitable and an agreement with Costco can be reached.

Adaptive Management Process

The MS4 Permit allows EWMPs to be implemented and improved over time through an iterative process referred to in the MS4 Permit as the Adaptive Management Process (AMP). The AMP enables agencies to monitor the effectiveness of EWMPs and make adjustments or additions to the plans as needed to improve water quality to comply with TMDLs. Agencies will be deemed compliant as long as they are implementing an approved EWMP and make adjustments to the plans on a biennial basis as needed to meet water quality standards.

Environmental Determination

The EWMP is a planning document and any implementing projects and actions under the plan would proceed only after RWQCB approval is granted. Therefore, authorizing submittal of the EWMP to RWQCB is not a "project" for purposes of the California Environmental Quality Act (CEQA) because it is not an approval of the plan. (CEQA Guidelines Section 15378). Upon approval by RWQCB, the City may undertake implementing actions which will be reviewed pursuant to CEQA as appropriate.

FISCAL ANALYSIS:

If the City implements the EWMPs completely as modeled by the RAA, the final total costs are estimated to be \$159 million in capital cost (including required land acquisition costs) and an additional \$4 million per year for operations and maintenance. City staff has not yet identified all funding source options (other than use of the General Fund, which is not in a position to absorb these costs) for the

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implementation phase of the EWMPs. Staff will continue to pursue grant funding (including the application for the 2015 Competitive Grant Program under the Santa Monica Bay Category from the Los Angeles County Regional Park and Open Space District, which is also being considered by the City Council this evening) and explore other funding alternatives. However, even if successful, grant funding will most likely only cover a small fraction of the overall cost of compliance. Other possible funding options will be explored further and presented to the City Council for discussion at a future meeting.

As mentioned previously, the EWMPs will be reviewed every 2 years and depending on the results from the monitoring, some projects that were included initially in the plans may be removed or modified. Also, cooperative agreements with CCUSD or with private entities such as Costco can result in significant cost savings. Other things that can affect the final cost and outcome are changes in law or regulations and would depend on State or Federal legislation. Some examples are a copper brake pad ban (Metals TMDL) and pesticide bans (Toxics TMDL). In addition, studies will be conducted on specific pollutants in the receiving water to better understand how it affects the beneficial uses. This could result in changes to TMDL limits and therefore could affect the cost.

MOTION:

That the City Council:

Authorize the submittal of the Enhanced Watershed Management Program Plans for the Ballona Creek and Marina del Rey Harbor Watersheds to the Los Angeles Regional Water Quality Control Board.