

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

Meeting Date: June 14, 2010		Item Number: <u>C-5</u>	
CITY COUNCIL AGENDA ITEM: Approval of Four Memoranda of Agreement with the City of Los Angeles for Administration and Cost Sharing of the Ballona Creek Coordinated Monitoring Plans; and Approval of One Memorandum of Agreement with the County of Los Angeles for Administration and Cost Sharing of the Marina del Rey Harbor Coordinated Monitoring Plan.			
Contact Person/Dept.: Kaden Young		Phone Number: (310) 253-6445	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Commission Action Required: Yes ☐ No ☒ Date: _____			
Public Notification : Meetings and Agendas – City Council (06/09/10)			
Department Approval: Charles D. Herbertson (06/03/10)		City Attorney Approval: Carol Schwab (by H. Baker) (06/09/10)	
Chief Financial Officer Approval: Jeff Muir (by N. Kimball) (06/09/10)		City Manager Approval: P. Lamont Ewell (06/10/10)	
<u>RECOMMENDATION:</u> Staff recommends the City Council approve four Memoranda of Agreement with the City of Los Angeles for administration and cost sharing of the Ballona Creek Coordinated Monitoring Plans and approve one Memorandum of Agreement with the County of Los Angeles for administration and cost sharing of the Marina del Rey Harbor Coordinated Monitoring Plan. <u>BACKGROUND:</u> 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 within its region. Beneficial uses include swimming, fishing, 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 in the Water Quality Control Plan (Basin Plan). Section 303(d) of the CWA requires states to prepare a list of water bodies that do not meet water quality standards and establish for each of these water bodies waste load allocations known as Total Maximum Daily Loads (TMDLs) which will ensure attainment of water quality standards. Both Ballona Creek and Marina del Rey Harbor are on the 303(d) list.			

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TMDLs establish a maximum limit for specific pollutants that can be discharged into a water body without causing it to become impaired. TMDLs are enforced through discharge permits issued to the County (Los Angeles Municipal Stormwater National Pollutant Discharge Elimination System Permit), to which the City is co-permittee. Violation of these permits can result in exposing the City to both civil and criminal liabilities.

Culver City is accountable for 2% of the Marina del Rey Harbor (MdRH) watershed and 4% of the Ballona Creek (BC) watershed. The City is subjected to the following TMDLs and their effective dates:

Marina del Rey Back Basins & Mother's Beach

- 1) Bacteria TMDL: 03/18/2004
- 2) Toxic Pollutants TMDL: 03/22/2006

Ballona Creek

- 1) Metals TMDL: 01/11/2006
- 2) Toxic Pollutants TMDL: 01/11/2006
- 3) Bacteria TMDL: 04/27/2007

DISCUSSION:

The City of Los Angeles and County of Los Angeles are the lead agencies for Ballona Creek TMDLs and Marina del Rey Back Basin & Mother's Beach TMDLs, respectively. The jurisdictions that discharge to each watershed are responsible for complying with requirements of the TMDL, which include, but are not limited to, the following:

- 1) Prepare and implement a Monitoring Plan (MP)
- 2) Prepare and implement an Implementation Plan (IP)
- 3) Conduct special studies (if applicable/necessary); and.
- 4) Achieve compliance with the water quality standards.

The Memoranda of Agreement (MOAs) that need to be executed with the City of Los Angeles are:

- 1) BC: Development of IP*
The development of the implementation plans was combined for metals, toxics, and bacteria in Ballona Creek. The plans outline how the agencies intend to cooperatively achieve compliance with the waste load allocations of the BC TMDLs, which includes implementation methods, schedules and proposed milestones.

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2) BC: Implementing Coordinated MP (Metals and Toxics) & Toxic Identification Evaluation Study*

The metals and toxic TMDLs require the preparation and implementation of a coordinated monitoring plan (designed to monitor water and sediment quality in Ballona Creek and Ballona Estuary). The MP consists of the regulatory background, ambient and effectiveness monitoring, monitoring sites, sampling parameters, analytical methods, schedule, reporting, and other regulatory requirements. In addition, it includes the design and installation of automated water samplers.

The toxic TMDL requires that a special study be conducted. A Toxic Identification Evaluation Study (TIE Study) will be performed with the objectives of obtaining additional information on the spatial extent and magnitude of sediment toxicity and contamination, determine the likely cause(s) of sediment toxicity (if any) to benthic invertebrates, and determine the range of sediment concentrations of target contaminants that are associated with toxicity.

3) BC: Implementing Coordinated Monitoring Plan (Bacteria)*

The bacteria TMDL requires the preparation and implementation of a coordinated monitoring plan (designed to monitor water quality in Ballona Creek, Ballona Estuary, and Sepulveda Channel). The MP consists of the regulatory background, ambient and effectiveness monitoring, monitoring sites, sampling parameters, analytical methods, schedule, reporting, and other regulatory requirements.

4) MdRH: Implementing Coordinated Monitoring Plan (Bacteria)

The bacteria TMDL requires the preparation and implementation of a coordinated monitoring plan (designed to monitor water quality within Marina del Rey Harbor, Mother's Beach, and Back Basins). The MP consists of the regulatory background, ambient and effectiveness monitoring, monitoring sites, sampling parameters, analytical methods, schedule, reporting, and other regulatory requirements.

The MOA that needs to be executed with the County of Los Angeles is:

1) MdRH: Coordinated Monitoring Plan & Special Studies*

The toxics TMDL addresses water quality impairments throughout MdRH, including assessment of fish tissue, assessment of sediment quality impairments in the MdRH's Back Basins, and assessment of stormwater quality and storm-borne sediment quality of MdRH.

In addition, the toxic TMDL requires the preparation of two special studies to refine source assessment, better loading capacity, and optimize implementation efforts. The first special study will evaluate partitioning coefficients between water column and sediment. The second will evaluate

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the use of low detection level techniques to determine water quality concentrations for those contaminants where standard detection limits cannot be used.

*The Metal, Toxics, and Bacteria TMDLs do not include an enforcement mechanism and have not been incorporated into the 2001 National Pollutant Discharge Elimination System (NPDES) Permit for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles. While the 2001 NPDES permit expired in December 2006, it remains active until the new permit is adopted. According to the Regional Water Quality Control Board, the new NPDES permit may be adopted in 2011; and will incorporate all TMDLs. Each TMDL compliance timeline started when the TMDLs became effective, not when they are adopted into the NPDES Permit; therefore, compliance activities must start prior to adoption.

Staff and the City Attorney's Office have reviewed three draft versions of each MOA as the documents were prepared, and our comments have been included in the final executable versions.

FISCAL ANALYSIS:

The City will be billed according to the following schedules:

- 1) BC: Development of Implementation Plans (Metals/Toxic/Bacteria)
Agreement ends June 30, 2011.
 - a. After execution of MOA: \$13,866
 - b. January 2011: \$14,169
 - c. June 2011: \$14,517
- 2) BC: Implementing Coordinated MP & TIE Study (Metals/Toxic)
Agreement ends June 30, 2012.
 - a. After execution of MOA: \$35,903
 - b. January 2011: \$33,193
 - c. January 2012: \$14,881
- 3) BC: Implementing Coordinated MP (Bacteria)
Agreement ends June 30, 2012.
 - a. After execution of MOA: \$3,694
 - b. January 2011: \$3,603
 - c. January 2012: \$3,603
- 4) MdRH: Implementing Coordinated MP (Bacteria)
Agreement ends June 30, 2012.
 - a. After execution of MOA: \$8,314
 - b. January 2011: \$2,799
 - c. January 2012: \$2,799

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- 5) MdRH: Implementing Coordinated MP & Special Studies (Toxics)
Agreement ends January 2012.
- a. After execution of MOA: \$26,876
 - b. January 2011: \$37,883
 - c. January 2012: \$25,319

The term of agreement has been established as three (3) years for each of these MOAs with different ending months. Upon execution of these MOAs, the City will be responsible for \$88,653. The amount due over the next two years is \$152,766, for a total of \$241,419 due during the three-year term of the MOAs. The MOAs will be funded by P-497, NPDES – Storm Water Discharge Program (42000497), which has sufficient funds to cover these expenditures.

ATTACHMENTS:

- 1) BC: Development of IP Cost Sharing Schedule
- 2) BC: Implementing Coordinated MP & Toxic Identification Evaluation Study Cost Sharing Schedule
- 3) BC: Implementing Coordinated Monitoring Plan Cost Sharing Schedule
- 4) MdRH: Implementing Coordinated Monitoring Plan Cost Sharing Schedule
- 5) MdRH: Coordinated Monitoring Plan & Special Studies Cost Sharing Schedule

MOTION:

That the City Council:

1. Approve a Memorandum of Agreement with the City of Los Angeles for the administration and cost sharing of the development of the Implementation Plans for the Total Maximum Daily Loads for Metals, Toxics, and Bacterial indicator densities in Ballona Creek in an amount not-to-exceed \$42,552; and,
2. Approve a Memorandum of Agreement with the City of Los Angeles for the administration and cost sharing of the Coordinated Monitoring Plan and Toxic Identification Evaluation Study for the Total Maximum Daily Load for Metals and Toxic in Ballona Creek and Ballona Estuary in an amount not-to-exceed \$83,977; and,
3. Approve a Memorandum of Agreement with the City of Los Angeles for the administration and cost sharing of the Coordinated Monitoring Plan for the Total Maximum Daily Load for Bacterial indicator densities in Ballona Creek, Ballona Estuary, and Sepulveda Channel in an amount not-to-exceed \$10,899.49; and,
4. Approve a Memorandum of Agreement with the City of Los Angeles for the administration and cost sharing of the Coordinated Monitoring Plan for the Total

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Maximum Daily Load for Bacterial indicator densities in Marina del Rey Harbor Mothers' Beach and Back Basins in an amount not-to-exceed \$13,912; and,

5. Approve a Memorandum of Agreement with the County of Los Angeles for the administration and cost sharing of the Coordinated Monitoring Plan and Special Studies for the Total Maximum Daily Load for Toxics in the Marina del Rey Harbor Mothers' Beach and Back Basins in an amount not-to-exceed \$63,202; and,
6. Authorize the City Attorney to review/prepare the necessary documents; and,
7. Authorize the City Manager to execute such documents on behalf of the City.