Findings Report, Mitigation Monitoring Program, and Statement of Overriding Considerations

Ballona Creek Bacteria Total Maximum Daily Load Project and Final Environmental Impact Report

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Appendix A – Mitigation and Monitoring Program

Introduction

These findings on the Ballona Creek Bacteria Total Maximum Daily Load (Bacteria TMDL) Project (Project) are made by the City of Los Angeles, pursuant to the Guidelines for the CEQA (California Code of Regulations, Title 14, section 15091). All significant adverse impacts of the Project that are identified in the Final Environmental Impact Report (EIR) are discussed in this Findings Report. The CEQA Findings are numbered in accordance with the impact and mitigation numbers identified in the Final EIR.

The Final EIR takes a comprehensive look at how the proposed Project (and Alternatives) could impact the environmental resources present in the Project area. The environmental analyses were performed in conformance with the CEQA guidance issued by the California Governor's Office of Planning and Research (OPR; CEQA Statutes and Guidelines) and the City of Los Angeles (L.A. CEQA Thresholds Guide, 2006) to evaluate the Project's and Alternatives' potential environmental impacts. Eighteen (18) resource areas were analyzed in the EIR, as follows:

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology, Soils, and Minerals
- Greenhouse Gas Emissions
- Hazards and Hazardous Waste
- Hydrology and Water Resources
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities, Energy and Services (inc. Energy Conservation Analysis)
- Growth-Inducing Impacts
- Cumulative Impacts

The resource analyses consider potential effects resulting from both the construction (i.e. ground-disturbing activities) and operational (i.e. runoff treatment activities) phases of the Project and Alternatives. The level of *significance* for potential effects were classified using of each impact area is classified as follows:

- **Beneficial Effect.** The Project would result in an overall improvement to the existing baseline condition.
- **No Impact.** The Project will not have any measurable environmental impact on the environment.
- **Less Than Significant Impact.** The Project may have the potential for affecting the environment, although these impacts will be below levels or thresholds that the City of Los Angeles or other responsible agencies consider to be significant.
- **Less Than Significant Impact with Mitigation.** The Project may have the potential to generate impacts that will have a significant impact on the environment. However, the level of impact may be reduced to levels that are less than significant with the implementation of mitigation measures.

Assigning Significance Under CEQA

"A significant effect on the environment" means a substantial, or potentially substantial, adverse change in the environment (CEQA Guideline 15358). CEQA mandates that CEQA documents (i.e. EIRs, EAs, ISs) include Findings of Significance for each resource analysis. These determinations are provided in summary tables in each analysis in this section.

- **Potentially Significant Impact.** The Project may result in environmental impacts that are significant and cannot be reduced to levels that are less than significant even with the implementation of mitigation measures.

For each *Potentially Significant Impact* and *Less than Significant with Mitigation*, a finding has been made as to one or more of the following, as appropriate:

A. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
B. Such changes or alterations are within the responsibility and jurisdiction of another public Agency/entity (City of Culver City) and not the Agency making the finding (City of Los Angeles). Such changes have been adopted by such other agency/entity or can and should be adopted by such other Agency or responsible party.
C. Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or Alternatives identified in the Final EIR.

After each finding, a discussion of the supporting facts and environmental analysis is provided.

Whenever Finding (B) occurs, the responsible party (either City of Los Angeles or City of Culver City) with jurisdiction on enforcing the mitigation measures have been specified. These Agencies/parties, within their respective spheres of influence, have the ultimate responsibility to adopt, implement, and enforce the mitigation discussed within each type of impact that could result from project implementation. However, under the CEQA (Public Resources Code section 21081.6), the City of Los Angeles, as the CEQA Lead Agency, has the overall responsibility to ensure that the mitigation measures are effectively implemented. The other public party that this applies to for this Project/EIR is the City of Culver City.

Whenever Finding (C) is made, the City of Los Angeles has determined that sufficient mitigation is not practicable to reduce the impact to a less than significant level and, even after implementation of all feasible mitigation measures, there will or could be an unavoidable significant adverse impact due to the Project.

Project Summary

The Cities of Los Angeles, Beverly Hills, Culver City, Inglewood, and West Hollywood, the County of Los Angeles and Los Angeles County Flood Control District (collectively, the Permittees) propose to develop the following three regional projects to comply with the water quality requirements established in the Water Quality Control Plan for the Los Angeles Region (Basin Plan). The location and an overview of each facility is below.

- Low Flow Treatment Facility 1 (LFTF-1): One block north of the intersection of Jefferson Boulevard and Raintree Circle in the City of Culver City, along the southeast boundary of Ballona Creek.
- Low Flow Treatment Facility 2 (LFTF-2): Directly northwest of the intersection of Culver Boulevard and Sepulveda Channel in the City of Los Angeles, along the southwest boundary of Sepulveda Channel.

- Mesmer Low Flow Diversion (LFD): Near intersection of Mesmer Avenue and Juniette Street in the City of Culver City, along the southwest boundary of Centinela Creek.

To directly improve downstream water quality in Ballona Creek, the Permittees propose to retrofit an existing City facility called the North Outfall Treatment Facility. LFTF-1 would treat up to 6 million gallons per day (MGD) with ozone or ultraviolet disinfection technology and release the treated flow back to Ballona Creek, as well as install a new connection to the North Outfall Sewer that will convey up to 23 MGD of dry weather flow from Ballona Creek to the Hyperion Water Reclamation Plant (HWRP) for treatment and potential beneficial reuse to offset potable water demand in the region.

LFTF-2 would include the development of a small treatment plant that would be located adjacent/in-place of an existing sampling station facility and would treat up to 1.3 MGD of flow with ozone or ultraviolet disinfection technology and immediately release the treated flow back to Sepulveda Channel before discharging into Ballona Creek.

The existing Mesmer wastewater pump station will be retrofitted to be a combined wastewater and stormwater pumping facility. The Permittees propose to install a LFD that will convey up to 0.97 MGD of Centinela Creek dry weather flow to HWRP for treatment and potential beneficial reuse to offset potable water demand in the region.

Collectively, these three projects will enable the Permittees to achieve compliance with the dry weather requirements of Ballona Creek, Ballona Estuary and Sepulveda Channel Bacteria TMDL (Bacteria TMDL), Municipal Separate Storm Sewer System (MS4) Permit, and Time Schedule Order (TSO) requirements, and improve public health and the beneficial uses of Ballona Creek and the Ballona Estuary, while also providing a new source of water to offset potable water use.

Alternatives

In addition to the proposed Project described above, the following Alternatives were also analyzed in the EIR:

- **Alternative 1:** Repurpose the existing NOTF to LFTF-1 to treat up to 29 MGD of dry weather flow with UV or ozone disinfection technology and release the treated flow back to Ballona Creek immediately downstream of LFTF-1. There would be no diversion to HWRP from LFTF-1 under Alternative 1. Construct LFTF-2 to treat up to 1.3 MGD of dry weather flow in Sepulveda Channel with UV or ozone disinfection technology and release the treated flow back to Sepulveda Channel immediately downstream of LFTF-2. Repurpose the existing Mesmer pump station adjacent to Centinela Creek and install a low flow diversion to convey up to 0.97 MGD of dry weather flow to HWRP for discharge or beneficial reuse.
- **Alternative 2**: Divert up to 29 MGD of dry weather flow from Ballona Creek to HWRP for discharge or beneficial reuse. Install a new connection to the NOS, located at the existing NOTF site. There would be no UV or ozone disinfection and release of the treated flow at LFTF-1 under Alternative 2. Construct LFTF-2 to treat up to 1.3 MGD of dry weather flow in Sepulveda Channel with UV or ozone disinfection technology and release the treated flow back to Sepulveda Channel immediately downstream of LFTF-2. Retire the existing Mesmer pump

station adjacent to Centinela Creek and install a low flow diversion to convey up to 0.97 MGD of dry weather flow to HWRP for discharge or beneficial reuse.

- **No Action Alternative**: The NOTF would not be repurposed into LFTF-1, and treat-and-release of Ballona Creek dry weather flow would not occur. Diversion of flow from Ballona Creek to HWRP would not occur. LFTF-2 would not be developed and no treat-and-release of Sepulveda Channel dry weather flow would occur. The existing Mesmer pump station would not be repurposed and no dry weather flow from Centinela Creek would be diverted to HWRP. The Mesmer station would likely be retired in 2019/2020 with the completion of the new Bankfield pump station. The MS4 Permittees would not attain compliance with the dry weather Bacteria TMDL.

Project Objectives

Elevated bacterial indicator densities are causing impairment of the beneficial use of aquatic recreation as designated in the Basin Plan. The Ballona Estuary and Sepulveda Channel are designated as water contact recreational areas (REC-1 in the Basin Plan), which includes activities such as swimming and fishing. Ballona Creek Reach 2 is designated as limited water contact recreation (LREC-1 in Basin Plan) and Ballona Creek Reach 1 as non-contact recreation (REC-2). Recreating in waters with elevated bacterial indicator densities has long been associated with adverse human health effects. Specifically, local and national epidemiological studies (i.e. EPA's Study on Recreational Water Quality, 2012) conclude that there is a strong correlation between adverse health effects and recreational water quality, as measured by bacterial indicator densities. The need of the Project is to improve and preserve the beneficial use designation of recreation in Ballona Creek, Ballona Estuary, and Sepulveda Channel.

The Bacteria TMDL has a multi-part numeric target based on the bacteriological water quality objectives for marine and fresh water to protect contact (REC-1, LREC-1) and non-contact (REC-2) recreational uses. These targets are currently the most appropriate indicators of public health risk in recreational waters.

The key objective of the Project is to allow the MS4 Permittees to attain compliance with the dry weather Bacteria TMDL, which would result in maintaining the beneficial uses established for Ballona Creek, Ballona Estuary, and Sepulveda Channel in the Bacteria TMDL and Basin Plan. Section 303(d) of the Clean Water Act requires states to prepare a list of water bodies that do not meet water quality standards and establish TMDLs to ensure attainment of water quality standards. Although the focus of this EIR is on the attainment of the Bacteria TMDL in Ballona Creek, it is best understood within the context of the several TMDLs that apply to the waters in the Ballona Creek watershed. The Regional Board has adopted TMDLs for trash, toxics, bacteria, metals, and sediment and invasive exotic vegetation. In addition, TMDLs for bacteria, trash and toxics (DDT and PCB) have been adopted for the Santa Monica Bay to which Ballona Creek discharges. Table 1 below provides a breakdown of each TMDL relative to Regional Board resolution number and effective date.

Table 1 - Ballona Creek Watershed TMDLs

Total Maximum Daily Load (TMDL)	Regional Board Resolution Number(s)	Effective Date and/or EPA Approval Date
Ballona Creek Trash TMDL	2004-023	08/11/2005
Ballona Creek Estuary Toxic Pollutants TMDL	2005-008	01/11/2006
	2013-010	10/26/2015
Ballona Creek, Ballona Estuary, and Sepulveda Channel Bacteria TMDL	2006-011	04/27/2007
	2012-008	07/02/2014
Ballona Creek Metals TMDL	2007-015	10/29/2008
	2013-010	10/26/2015
Santa Monica Bay Nearshore and Offshore Debris TMDL	2010-010	03/20/2012
Santa Monica Bay Beaches Bacterial TMDL	2002-022	07/15/2003
Santa Monica Bay DDTs and PCBs TMDL	NA(USEPA TMDL)	03/26/2012
Ballona Creek Wetlands TMDL for Sediment and Invasive Exotic Vegetation TMDL (Wetlands TMDL)	NA (USEPA TMDL)	03/26/2012

The TSO granted by the Los Angeles Regional Water Quality Control Board provides interim limits set to prevent further water quality degradation, while providing the MS4 Permittees with a schedule for specific actions to bring the receiving water into compliance with the Receiving Water Limitations (RWLs) and Water Quality Based Effluent Limitations (WQBELs) specified by the Bacteria TMDL. The TSO for the dry weather Bacteria TMDL requires a series of actions to be completed over the course of the assigned schedule that concludes in December 2019. Several of those actions focus specifically on LFTF-1 in Ballona Creek. The required actions identified in the TSO related to LFTF-1 include:

- **July 13, 2015**: Submit a Pollution Prevention Plan to the Regional Board that identifies tasks and schedules for attaining compliance by December 15, 2019, inclusive of LFTF-1.
- **May 16, 2016**: Submit an evaluation of the alternative selected for LFTF-1 (i.e., analysis of treat and release versus diversion to HWRP).
- **September 30, 2019**: Complete work related to the LFTF-1.
- **December 15, 2019**: Attain dry weather RWLs and WQBELs.

The Project must meet the dry weather Bacteria TMDL targets for fresh and marine waters designated for contact, limited-contact recreation, and non-contact recreation in Table 2, per the TSO:

Table 2 - Daily Dry Weather Maximum Water Quality-Based Effluent Limitations

Waterbody	Constituent	Daily Maximum Effluent Limitations (MPN or cfu)
Ballona Estuary	Total Coliform*	10,000/100mL
	Fecal Coliform	400/100mL
	Enterococcus	104/100mL
Sepulveda Channel	E. coli	235/100mL
Ballona Creek Reach 2	E. coli	576/100mL
Ballona Creek Reach 1	Fecal Coliform	4,000/100mL

* Total coliform density shall not exceed a daily maximum of 1,000/100mL, if the ratio of fecal-to-total confirm exceeds 0.1.

The environmental analysis considers downstream impacts, including throughout the Ballona Creek Reach 2 and Ballona Estuary. There are numerous water quality monitoring stations in the Ballona Creek Watershed. This network of stations would monitor attainment with the Bacteria TMDL.

A secondary objective of the Project is to make a new source of freshwater available for reclamation and potential beneficial reuse. Potential beneficial reuse includes industrial, commercial, and governmental (i.e. fire-fighting) applications. Introducing a new source of freshwater available for reclamation and beneficial reuse relieves demand on potable water supplies since the reclaimed water would be used in place of tap water. The HWRP in southwest Los Angeles near Dockweiler State Beach is the region's primary water reclamation facility, supplying the majority of water available for beneficial reuse. The proximal location to HWRP and existing infrastructure present on the proposed development sites (i.e. NOS) make the HWRP the most feasible and reasonable for reclamation and potential beneficial reuse.

In summary, the following bullet points provide clarification of the key and secondary objectives, or purpose and need, of the Project:

- **Key Objective:** Comply with the Bacteria TMDL and the TSO, which would maintain the beneficial use designations for Ballona Creek, Ballona Estuary, and Sepulveda Channel as established in the Bacteria TMDL and Basin Plan.
- **Secondary Objective:** Make a new source of freshwater available for reclamation and potential beneficial reuse to relieve demand on potable water supplies.

Findings and Mitigation Measures

CEQA FINDING NO. CUL-1

Cultural Resources

Impact: The Project and action Alternatives could cause substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines.

Significance: Less than Significant with Mitigation

Findings:

A) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

B) Such changes or alterations are within the responsibility and jurisdiction of another public Agency/entity and not the Agency making the finding. Such changes have been adopted by such other agency/entity or can and should be adopted by such other Agency or responsible party.

Facts Supporting the Finding(s)

The Area of Potential Effect (APE) is situated in a geographic location that was ideal for prehistoric human occupation, and it is possible that intact archaeological deposits are present in the subsurface. There are no known sites present within the APE, but undocumented cultural resources would not be visible due to the developed nature of the sites, and sedimentation and major flood events over time. If a resource is present, it would be deposited in the sediments beneath the surface of the APE. Excavation and boring activities are proposed at each of the three sites within the APE, rendering the possibility of encountering a previously undocumented artifact. Since the sites have been developed prior, there is low probability on encountering an undocumented archaeological resource. Mitigation is specified to prepare and implement an Unanticipated Discovery Plan during construction. With the implementation of this mitigation measure, potential effects will be less than significant.

Mitigation Measure

CUL-1 Stop Work. If previously undiscovered cultural resources, such as lithic debitage or ground stone, shell midden, historic debris, building foundations, or human bone, are found within the APE during construction, all ground-disturbing activities within the immediate area would be halted at the site and within 100 feet of the site. Work would stop until the find has been evaluated by a designated member of the Tongva Ancestral Territorial Tribal Nation (TATTN) and the Gabrieleno Band of Mission Indians – Kizh Nation, and a professional archaeologist, and the appropriate State and Federal agencies have been notified. If the resource is recommended as eligible for listing in the National Register of Historic Places (NRHP) or protected under other Federal or State statutes, the impacts would be mitigated through the Unanticipated Discovery Plan.

CUL-2 Unanticipated Discovery Plan. Sixty days prior to ground disturbance activities, the City would prepare an Unanticipated Discovery Plan. The plan would outline the processes of notification, evaluation, and actions to be taken should unanticipated cultural resources be found during construction.

CEQA FINDING NO. CUL-2

Cultural Resources

Impact: The Project and action Alternatives could disturb human remains, including those interred outside of formal cemeteries.

Significance: Less than Significant with Mitigation

Findings:

A) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

B) Such changes or alterations are within the responsibility and jurisdiction of another public Agency/entity and not the Agency making the finding. Such changes have been adopted by such other agency/entity or can and should be adopted by such other Agency or responsible party.

Facts Supporting the Finding(s)

The APE is situated in a geographic location that was ideal for prehistoric human occupation, and it is possible that remains are present in the subsurface. There are no known burial sites present within the APE, but undocumented remains would not be visible due to sedimentation and major flood events over time. If remains are present, they are deposited in the sediment under the surface of the APE. Excavation and boring activities are proposed at each of the three sites within the APE, rendering the possibility of encountering a previously undocumented burial site. Since the sites have been developed prior, there is low probability on encountering a burial site. Mitigation is specified to prepare and implement an Unanticipated Discovery Plan during construction. With the implementation of this mitigation measure, potential effects will be less than significant.

Mitigation Measure

CUL-1 Stop Work. If previously undiscovered cultural resources, such as lithic debitage or ground stone, shell midden, historic debris, building foundations, or human bone, are found within the APE during construction, all ground-disturbing activities within the immediate area would be halted at the site and within 100 feet of the site. Work would stop until the find has been evaluated by a designated member of the Tongva Ancestral Territorial Tribal Nation (TATTN) and the Gabrieleno Band of Mission Indians – Kizh Nation, and a professional archaeologist and the appropriate State and Federal agencies have been notified. If the resource is recommended as eligible for listing in the National Register of Historic Places (NRHP) or protected under other Federal or State statutes, the impacts would be mitigated through the Unanticipated Discovery Plan.

CUL-2 Unanticipated Discovery Plan. Sixty days prior to ground disturbance activities, the City would prepare an Unanticipated Discovery Plan. The plan would outline the processes of notification, evaluation, and actions to be taken should unanticipated cultural resources be found during construction.

CEQA FINDING NO. CUL-3

Cultural Resources

Impact: The Project and action Alternatives could have an impact on Tribal Cultural Resources.

Significance: Less than Significant with Mitigation

Findings:

A) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

B) Such changes or alterations are within the responsibility and jurisdiction of another public Agency/entity and not the Agency making the finding. Such changes have been adopted by such other agency/entity or can and should be adopted by such other Agency or responsible party.

Facts Supporting the Finding(s)

The APE is in an area historically occupied by the Gabrielino/Tongva, and it is possible that intact tribal cultural resources are present in the subsurface. There are no known sites present within the APE, but undocumented cultural resources would not be visible due to the developed nature of the sites, and sedimentation and major flood events over time. If a resource is present, it would be deposited in the sediments beneath the surface of the APE. Excavation and boring activities are proposed at each of the three sites within the APE, rendering the possibility of encountering a previously undocumented resource. However, since each of the sites have been developed prior, there is low probability on encountering an undocumented tribal cultural resource. Mitigation is specified to prepare and implement an Unanticipated Discovery Plan during construction. With the implementation of this mitigation measure, potential effects would be less than significant.

Mitigation Measure

CUL-1 Stop Work. If previously undiscovered cultural resources, such as lithic debitage or ground stone, shell midden, historic debris, building foundations, or human bone, are found within the APE during construction, all ground-disturbing activities within the immediate area would be halted at the site and within 100 feet of the site. Work would stop until the find has been evaluated by a designated member of the Tongva Ancestral Territorial Tribal Nation (TATTN) and the Gabrieleno Band of Mission Indians – Kizh Nation, and a professional archaeologist and the appropriate State and Federal agencies have been notified. If the resource is recommended as eligible for listing in the National Register of Historic Places (NRHP) or protected under other Federal or State statutes, the impacts would be mitigated through the Unanticipated Discovery Plan.

CUL-2 Unanticipated Discovery Plan. Sixty days prior to ground disturbance activities, the City would prepare an Unanticipated Discovery Plan. The plan would outline the processes of notification, evaluation, and actions to be taken should unanticipated cultural resources be found during construction.

CEQA FINDING NO. HWR-1

Hydrology and Water Resources

Impact: The No Action Alternative would violate established water quality standards or waste discharge requirements, and result in the degradation of water quality.

Significance: Potentially Significant Impact

Findings:

A) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

B) Such changes or alterations are within the responsibility and jurisdiction of another public Agency/entity and not the Agency making the finding. Such changes have been adopted by such other agency/entity or can and should be adopted by such other Agency or responsible party.

Facts Supporting the Finding(s)

The Project is proposed to comply with the dry weather requirements of the Bacteria TMDL so that the beneficial use designations in Ballona Creek, Ballona Estuary, and Sepulveda Channel may be maintained. Without implementation of the Project (i.e. the No Action Alternative), dry weather flows would continue to exceed the Water Quality Based Effluent Limitations (WQBELs) and Receiving Water Limitations (RWLs) at the downstream monitoring locations in Ballona Creek Reach 2, Ballona Estuary, and Sepulveda Channel. Therefore, the continuation of the existing conditions would fail to improve the bacteriological water quality in Ballona Creek, Ballona Estuary, and Sepulveda Channel and result in a significant impact.

Mitigation Measure

No mitigation measures are prescribed for the No Action Alternative. The proposed Project would serve as the mechanism to mitigate the continuance of high levels of bacteria present in Ballona Creek, Ballona Estuary, and Sepulveda Channel during dry weather conditions.

CEQA FINDING NO. LUP-1

Land Use and Planning

Impact: The No Action Alternative would conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Significance: Potentially Significant Impact

Findings:

A) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

B) Such changes or alterations are within the responsibility and jurisdiction of another public Agency/entity and not the Agency making the finding. Such changes have been adopted by such other agency/entity or can and should be adopted by such other Agency or responsible party.

Facts Supporting the Finding(s)

Since no facilities would be developed, bacteria levels in Ballona Creek, Ballona Estuary, and Sepulveda Channel would remain elevated during dry weather conditions. This would conflict with the Basin Plan since receiving water quality would continue to not meet the WQBELs and RWLs of the Bacteria TMDL, resulting in a conflict with the Basin Plan. The purpose of the proposed Project is to manage urban runoff so that the standards established in the Bacteria TMDL and the Basin Plan can be achieved.

Mitigation Measure

No mitigation measures are prescribed for the No Action Alternative. The proposed Project would serve as the mechanism to mitigate the continuance of high levels of bacteria present in Ballona Creek, Ballona Estuary, and Sepulveda Channel during dry weather conditions.

CEQA FINDING NO. NOI-1

Noise

Impact: The Project and action Alternatives could expose persons or generate noise in levels excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Significance: Potentially Significant Impact

Findings:

A) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

B) Such changes or alterations are within the responsibility and jurisdiction of another public Agency/entity and not the Agency making the finding. Such changes have been adopted by such other agency/entity or can and should be adopted by such other Agency or responsible party.

C) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or Alternatives identified in the Final EIR.

Facts Supporting the Finding(s)

The proposed Project would involve construction of a diversion structure, wet well, conveyance pipe, pump station, and connection to the NOS. The Project is in an area designated as IG, Industrial General, immediately adjacent to the Ballona Creek Open Space corridor. Across Ballona Creek from the NOTF is an area zoned R1, Residential Single Family and R2, Low Density Two Family Residential. The Mesmer Low Flow Diversion is located adjacent to the Centinela Creek Open Space corridor in an area designated IG with an area zone R1 to the northwest of the site. The LFTF-2 site is in an area designated by the City of Los Angeles as Medium Density Residential (R3-1), immediately adjacent to the Sepulveda Open Space corridor and the Culver Boulevard Median Bike Path corridor which is considered a Public Facility. The residential areas are the closest sensitive receptors to the construction activities at the LFTF-1, LFTF-2, and Mesmer Low Flow Diversion sites that would generate the greatest noise levels.

During construction, noise will be generated from the use of construction equipment and from vehicles used to transport crews and materials to the project area. Noise levels for typical construction equipment listed in the project description at various distances from the equipment have been calculated previously and published in various reference documents. Typical expected equipment noise levels listed in the Federal Highway Administration (FHWA) Roadway Construction Noise Model User's Guide (FHWA, 2006) were used for this evaluation. The User's Guide provides the most recent comprehensive assessment of noise levels from construction equipment. Table 3 summarizes typical usage factors, and maximum noise levels, for representative construction equipment expected to be used.

Table 3 - Typical Construction Noise Levels.

Equipment Description	Acoustical Usage Factor (%)	Specified Lmax at 50 feet (dBA)
All Other Equipment > 5 horsepower	50	85
Excavator	40	85
Pickup Trucks	40	55
Backhoe	40	80
Bobcat with Attached Saw-Cutter	20	90
Pipe Jack Operations	25	80
Tunneling Operations	50	80

Notes:

dBA = A-weighted decibels; Lmax = maximum sound pressure level

Source: FHWA Roadway Construction Noise Model User's Guide (FHWA, 2006).

As shown in Table 3, the loudest typical construction equipment generally emits noise in the range of 80 to 90 dBA at 50 feet, with usage factors of up to 40 percent and 50 percent. Noise at any specific receptor is dominated by the closest and loudest equipment. The types and numbers of construction equipment near any specific receptor location will vary over time. The construction of the saw-cut diversion structure and pump station will generate the most noise at the nearest sensitive receptors during construction activities involving saw-cutting, tunneling, and pipe jacking operations. In general, equipment was assumed to operate simultaneously at the construction area nearest to potentially affected residential receptors (approximately 75 feet from construction activities at all three construction sites). These assumptions represent a worst-case scenario as the various activities would typically be dispersed throughout the site and not operate continuously at once, close-by location. Table 4 lists equipment noise source data and the quantity of equipment to be used during the construction of the water conveyance and pump station at LFTF-1, the noisiest phase of the proposed Project.

Table 4 - Water Conveyance and Pump Station Construction Equipment

Project Activity (Duration)	Equipment	Quantity	Operating Hours per Day	Typical Equipment L_{max} (dBA) at 50 feet from Source[1]
Construction of Water Conveyance and Pump Station (30 days)	excavator	3	8	85
	tunneling equipment	1	8	80
	pipe jack equipment	1	8	80
	dump truck	1	8	84
	all other equipment > 5 hp	1	8	85

1. Noise levels derived from the FHWA Construction Noise Handbook (FHWA, 2006).

Noise levels are determined based on the Leq, which is calculated from the Lmax and the acoustical usage factor (the percentage of time that the equipment is typically in use over a given period) using the following equation (FTA, 2006):

$$L_{eq} = L_{max} + 10 \log_{(\text{usage factor})}$$

The cumulative noise for the equipment used in during the noisiest phase of construction is propagated to the nearest receptor to estimate the maximum noise impact resulting from proposed Project as summarized in Table 5. The comparison level is to traffic noise in the area (75 dBA). These estimates assume a clear line of sight to the receptor without any attenuation, although the actual environment includes the sloped creek channel, perimeter wall around the housing tract, and other barriers to noise between the noise source and the nearest residential receptors.

Table 5 - Summary of Calculated Construction Noise Levels and Impact Determination at Nearest Residences.

Project Activity	Calculated L_{eq} (dBA)	Total Noise (Calculated L_{eq} +Ambient) (dBA)	Increase in Noise Level (dBA)	Above Significance Threshold?
Construction of Water Conveyance and Pump Station (30 days)	85.4	85.4	10.4	Yes

The highest noise levels from construction activity would be associated with construction of the water conveyance and pump station, resulting in an estimated maximum hourly noise level of 85.4 dBA at the nearest residential receptor approximately 75 feet away. The estimated maximum noise levels during construction activities at the nearest residential unit are above 70 dBA, with a maximum increase in noise levels from ambient noise (primarily traffic-related) of 10.4 dBA, which is above the threshold of 5 dBA for construction projects longer than 10 days as established by the City of Los Angeles CEQA

Thresholds. However, construction activities would not occur during noise sensitive hours (9:00 p.m. to 7:00 a.m.).

During construction, it is assumed that at most 6 delivery/haul trucks and 15 construction worker vehicles would be traveling to and from the Project site daily. For an eight-hour construction workday, it is assumed that approximately 1 delivery/haul trucks per hour would be traveling on the surrounding streets. It is assumed that construction worker vehicles would be traveling on the roadways during the AM and PM peak hours. The construction worker vehicles would be distributed throughout the roadways within the vicinity of the project site. Generally, noise levels increase by 3 dBA when the number of similar noise sources double. When compared to the traffic volumes identified in Section 4.15 of the EIR (Transportation/Traffic), the increase in delivery/haul trucks and construction worker vehicle trips are not anticipated to double the amount of traffic that currently exist in the surrounding area. As such, the increase in delivery/haul trucks and worker vehicles in the surrounding roadways is not anticipated to incrementally increase noise levels in the surrounding area by 3 dBA or more.

The Culver City Municipal Code 9.07.035 states that construction is prohibited between the hours of 8:00 p.m. and 8:00 a.m. Monday through Friday, between 7:00 p.m. and 9:00 a.m. on Saturday, and between 7:00 p.m. and 10:00 a.m. on Sunday. In addition, the Culver City Municipal Code 9.07.060(g) exempts public utilities operating under the authority of the Public Utilities Commission from the noise ordinance standards when specifically authorized through the City's permit system. Construction of the proposed Project would result in temporary noise impacts to the surrounding residents, although these would not violate the Culver City Municipal Ordinance or the provisions of the Culver City General Plan, Noise Element. For the LFTF-2 site, within the City of Los Angeles, noise generated during construction activities would increase noise levels at the adjacent residential areas by more than 5 dB. Therefore, prior to implementation of mitigation, the proposed Project would result in a significant impact related to construction noise exceeding established local standards.

Mitigation Measure

The following mitigation measure is applied to reduce construction-related noise to the fullest extent practical. However, even with the implementation of this mitigation measure, the impact is likely to be significant and unavoidable.

NOI-1 Noise Best Management Practices. The following best management practices would be implemented to reduce noise levels at surrounding sensitive receptors:

A. Construction haul truck and materials delivery traffic shall avoid residential areas whenever feasible. If no alternatives are available, truck traffic shall be routed on streets with the fewest residences.
B. Construction staging areas shall be located away from sensitive uses.
C. When construction activities are located within 500 feet of noise-sensitive land uses, noise barriers (e.g. temporary walls or piles of excavated material) shall be constructed between activities and noise sensitive uses.
D. Impact pile drivers shall be avoided where possible in noise-sensitive areas. Drilled piles or the use of a sonic vibratory driver are quieter alternatives that shall be utilized where geological conditions permit their use. Noise shrouds shall be used when necessary to reduce noise of pile drilling/driving.

E. Construction equipment shall be equipped with mufflers that comply with manufacturers' requirements.
F. On-site electrical sources to power equipment shall be used rather than diesel generators where feasible.

Implementation of NOI-1 would reduce construction noise levels at noise-sensitive receptors during construction activities. However, noise levels from various construction equipment would result in noise levels increasing more than 5 dB at the nearest sensitive receptors at a distance of 75 feet from the construction operations which would exceed the limitations established by the City of Los Angeles CEQA Thresholds despite implementation of mitigation. Implementation of MM N-1 would help to reduce this impact, but not necessarily to a less than significant level, because certain construction activities may still be required in proximity to nearby sensitive receptors and construction-related activities would still exceed the threshold of 5 dB increase from ambient noise levels. Construction activity would be short-term and temporary at each of the three locations. Regardless, with mitigation, the proposed Project would result in a significant and unavoidable impact related to the generation of construction noise in excess of the City of Los Angeles CEQA Threshold standards.

CEQA FINDING NO. NOI-2

Noise

Impact: The Project and action Alternatives could result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Significance: Potentially Significant Impact

Findings:

A) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

B) Such changes or alterations are within the responsibility and jurisdiction of another public Agency/entity and not the Agency making the finding. Such changes have been adopted by such other agency/entity or can and should be adopted by such other Agency or responsible party.

C) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or Alternatives identified in the Final EIR.

Facts Supporting the Finding(s)

See NOI-1 for a discussion of temporary and periodic noise. As discussed therein, it is anticipated that construction noise would increase ambient noise levels by more than 5 dBA for activities lasting more than ten days in a three-month period. This would result in a substantial temporary or periodic increase in ambient noise levels in the proposed project vicinity above levels existing without the proposed Project. Therefore, the proposed Project would result in a significant impact related to construction noise.

Mitigation Measure

The following mitigation measure is applied to reduce construction-related noise to the fullest extent practical. However, even with the implementation of this mitigation measure, the impact is likely to be significant and unavoidable.

NOI-1 Noise Best Management Practices. The following best management practices would be implemented to reduce noise levels at surrounding sensitive receptors:

G. Construction haul truck and materials delivery traffic shall avoid residential areas whenever feasible. If no alternatives are available, truck traffic shall be routed on streets with the fewest residences.
H. Construction staging areas shall be located away from sensitive uses.
I. When construction activities are located within 500 feet of noise-sensitive land uses, noise barriers (e.g. temporary walls or piles of excavated material) shall be constructed between activities and noise sensitive uses.
J. Impact pile drivers shall be avoided where possible in noise-sensitive areas. Drilled piles or the use of a sonic vibratory driver are quieter alternatives that shall be utilized where geological

conditions permit their use. Noise shrouds shall be used when necessary to reduce noise of pile drilling/driving.

K. Construction equipment shall be equipped with mufflers that comply with manufacturers' requirements.

L. On-site electrical sources to power equipment shall be used rather than diesel generators where feasible.

Implementation of mitigation measure NOI-1 would reduce construction noise levels at noise-sensitive receptors during construction activities. However, noise levels from various construction equipment would result in noise levels increasing more than 5 dB at the nearest sensitive receptors at a distance of 75 feet from the construction operations which would exceed the limitations established by the City of Los Angeles CEQA Thresholds despite implementation of mitigation. Implementation of mitigation measure NOI-1 would help to reduce this impact, but not necessarily to a less than significant level, because certain construction activities may still be required in proximity to nearby sensitive receptors and construction-related activities would still exceed the threshold of 5 dB increase from ambient noise levels. Construction activity would be short-term and temporary at each of the three locations. Regardless, with mitigation, the proposed Project would result in a significant and unavoidable impact related to the generation of construction noise in excess of the City of Los Angeles CEQA Threshold standards.

Mitigation Monitoring Program

As referenced above in the Findings, a Mitigation Monitoring Program (MMP) has been prepared to ensure and monitor the implementation of the mitigation measures prescribed for the construction phase of the Project. Pursuant to Public Resources Code Section 21081(a), the MMP is concurrently adopted with the Findings and Statement of Overriding Concerns (SOC). The MMP provided in Appendix A assigns the responsible party, implementation schedule, and verification of compliance for each mitigation measure.

The MMP will be used by the City of Los Angeles and the City of Culver City to monitor ground-disturbing and noise-generating activities during the construction phase of the Project. The Project would result in potentially significant effects to Cultural Resources and Noise that require mitigation and/or project design features (i.e. Best Management Practices). The following monitoring measures for Cultural Resources and Best Management Practices for Noise effects serve as the basis for the MMP:

CUL-1 Stop Work. If previously undiscovered cultural resources, such as lithic debitage or ground stone, shell midden, historic debris, building foundations, or human bone, are found within the APE during construction, all ground-disturbing activities within the immediate area would be halted at the site and within 100 feet of the site. Work would stop until the find has been evaluated by a designated member of the Tongva Ancestral Territorial Tribal Nation (TATTN) and the Gabrieleno Band of Mission Indians – Kizh Nation, and a professional archaeologist and the appropriate State and Federal agencies have been notified. If the resource is recommended as eligible for listing in the National Register of Historic Places (NRHP) or protected under other Federal or State statutes, the impacts would be mitigated through the Unanticipated Discovery Plan.

CUL-2 Unanticipated Discovery Plan. Sixty days prior to ground disturbance activities, the City would prepare an Unanticipated Discovery Plan. The plan would outline the processes of notification, evaluation, and actions to be taken should unanticipated cultural resources be found during construction.

NOI-1 Noise Best Management Practices. The following best management practices would be implemented to reduce noise levels at surrounding sensitive receptors:

A. Construction haul truck and materials delivery traffic shall avoid residential areas whenever feasible. If no alternatives are available, truck traffic shall be routed on streets with the fewest residences.
B. Construction staging areas shall be located away from sensitive uses.
C. When construction activities are located within 500 feet of noise-sensitive land uses, noise barriers (e.g. temporary walls or piles of excavated material) shall be constructed between activities and noise sensitive uses.
D. Impact pile drivers shall be avoided where possible in noise-sensitive areas. Drilled piles or the use of a sonic vibratory driver are quieter alternatives that shall be utilized where geological conditions permit their use. Noise shrouds shall be used when necessary to reduce noise of pile drilling/driving.
E. Construction equipment shall be equipped with mufflers that comply with manufacturers' requirements.

F. On-site electrical sources to power equipment shall be used rather than diesel generators where feasible.

Statement of Overriding Considerations

Temporary and intermittent construction noise impacts cannot be fully mitigated with the Best Management Practices identified in NOI-1, and therefore, impacts related to noise are considered to be significant and unavoidable. A finding consistent with Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations, make infeasible any other mitigation measures or project alternatives that would avoid or lessen this impact to below a level of significance must be explained. As a result, pursuant to Section 15093, the City of Los Angeles must "balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks, when determining whether to approve the project." The reasoning for selecting a Preferred Alternative that generates significant and unavoidable impacts is captured in this Statement of Overriding Considerations.

The significant and unavoidable impact related to the construction noise exceeding applicable noise standards would be temporary and limited to those times when multiple pieces of heavy equipment are being used simultaneously. The use of heavy equipment, including a concrete cutter, excavator, and piping machinery, is necessary to perform site preparation, demolition, and development activities. The use of this equipment would occur under the Project and all the action Alternatives. No construction would occur under the No Action Alternative, but the selection of the No Action Alternative would prevent compliance with the Bacteria TMDL and Time Schedule Order (TSO), which has been mandated by the Regional Board. The City of Los Angeles and the MS4 Permittees, in coordination with the Regional Board, have performed thorough planning and analysis to design LFTF-1, LFTF-2, and the Mesmer LFD.

In addition to the impacts (construction noise) being intermittent and temporary, the City of Los Angeles finds that the Project would have the following economic, social, and technological benefits:

- **Economic Benefit:** The Project provides a cost-effective approach to treating the discharge of the entire Ballona Creek watershed by locating the treatment and diversion facilities at three sites already owned/leased by the City of Los Angeles and City of Culver City, and which contain existing stormwater or wastewater facilities (see Section 2.7.4 of the EIR and the Project Pollution Prevention Plan).
- **Social Benefit:** The Project would preserve public recreational assets (Ballona Creek, Ballona Estuary, and Sepulveda Channel, per the Basin Plan and Bacteria TMDL) and protect human health by significantly reducing the bacteria levels in Ballona Creek, Centinela Creek, and Sepulveda Channel (see Sections 1.2, 4.9, and Section 4.14 of the EIR).
- **Technological Benefit:** Through the redevelopment of existing public infrastructure, the Project would create a new source of freshwater available for beneficial reuse and would alleviate demand on regional potable water supplies (see Sections 1.2, 2.2, and 4.9 of the EIR)

For each and all of these reasons, the City of Los Angeles finds that the benefits of the Project outweigh the significant and unavoidable environmental effects related to temporary noise resulting from construction during the use of heavy equipment. Therefore, the adverse effects are considered

"acceptable", due to the necessity to improve the stormwater quality in Ballona Creek, Ballona Estuary, and Sepulveda Channel to maintain the beneficial use designations established in the Bacteria TMDL and Basin Plan.

Statement of Location and Custodian of Documents

Public Resources Code Section 21081.6(a)(2) requires that the City of Los Angeles, as the Lead Agency, specify the location and custodian of the documents (record of proceedings) upon which the City of Los Angeles based its decision. The following location is where the record may be reviewed:

LA Sanitation – Watershed Protection Division
1149 S. Broadway, 10th Floor
Los Angeles, CA 90015

City of Los Angeles, Board of Public Works
200 N. Spring Street, Room 361
Los Angeles, CA 90012

City of Los Angeles, Office of the City Clerk
200 N. Spring Street
City Hall - Room 360
Los Angeles, CA 90012

Appendix A

Mitigation Monitoring Program
Ballona Creek Bacteria TMDL Project and Final EIR

MITIGATION MONITORING PROGRAM

Ballona Creek Bacteria TMDL Project

Resource Area	Mitigation/Monitoring Measure	Source	Implementation Schedule	Responsible Party - Project Location	Verification of Compliance		
					Initials	Date	Notes
Cultural Resources	*CUL-1 Stop Work*. If previously undiscovered cultural resources, such as lithic debitage or ground stone, shell midden, historic debris, building foundations, or human bone, are found within the APE during construction, all ground-disturbing activities within the immediate area would be halted at the site and within 100 feet of the site. Work would stop until the find has been evaluated by a designated member of the Tongva Ancestral Territorial Tribal Nation (TATTN) and the Gabrieleno Band of Mission Indians – Kizh Nation and a professional archaeologist and the appropriate State and Federal agencies have been notified. If the resource is recommended as eligible for listing in the National Register of Historic Places (NRHP) or protected under other Federal or State statutes, the impacts would be mitigated through the Unanticipated Discovery Plan.	Final EIR and Findings Report	During ground disturbing construction activities	City of Los Angeles Bureau of Sanitation (LA Sanitation) – LFTF-1; LA Sanitation – LFTF-2; Culver City - Mesmer LFD			
	CUL-2 Unanticipated Discovery Plan. Sixty days prior to ground disturbance activities, the City of Los Angeles and the City of Culver City will prepare an Unanticipated Discovery Plan. The plan would outline the processes of notification, evaluation, and actions to be taken should unanticipated cultural resources be found during construction.	Final EIR and Findings Report	Pre-construction	LA Sanitation – LFTF-1; LA Sanitation – LFTF-2; Culver City - Mesmer LFD			

MITIGATION MONITORING REPORTING PROGRAM

Ballona Creek Bacteria TMDL Project

Resource Area	Mitigation/Monitoring Measure	Source	Implementation Schedule	Responsible Party - Project Location	Verification of Compliance		
					Initials	Date	Notes
Noise	<u>*NOI-1 Noise Best Management Practices.*</u> The following best management practices would be implemented to reduce noise levels at surrounding sensitive receptors:						
	A. Construction haul truck and materials delivery traffic shall avoid residential areas whenever feasible. If no alternatives are available, truck traffic shall be routed on streets with the fewest residences.	Final EIR and Findings Report	Pre-construction and construction phase.	LA Sanitation – LFTF-1; LA Sanitation – LFTF-2; Culver City - Mesmer LFD			
	B. Construction staging areas shall be located away from sensitive uses.	Final EIR and Findings Report	Throughout construction phase.	LA Sanitation – LFTF-1; LA Sanitation – LFTF-2; Culver City - Mesmer LFD			
	C. When construction activities are located within 500 feet of noise-sensitive land uses, noise barriers (e.g. temporary walls or piles of excavated material) shall be constructed between activities and noise sensitive uses.	Final EIR and Findings Report	Throughout construction phase.	LA Sanitation – LFTF-1; LA Sanitation – LFTF-2; Culver City - Mesmer LFD			
	D. Impact pile drivers shall be avoided where possible in noise-sensitive areas. Drilled piles or the use of a sonic vibratory driver are quieter alternatives that shall be utilized where geological conditions permit their use. Noise shrouds shall be used when necessary to reduce noise of pile drilling/driving.	Final EIR and Findings Report	Throughout construction phase.	LA Sanitation – LFTF-1; LA Sanitation – LFTF-2; Culver City - Mesmer LFD			

	E. Construction equipment shall be equipped with mufflers that comply with manufacturers' requirements.	Final EIR and Findings Report	Throughout construction phase.	LA Sanitation – LFTF-1; LA Sanitation – LFTF-2; Culver City - Mesmer LFD			
	F. On-site electrical sources to power equipment shall be used rather than diesel generators where feasible	Final EIR and Findings Report	Throughout construction phase.	LA Sanitation – LFTF-1; LA Sanitation – LFTF-2; Culver City - Mesmer LFD			