



City of Culver City

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Staff Report Details (With Text)

File #: 23-854 **Version:** 1 **Name:** MOA Regarding the Cost Sharing and Implementation of the Ballona Creek Bacteria TMDL Project.

Type: Minute Order **Status:** Consent Agenda

File created: 4/10/2023 **In control:** City Council Meeting Agenda

On agenda: 4/24/2023 **Final action:**

Title: CC - CONSENT ITEM: Approval of a Memorandum of Agreement (MOA) between the City of Los Angeles and the County of Los Angeles, the Los Angeles County Flood Control District, and the Cities of Beverly Hills, Culver City, Inglewood and West Hollywood Regarding the Cost Sharing and Implementation of the Ballona Creek Bacteria TMDL Project.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2023-04-24-ATT-CC-Memorandum of Agreement with Multiple Agencies.pdf

Date	Ver.	Action By	Action	Result
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Meeting Date: April 24, 2023

Contact Person/Dept: Sean Singletary/Public Works - Environmental Programs & Operations Division

Phone Number: (310) 253-6457

Fiscal Impact: Yes No

General Fund: Yes No

Attachments: Yes No

Commission Action Required: Yes No

Public Notification: (E-Mail) Meetings and Agendas - City Council (04/19/2023)

Department Approval: Yanni Demitri, Public Works Director/City Engineer (04/10/2023)

RECOMMENDATION

Staff recommends the City Council approve a Memorandum of Agreement (MOA) between the City of Los Angeles and the County of Los Angeles, the Los Angeles County Flood Control District, and the Cities of Beverly Hills, Culver City, Inglewood and West Hollywood Regarding the Cost Sharing and Implementation of the Ballona Creek Bacteria TMDL Project.

BACKGROUND/DISCUSSION

On December 28, 2012, the Los Angeles County Municipal Separate Storm Sewer System Permit (MS4 Permit) became effective in accordance with the Clean Water Act. The Los Angeles MS4 Permit covers unincorporated areas of Los Angeles County, the Los Angeles County Flood Control District, and 84 cities within Los Angeles County, including the City of Culver City. Culver City takes a regional approach at compliance by partnering with other agencies within the watershed for annual reporting, water quality monitoring, project implementation and other tasks. The Ballona Creek Watershed Management Group (WGM) is comprised of Culver City, County of Los Angeles, the Los Angeles County Flood Control District (LACFCD), and the Cities of Los Angeles, Beverly Hills, West Hollywood, Santa Monica, and Inglewood.

In June 2006, the Los Angeles Regional Water Quality Control Board adopted a Basin Plan Amendment establishing the Ballona Creek, Ballona Estuary, and Sepulveda Channel Bacteria Total Maximum Daily Load (TMDL) to set a limit on the bacteria levels in the waterways. The Bacteria TMDL became effective in May 2008. The Bacteria TMDL was amended in June 2012 and the amendment became effective in July 2014. The requirements of the Bacteria TMDL were incorporated into the 2012 MS4 Permit and retained in the 2021 Regional Phase I MS4 Permit. These requirements include receiving water limitations based on the TMDL targets and water quality-based effluent limitations based on the TMDL waste load allocations. The final compliance date to attain compliance during dry weather was April 2, 2013. The Cities of Los Angeles, Beverly Hills, Culver City, Inglewood, and West Hollywood, the County of Los Angeles and the LACFCD anticipated that additional time would be necessary to comply with the bacteria TMDL during dry weather as set forth in the MS4 Permit, and requested and were granted a Time Schedule Order (TSO) by the Regional Board. The TSO (Order No. R4-2015-0108) was effective from May 14, 2015, to December 15, 2019, to implement the Ballona Creek Bacteria TMDL project comprised of three regional facilities: Low Flow Treatment Facility 1 (LFTF-1), Low Flow Treatment Facility 2 (LFTF-2), and the Mesmer Low Flow Diversion.

Due to the complexity of the facilities and multiple permit requirements, requiring federal, state and local permits, the Parties are currently in negotiations with the LA Regional Board to obtain an extension of the TSO deadline to allow for the completion of the Project according to the Project schedule. Three projects are currently under construction: the two LFTF projects are being managed by City of Los Angeles, and the Mesmer project is being managed by Culver City. Once constructed, these three projects will divert dry-weather runoff in the Ballona Creek watershed to the sewer for recycling at Hyperion Water Reclamation Plant and remove this source of bacteria in the Creek.

Agencies in the Ballona Creek WGM agreed to cost-share these projects based on their proportional drainage area to the three projects. Culver City has drainage to all three projects and has budgeted to pay this proportional cost in Fiscal Years 2023-2024 and 2024-2025.

FISCAL ANALYSIS

Culver City's share to reimburse the City of Los Angeles for the construction of the two LFTF projects is \$551,351.54 each year in Fiscal Years 2023-2024 and 2024-2025. Funding will be included in the Proposed Budgets for these fiscal years in CIP PZ497, Stormwater MS4 Permit Compliance Program.

Culver City will invoice the City of Inglewood (\$87,873.11) and Los Angeles County (\$101,800.87) for their respective shares of the Mesmer project. This funding will offset the other costs in PZ497.

ATTACHMENTS

1. 2023-04-24-ATT-CC-Memorandum of Agreement with Multiple Agencies.pdf

MOTION

That the City Council:

1. Approve a Memorandum of Agreement between the City of Los Angeles and the County of Los Angeles, the Los Angeles County Flood Control District, and the Cities of Beverly Hills, Culver City, Inglewood and West Hollywood Regarding the Cost Sharing and Implementation of the Ballona Creek Bacteria TMDL Project;
2. Authorize the City Attorney to review/prepare the necessary documents; and
3. Authorize the City Manager to execute such documents on behalf of the City.