

DEPARTMENT OF PUBLIC WORKS

BUREAU OF SANITATION
BOARD REPORT 2
November 18, 2009

CD: 1, 2, 4, 5, 8, 9, 10, 11, 13

AUTHORITY TO SUBMIT DRAFT IMPLEMENTATION PLAN FOR THE BALLONA CREEK METALS TOTAL MAXIMUM DAILY LOAD

RECOMMENDATIONS

1. Approve and forward this report with the transmittals to the Mayor and Council requesting approval of the draft Implementation Plan developed jointly by the City of Los Angeles, the City of Beverly Hills, the City of Culver City, the City of Inglewood, the City of West Hollywood, the City of Santa Monica, and the California State Department of Transportation to meet the requirements of the Ballona Creek Metals Total Maximum Daily Load (TMDL) regulations.
2. Request the Mayor and Council to authorize the Bureau of Sanitation to submit the Implementation Plan to the Regional Board by January 11, 2010.

TRANSMITTALS

1. Draft Implementation Plan for the Ballona Creek Metals TMDL.
2. Fact Sheet for Ballona Creek Metals Implementation Plan.
3. Adopted Board Report for the Implementation Plan of the Ballona Creek Bacteria TMDL.

FISCAL IMPACT STATEMENT

There is no General fund fiscal impact. The estimated cost to the City of Los Angeles for implementing the institutional measures proposed by this draft Implementation Plan for the Ballona Creek Metals TMDL is approximately \$1.0 million per year starting FY 2010. There are no requirements for new capital investments because this Implementation Plan builds on the institutional and structural measures that are contained in the Implementation Plan for the Ballona Creek Bacteria TMDL (Transmittal 3), and which serve the removal of both metals and bacteria.

The implementation of this plan is subject to the availability of necessary funding. Existing revenues from the Stormwater Pollution Abatement Charge (SPAC) estimated at \$28 million per year have been fully allocated. Currently, none of the BMPs and projects identified in the plan are funded, except for some existing institutional measures. The City continues to pursue funding alternatives in partnership with other agencies in the watershed including the Los Angeles County. The Bureau will also pursue state and federal grants.

This Implementation Plan has been evaluated in accordance with the requirements of the California environmental Quality Act (CEQA) and is deemed exempt under the State's guidelines, Section 15061 (b)(3).

DISCUSSION

REGULATORY BACKGROUND

On September 6, 2007, the California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") adopted Resolution No. 2005-007 to amend the Water Quality Control Plan for the Los Angeles Region by incorporating a Total Maximum Daily Load for Metals in Ballona Creek ("BC Metals TMDL"). The BC Metals TMDL became effective on October 29, 2008, after approval by the US Environmental Protection Agency.

The BC Metals TMDL addresses water quality impairments of Ballona Creek by several metals (copper, lead, selenium, zinc) and sets waste load allocations (WLAs) for the discharge of those metals from the Municipal Separate Storm Sewer System (MS4) and other pollutant sources in the Ballona Creek watershed. The BC Metals TMDL identified the County of Los Angeles, the California Department of Transportation, and the Cities of Los Angeles, Culver City, Beverly Hills, Inglewood, West Hollywood and Santa Monica as the jurisdictions and agencies that are jointly responsible for complying with the BC Metals TMDL. The City of Los Angeles is the primary jurisdiction as it makes up the greatest portion of the watershed and is the designated "Lead Agency" by the Regional Board for the implementation of the BC Metals TMDL.

The BC Metals TMDL requires the submittal of a draft Implementation Plan to the Regional Board by January 11, 2010 and a final Implementation Plan by July 11, 2010. The Implementation Plan provides the methods and schedules for plan implementation by the responsible jurisdictions and agencies to cooperatively achieve compliance with the BC Metals TMDL. The County of Los Angeles has elected to develop its own implementation plan for compliance of the unincorporated areas of the Ballona Creek watershed and is not a party to this plan.

The BC Metals TMDL identifies compliance milestones for dry and wet weather:

- January 11, 2012: 50% of the total drainage area served by the MS4 system must meet the metals WLAs for dry-weather urban runoff and 25% of the total drainage area served by the MS4 system must meet the WLAs for wet-weather urban runoff.
- January 11, 2014: 75% of the total drainage area served by the MS4 system must meet the WLAs for dry-weather urban runoff.
- January 11, 2016: 100% of the total drainage area served by the MS4 system must meet the WLAs for dry-weather urban runoff and 50% of the total drainage area served by the MS4 system must meet the WLAs for wet-weather urban runoff.
- January 11, 2021: 100% of the total drainage area served by the MS4 system must meet the WLAs for wet-weather urban runoff.

IMPLEMENTATION PLAN

The Implementation Plan proposes joint implementation efforts by all responsible jurisdictions and agencies in the Ballona Creek watershed except for the County of Los Angeles ("Implementation Agencies"). Development of the Implementation Plan began in June 2008 and included several stakeholder workshops, individual meetings with non-governmental organizations and individual stakeholders, monthly meetings with the Implementation Agencies, and regular meetings with the City's consultant Camp, Dresser and McKee (CDM). Stakeholders included the Regional Board, Heal the Bay, Santa Monica Baykeeper, TreePeople, and many other non-governmental organizations and community groups within the Ballona Creek watershed. As recommended by the stakeholders, the Implementation Agencies adopted an Integrated Water Resources (IWR) approach to comply with the BC Metals TMDL. This approach required that in addition to compliance with the BC Metals TMDL the proposed elements of the Implementation Plan will accomplish multiple water quality benefits and other public goals, such as reduction of other urban runoff pollutants, use of urban runoff for groundwater recharge, use of urban runoff for other beneficial uses such as irrigation, and creation of more open space. The IWR approach is consistent with the goals and objectives of the City of Los Angeles Water Quality Compliance Master Plan for Urban Runoff and the Integrated Resources Plan.

The draft Implementation Plan for the BC Metals TMDL has been published on the City's Watershed Protection Program website for public review. The plan proposes an iterative adaptive management approach for the implementation of institutional (non-structural) measures and distributed and regional structural projects that address multiple pollutants and TMDLs in the Ballona Creek watershed. This draft Implementation Plan was developed in conjunction with the Ballona Creek Bacteria TMDL Implementation Plan (Transmittal 3). With the exception of two new institutional BMPs developed specifically to address metals, all of the required BMPs are identified in the Ballona Creek Bacteria TMDL Implementation Plan that was previously adopted by the Board of Public Works on October 19, 2009, and their capital and operation & maintenance costs have already been addressed (Transmittal 3). The cost of new institutional measures for this Implementation Plan is \$1.1 million/yr starting in 2010.

Implementation Phases:

Phase 1 (FYs 2010-2013):

- Implement institutional measures (source control):
 1. Program development measures focused on ordinances and guidance documents.
 2. Enhance current public outreach and education activities.
 3. Stakeholder collaboration activities, and general plan updates.
 4. Expand downspout disconnection program.
 5. Continue support of Brake Pad Partnership legislation.
 6. Develop and initiate Targeted Zinc Reduction Program.

- Implement high priority structural projects:
 1. Two (2) Low Flow Treatment Facilities for dry-weather urban runoff.
 2. Eight (8) regional green projects and 27 distributed green projects for wet-weather runoff.

Phase 2 (FYs 2013-2021):

- Continue implementation of Phase I institutional measures and enhanced street sweeping.
- Expand implementation of distributed green projects to treat a total drainage of about 11,200 acres or 14% of the total watershed area.

BENEFITS

A quantitative analysis has indicated that the institutional and structural measures proposed by the draft Implementation Plan will result in compliance with the metals waste load allocations for dry weather urban runoff by 2016 and the metals waste load allocations for wet weather urban runoff by 2021. Additional benefits include: the removal of other urban runoff pollutants through the implementation of multi-pollutant structural measures; infiltration of stormwater runoff and groundwater recharge; other re-use options for captured stormwater runoff; and community beautification through the implementation of multi-use projects.

ESTIMATED COST

The estimated cost for all Implementation Agencies to implement the two new institutional measures proposed by this Draft Implementation Plan is \$1.1 million dollar per year starting in 2010. As the City of Los Angeles covers about 85% of the watershed area, the annual cost to the City of Los Angeles is estimated at \$1.0 million per year.

This Implementation Plan has been evaluated in accordance with the requirements of the California Environmental Quality Act (CEQA) and is deemed exempt under State's guidelines, Section 15061 (b)(3).

Respectfully submitted,



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