



Staff Report

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**Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of June 23, 2015**

**REVIEW ENHANCED WATERSHED MANAGEMENT PROGRAM (EWMP) AND AUTHORIZE THE
SUBMISSION OF THE DRAFT EWMP TO THE LOS ANGELES REGIONAL WATER QUALITY
CONTROL BOARD AND ADOPT LOS ANGELES COUNTY PROGRAM ENVIRONMENTAL
IMPACT REPORT AND CORRESPONDING DOCUMENTATION.**

(Environmental Analyst Kristy Morris)

Recommended Action:

Staff recommends that the City Council:

Adopt attached Resolution: 1) Approving and authorizing submittal of the Enhanced Watershed Management Program (EWMP) to the Los Angeles Regional Water Quality Control Board (Regional Board) for review, comment and approval; and 2) Adopting the Program Environmental Impact Report (PEIR) for EWMPs, the Findings of Fact, the Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations.

Background:

On November 8, 2012, the Los Angeles Regional Water Quality Control Board adopted the fourth Los Angeles Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System Permit (Permit) under the Federal Clean Water Act for discharges within the coastal watersheds of Los Angeles County. The Permit identifies conditions, requirements and programs that municipalities must comply with to protect regional water resources from adverse effects associated with pollutants in stormwater and urban runoff.

The Cities of Hermosa Beach, Redondo Beach, Torrance and Manhattan Beach, together with the Los Angeles County Flood Control District (Beach Cities) agreed to collaborate on the development of a EWMP for the Santa Monica Bay, Dominguez Channel, and Machado Lake watershed areas within their jurisdictions (Figure 1).

EWMPs are intended to facilitate Permit compliance to ensure that discharges from covered MS4s achieve applicable water quality targets, and that control measures are implemented to reduce the discharge of pollutants to the maximum extent practicable. The EWMP allows Permittees to

collaboratively develop comprehensive watershed-specific control plans to:

- Prioritize water quality issues;
- Identify and implement focused strategies, control measures and Best Management Practices (BMP);
- Execute an integrated monitoring and assessment program; and
- Allow for modification over time.

On June 28, 2013, in compliance with the Permit, the Beach Cities submitted a Notice of Intent (NOI) to develop a EWMP to the Board. On March 27, 2014, the Beach Cities received a letter from the Board approving the NOI. On June 26, 2014, in compliance with the Permit, the Beach Cities then submitted a draft EWMP Work Plan to the Board. As the next step in the Permit compliance process, the Beach Cities developed a Draft EWMP which must be submitted to the Board no later than June 29, 2015. The EWMP Executive Summary is included in this report (Attachment 1).

Analysis:

As required by the Permit, the EWMP comprehensively evaluates opportunities within the Beach Cities' collective watershed management area for collaboration on multi-benefit regional projects that, wherever feasible, will retain all non-storm water runoff and storm water runoff from a $\frac{3}{4}$ inch storm over a 24 hour period for the drainage areas.

Additionally, the EWMP addresses required adherence to established water quality standards for each water body in its jurisdiction. Water quality standards include beneficial uses, water quality objectives and criteria that are established at levels sufficient to protect those beneficial uses, and an anti-degradation policy to prevent degrading of water resources.

Geosyntec Consultants prepared the comprehensive report in conformance with NPDES permit provisions. City staff has worked closely with the project team to assure the EWMP is ready for submittal to the Board before the June 29, 2015 deadline.

The following is a summary of the content of the Draft EWMP:

Section 1- Introduction - Addresses the purpose and regulatory framework of the EWMP in the context of the Permit and states that the EWMP is intended to facilitate effective, watershed-specific implementation strategies in accordance with the Permit.

The Draft EWMP summarizes the Santa Monica Bay and Dominguez Channel-specific water quality priorities identified by the Beach Cities. It outlines the program plan, including specific strategies; control measures and BMPs, necessary to achieve water quality targets and Receiving Water Limitations; and, describes the quantitative analysis completed to support target achievement and Permit compliance.

Section 2 - Santa Monica Bay Watershed, and Section 3 - Dominguez Channel Watershed summarize the technical aspects of the EWMP, including:

- *Water Quality Prioritization*, which characterizes the stormwater and non-stormwater discharges from the MS4 as well as receiving water bodies; prioritizes water body-pollutant combinations; and assess sources for high priority water bodies.
- *BMP Selection* objectives include preventing and/or eliminating non-stormwater discharges to the MS4 that are a source of pollutants from the MS4 to receiving waters; achieving all applicable interim and final water quality targets pursuant to corresponding compliance schedules; and ensuring that discharges from the MS4 do not cause or contribute to exceedances of Receiving Water Limitations.
- *Reasonable Assurance Analysis* (RAA) Approach requires that the Beach Cities' conduct a RAA for each water body-pollutant combination addressed by the EWMP. The objective of the RAA is to demonstrate the ability of EWMP to ensure that Permittees' MS4 discharges achieve applicable water quality based effluent limitations and do not cause or contribute to exceedances of Receiving Water Limitations

Section 4 - EWMP Implementation Schedules -Presents the compliance schedules necessary to meet the interim and final compliance deadlines for the Beach Cities EWMP water body pollutants. Important compliance deadlines are described below.

Section 5 - Assessment and Adaptive Management Framework - EWMP updates are required at two-year cycles by the Permit. The Coordinated Integrated Management Program will gather additional data on receiving water conditions and stormwater/non-stormwater quality. This data will support adaptive management at multiple levels, including: tracking improvements in water quality over the course of EWMP implementation; and, generating data not previously available to support model updates. Over time, the experience gained through BMP implementation will provide lessons learned to support modifications to the control measures identified in the EWMP. Thus, the Program will be periodically adjusted to respond to the availability of new information and actual pollutant measurements observed over time

Section 6 - Financial Analysis - Provides an order-of-magnitude estimate of the financial resources that may be required to attain compliance with the water quality targets as well as a recommended project scheduling in order to meet Total Maximum Daily Load (TMDL) compliance deadlines and interim deadlines. A discussion of the projects, cost and funding is provided below.

Section 7 - Potential Funding Sources and Financial Strategy - Overview of potentially available funding sources to pay for programs proposed in the EWMP. The funding sources included in this section for consideration are grants, interagency partnerships, bonds, State Revolving Funds, local funding opportunities, and public private partnerships.

Sections 8 - Legal Authority - The Beach Cities have the necessary legal authority to implement the BMPs identified in the EWMP.

Projects

Table 1. shows a listing of all of the recommended water quality BMP projects within the Beach Cities jurisdiction and within the Santa Monica Bay, Dominguez Channel, and Torrance Watersheds in order to achieve compliance. The listed projects include primarily infiltration and green street projects. Since the projects are conceptual in nature at this point, the cost estimates are in an order-of-magnitude and include a low and a high range. In summary, the total cost range for all of the projects is estimated at:

1. Construction costs from \$54.6M (low) to \$101M (high)
2. Annual operations and maintenance costs from \$1.3M (low) to \$2.1M (high)

It should be noted that the Beach Cities are collectively responsible for funding, designing, constructing, and maintaining all of the projects noted in Table 1. Project implementation details and cost-sharing mechanism are yet to be determined. For background information, Table 2. shows the factors considered in coming up with the estimated costs.

The Beach Cities individual contributions would be based on their relative proportional geographic tributary area. For Hermosa Beach, the calculated portion of the tributary area is 4%. Table 3. shows the proportional costs assigned to each of the Beach Cities. For Hermosa Beach, the potential share of the cost is:

1. Construction costs from \$2.2M (low) to \$4M (high)
2. Annual operations and maintenance from \$51K (low) to \$86K (high)

Two BMPs that were determined to be most viable for Permit compliance in Hermosa Beach include:

- Hermosa Beach Infiltration Trench located along the coast of Hermosa Beach, the subsurface trench has a potential surface area of 0.2 ac, an average depth of 1.7 ft, a diversion flowrate of 5 cfs, and an infiltration rate of 12.5 in/hr.
- Hermosa Beach Greenbelt Infiltration located between Valley Dr. and Ardmore Ave, the subsurface trench has a potential surface area of 1.5 ac, an average depth of 5 ft, a diversion flowrate of 48 cfs, and an assumed infiltration rate of 12 in/hr.

The Beach Cities project implementation time-line and Permit compliance time frames of Total Maximum Daily Loads for Dry and Wet Weather Bacteria, Trash/Debris, Toxicity, Copper, Lead and Zinc are illustrated in Table 4. The table is broken down by receiving waters (Santa Monica Bay and

Dominguez Channel). In summary, Table 4. outlines the project sequence and associated deadlines in order to achieve the compliance levels as dictated in the Permit. In summary, the following are the key deadlines:

- 50% Reduction in Wet Weather Bacteria by 2018
- 20% Annual Trash Load Reduction from 2016 through 2020
- 100% Reduction in Wet Weather Bacteria by 2021
- 100% Reduction in Dry and Wet Weather Bacteria by 2032
- 100% Reduction in Toxicity, Copper, Lead, and Zinc by 2032

In order to comply with stated pollutant reduction deadlines, the sequence of project implementation was developed, which orders the Hermosa Beach and Manhattan Beach's Infiltration Trench Projects first (Table 5).

Specific Green Street BMPs were not identified in the deadline schedule. However, Reasonable Assurance Analysis modeling supports order of magnitude reduction of pollutant loads in areas within the Beach Cities sub-watersheds. This gives the Beach Cities flexibility to implement more cost effective options that better conform to the engineering and environmental constraints, without identifying specific streets.

Project Funding

The availability of funds will be critical for the implementation of the EWMP. Currently, the vast majority of cities within Los Angeles County, including Hermosa Beach, do not have sufficient funds to construct and maintain these projects. The City of Hermosa Beach is working with the Los Angeles County Division of the League of California Cities and the California Contract Cities Association to partner with other affected agencies to collectively influence State policies, pursue changes in legislation and lobby high level officials for additional stormwater funding. Working together with the other cities increases communication, collaboration, and reduces expensive redundant efforts. In addition to working with other affected cities on a regional level, City staff intends to also work closely with the Beach Cities to pursue the following funding sources at a local level.

Policy Alternatives:

Development of a EWMP is regulatory driven and prescriptive, which does not allow for policy alternatives. Additionally, the City already considered alternative permit compliance options when it decided to submit a Notice of Intent (NOI) to develop a EWMP on June 28, 2013.

Public Outreach/Interest:

Public outreach meetings were held on May 21, 2014 and May 27, 2015 to inform and solicit input from the community regarding development of the EWMP. The presentations included an overview of regulatory requirements, general approach to meeting regulatory requirements, local context and

concepts being utilized in developing the EWMP

CEQA

The County of Los Angeles Flood Control District (LACFCD) is involved with all twelve EWMPs throughout the region and recognized that implementation of the twelve EWMPs could potentially result in significant environmental effects. The LACFCD therefore prepared a Programmatic Environmental Impact Report (PEIR) on behalf of all the EWMP groups to provide a countywide analysis of the EWMP plans. The PEIR evaluates the major environmental effects of implementing proposed EWMP projects from a program-level perspective. At this stage, the Permittees are developing the conceptual plans for certain EWMP projects and other activities that would provide reasonable assurances of meeting the permit requirements. Comprehensive project design, construction and operation details (and in some cases even location) are not the focus of the EWMPs or the PEIR. Instead, the PEIR frames the nature and magnitude of the expected environmental impacts associated with these proposed EWMP projects and identifies program mitigation measures to reduce the impacts of the projects as proposed.

The PEIR analysis is conservative in nature by having to assess such a wide range of geographic areas and conceptual EWMP projects. More detailed project-level analyses of individual EWMP projects may be conducted separately as required by CEQA. The PEIR can also be used to streamline environmental review of individual EWMP projects. The City may determine that a more detailed, project-level analysis is required, or may determine some projects to be exempt from CEQA. For non-exempt projects, project-level CEQA review will be conducted.

The LACFCD Final PEIR was certified by the Los Angeles County Board of Supervisors on May 26, 2015. The LACFCD has prepared Findings of Facts (Exhibit A to the Resolution) and a Statement of Overriding Considerations (Exhibit B to the Resolution), which may be adopted by the City Council. The LACFCD has also prepared a Mitigation Monitoring and Reporting Program (MMRP) (Exhibit C to the Resolution), which should be adopted by the City Council to ensure impacts are mitigated to the extent feasible.

As explained in the Final PEIR, all identified significant environmental effects of the program can be avoided or reduced to a level of less than significant if the mitigation measures identified in the Final PEIR are implemented, except for potential significant impacts to air quality, cultural resources, and noise that may be unavoidable.¹ Mitigation measures will be implemented by the LACFCD for impacts within the LACFCD's jurisdiction, and through this agenda item, by the City of Hermosa Beach for impacts within the City's jurisdiction. However, as explained in the Final PEIR and the enclosed Findings of Facts and Statement of Overriding Considerations, such unavoidable significant impacts have been reduced to the extent feasible and the benefits of the proposed program outweigh the unavoidable adverse impacts.

The overall goal of the EWMP is to prevent polluted stormwater from reaching the receiving waters

and beaches and improve the environment generally. Again, this PEIR is looking at the impacts at a program-level for all 12 EWMPs throughout the region and thus, represents a conservative analysis of the impacts that could occur. By implementing the MMRP, there will be no additional significant and unavoidable impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geologic and Mineral Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Public Services and Recreation, Transportation and Circulation, and Utilities and Service Systems. These impacts have been reduced to a level of insignificance through mitigation measures.

The City will also file a Notice of Determination (NOD) with the County Clerk. The PEIR and its accompanying documentation is available at: www.LACoH2Osheds.com <<http://www.LACoH2Osheds.com>>. A complete copy of the PEIR is also available for review in the City Clerk's office.

¹The PEIR found that EWMPs throughout the region could potentially result in significant impacts to Air Quality (Impact 3.2 air quality violations from construction and 3.12 cumulatively considerable increase when project combined with other foreseeable projects), Cultural Resources (3.4 potential adverse change to historic or archaeological resources from projects and cumulative impacts from projects combined with other foreseeable projects) and Noise (3.104 construction noise and cumulative construction noise).

Conclusions:

Staff recommends that City Council approve and authorize the submittal of the EWMP in accordance with Regional Board's deadline, and adopt the County PEIR and accompanying documentation.

Fiscal Implications:

No fiscal impact associated with this action. However, future construction of the identified projects could have a significant fiscal impact.

Attachments:

1. Figure 1 - Beach Cities Jurisdictional Areas
2. Attachment 1 - EWMP Executive Summary
3. Table 1-Total BMP Costs
4. Table 2-Estimation of BMP Costs
5. Table 3-Proportional BMP Cost Distribution
6. Table 4-Implementation Time-Line
7. Table 5-Project Implementation Schedule
8. Attachment 2 - Full Draft Report
9. Resolution No. XXXX
 - Resolution Exhibit A- Findings of Fact
 - Resolution Exhibit B- Statement of Overriding Considerations
 - Resolution Exhibit C- Mitigation Monitoring and Reporting Program

Respectfully Submitted by: Kristy Morris, Environmental Analyst
Concur: Andrew Brozyna, Public Works Director

Legal Review: Mike Jenkins, City Attorney
Approved: Tom Bakaly, City Manager