



September 21, 2010

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager to approve a Memorandum of Agreement (MOA) with the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (LA Gateway Authority) for the preparation of the Los Cerritos Channel Metals Total Maximum Daily Load (TMDL) Coordinated Implementation Plan, monitoring program and special studies. (Districts 3, 4, 5, 7, 8 and 9)

DISCUSSION

In 1972, the Federal Clean Water Act (Act) was signed into law with the purpose of improving water quality in rivers, streams and lakes primarily through regulation of point source discharges. One aspect of the Act requires that State regulatory agencies implement Total Maximum Daily Loads (TMDL) for specific impaired water bodies. Essentially, a TMDL establishes a maximum threshold for certain pollutants that can enter the water body and requires that agencies tributary to these waters monitor the pollutants entering the water body, develop an implementation plan to reduce the pollutants, and conduct special studies to control the sources of these pollutants.

One of these impaired water bodies is the Los Cerritos Channel located just west of the San Gabriel River, which carries run-off from the cities of Bellflower, Cerritos, Downey, Lakewood, Long Beach, Paramount, and Signal Hill through the Los Cerritos wetlands to Marine Stadium. According to the United States Environmental Protection Agency (USEPA), the levels of copper, lead and zinc in the runoff from these cities is adversely impacting beneficial uses of the Los Cerritos Channel. In March 2010, the USEPA approved and issued the Los Cerritos Channel Total Maximum Daily Loads for Metals. This regulation sets limits on the amount of copper, lead and zinc that will be allowed to enter the Los Cerritos Channel from urban runoff.

To comply with this TMDL, the cities of Bellflower, Cerritos, Downey, Lakewood, Long Beach, Paramount and Signal Hill (Cities) and Caltrans propose to enter an MOA with the LA Gateway Authority to develop the required monitoring, implementation programs and special studies to address scientific and technical issues resulting from the implementation of this TMDL. The anticipated cost for this effort is \$3,250,000 over a period of 13 years. This equates to \$250,000 per year. Under the proposed MOA, each City and Caltrans will be required to pay their proportionate share of the cost on an annual basis. According to the cost allocation formula, based on the percentage of tributary area discharging to the Los Cerritos Channel, the City of Long Beach is responsible for 30.665 percent of the tributary discharge. Applying this percentage to the annual cost, the City will be required to pay \$76,663 for 13 years, for a total cost of

\$996,613. The City has previously contributed \$136,000 to support progress to this stage, which amount will be credited against the City's required contributions. As a result, the City will owe nothing for 2009 and \$17,326 for 2010. It should be noted that the cost calculations and MOU dates are being backdated to 2009, so that cities such as Long Beach that contributed time and funding to the initial studies leading up to the TMDL could get credited for this up front work. Beginning in 2011, through 2022, the City's required annual payment will be \$76,663. This is an unbudgeted mandate that will need to be absorbed within the annual General Fund budget in Public Works.

This matter was reviewed by Deputy City Attorney Amy Burton on August 18, 2010 and by Budget Management Officer Victoria Bell on September 2, 2010.

SUSTAINABILITY

A TMDL for metals has been established setting a maximum limit for a specific metal that can be discharged into a water body without exceeding water quality standards and impairing beneficial uses. Participation in this MOA and implementation of the subsequent capital improvement projects will help to isolate and abate these pollutants, which will lead to improved water quality.

TIMING CONSIDERATIONS

City Council action on this item is requested on September 21, 2010, to secure the City's participation in the Technical Committee and development of the Coordinated Implementation Plan to reduce the amount of metals pollutants in the Los Cerritos Channel.

FISCAL IMPACT

The total Cities' and Caltrans' anticipated costs for this MOA is \$3,250,000. According to the cost allocation formula and a credit of \$136,000 for monitoring data shared with the Cities and Caltrans, Long Beach will be required to pay \$0 for FY 2009, \$17,326 for FY 2010, and \$76,663 annually for FY 2011 - FY 2022. Payments will be from the General Fund (GP) in the Department of Public Works (PW). There are no local jobs impacted by this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,


MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

APPROVED:


PATRICK H. WEST
CITY MANAGER