



Legislation Text

File #: 12-0485, **Version:** 1

Recommendation to authorize City Manager to execute a Memorandum of Agreement (MOA) with the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (Authority) for the preparation of the Coyote Creek Metals Total Maximum Daily Load Implementation Plan, monitoring program and special studies for a term of 10 years, at an estimated annual cost of \$15,000. (Districts 4,5)

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. A TMDL establishes a maximum threshold for certain pollutants that can enter the water body and requires that agencies with tributaries to these waters monitor the pollutants entering the water body, develop an implementation plan to reduce the pollutants, and conduct special studies to determine best practices to control the sources of these pollutants.

On March 26, 2007, the United States Environmental Protection Agency (EPA) established the Total Maximum Daily Loads for Metals (Metals TMDL) for the San Gabriel River. The Metals TMDL affects the Cities of Artesia, Bellflower, Cerritos, Diamond Bar, Downey, Hawaiian Gardens, Lakewood, La Habra Heights, La Mirada, Long Beach, Norwalk, Santa Fe Springs, and Whittier (Watershed Entities), as well as Caltrans, as they are all a tributary source of runoff to the Coyote Creek and/or lower San Gabriel River. The Authority, with input from the Watershed Entities, has prepared a MOA to develop monitoring and implementation programs. These programs will include special studies to address scientific and technical issues resulting from establishment of the Metals TMDL.

According to the cost allocation in the MOA, Long Beach's allocation is approximately \$15,000 of the \$250,000 anticipated annual cost. The cost allocation also outlines required contributions from participating agencies for the remainder of FY12 and all of FY13, as well as the future annual projected contributions. Future costs for compliance with the TMDL are undetermined at this time, but will be shared by the Watershed Entities based on a funding formula that consists of a flat administrative fee and a proportional fee based on the prorated portion of each City's land area in the watershed.

Compliance with the Act and the Metals TMDL, as established by the EPA and the Board, are unfunded mandates. However, cities are required to comply with these mandates or face thousands of dollars in penalty fees.

This matter was reviewed by Deputy City Attorney Amy Webber on May 1, 2012 and by Budget Management Officer Victoria Bell on May 2, 2012.

SUSTAINABILITY

A Metals TMDL 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.

City Council action on this item is requested on June 12, 2012, to secure the City's participation in the MOA and development of the Implementation Plan to reduce the amount of metals pollutants in the Coyote Creek.

The total anticipated cost for the first year is \$250,000. According to the cost allocation formula shared with the Cities, Long Beach will be required to pay approximately \$15,000 for FY12 and approximately \$15,000 annually per every \$250,000 for FY13 - FY22. Sufficient funds are budgeted in the General Fund (GP) in the Department of Public Works (PW). There are no local jobs impacted by this recommendation.

Approve recommendation.

MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

APPROVED:

PATRICK H. WEST
CITY MANAGER