

AUG 03 2021

CITY COUNCIL

4:10 pm

AGENDA BILL

For the Regular Meeting of: August 10, 2021

Originating Department: Public Works

Department Director:

Arturo Cervantes

Interim City Manager:

Chris Jeffers

SUBJECT: PRESENTATION ON THE 2021 MUNICIPAL SEARATE STORM SEWER SYSTEM PERMIT

PURPOSE: The Los Angeles Regional Water Quality Control Board issued a new Municipal Separate Storm Water Permit (MS4 Permit) that covers the City. John Hunter & Associates (JHA), storm water program consultant, will provide an overview of the MS4 Permit.

RECOMMENDED ACTIONS: The City Council will receive and file a presentation from John Hunter & Associates on the Municipal Separate Storm Sewer System Permit adopted by the Los Angeles Regional Water Quality Control Board on July 23, 2021.

FISCAL IMPACT: None. Compliance costs for the 2021 MS4 Permit are estimated to be \$79 million. The City partially funds compliance costs through the Fiscal Year Operating Budget and the Capital Improvement Program. Historically, this approach has not resulted in fully funding compliance costs as they continue to be cost prohibitive.

ANALYSIS: The City's storm drain system is regulated by the State Water Resources Control Board (State Water Board) under the "National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit." A new permit was adopted on July 23, 2021 and will be effective for five years starting September 11, 2021. The new MS4 Permit and the recently expired MS4 Permit are very similar. Like the expired permit, the new MS4 Permit requires (a) either a Water Management Program (WMP) or an Enhance Watershed Management Plan (EWMP), and (b) a Coordinated Integrated Monitoring Program (CIMP), to be deemed in compliance require. It also requires increased reporting and monitoring.

The implementation of the WMP and CIMP independently is cost-prohibited. As such, the City complies with these requirements through participation in the Lower Los Angeles River (LLAR), through a Memorandum of Understanding with the cities of Pico Rivera, Downey, Lynwood, Paramount, Signal Hill, Long Beach, Lakewood and Los Angeles County Flood Control District (See Attachment "A"). The LLAR's annual budget is approximately \$710,000 for which the City's annual dues are approximately \$112,000. LLAR services include development and management of the WMP, CIMP, reporting and monitoring. The LLAR developed a WMP and a CIMP in 2015 to comply with the permit, which continues to be in effect under the new permit, however, with the updates completed on June 2021.

The City also complies with the NPDES Permit through the implementation of several local programs and capital projects. Expenditures on program compliance include costs of the Reasonable Assurance Analysis; incorporating storm water requirements into Capital Improvement Program projects; requiring development projects to incorporate storm water mitigation measures such as the Low Impact

Development project via maintenance like cleaning catch basins; and through implementing a public education and outreach program. Upon completion of construction of the Urban Orchard Project, the City will have spent approximately \$25 Million to comply with the MS4 Permit.

The cost of compliance with the permit continues to be cost prohibitive. The expired permit required an estimated \$61 Million to meet compliance costs. The new permit requires \$79 Million to meet compliance costs, through the year 2028. While there are several funding sources available to the City, such as Measure W, they are not enough to fully fund compliance costs.

BACKGROUND: Mandated by Congress under the Clean Water Act, the NPDES Stormwater Management Program is a comprehensive national program for addressing sources of stormwater pollution that adversely affect the quality of water bodies of the United States. In California, the State Water Resources Control Board is responsible for implementing the NPDES Program. It regulates storm water discharges through an MS4 Permit. In Los Angeles, the Los Angeles Regional Water Quality Control Board (LARWQCB) is the permitting entity.

The City owns and operates a storm drain system. It captures storm water runoff that flows through the City's streets, into catch basins and pipes and discharges into the Los Angeles River and Rio Hondo Channel. Storm water runoff on City streets emanates from a number of sources such as rain, private property and public activities. It carries pollutants such as zinc, copper, bacteria and trash which impact water quality in the Los Angeles River and Rio Hondo Channel. As such, the City has had MS4 Permit with the LARWQCB since 2001. The new permit adopted by the LARWQCB covers the City.

MS4 Permits are issued every five years, and continue to be in effect until a new permit is issued. The last permit was issued in 2012, and was scheduled to expire in 2017. It continued to be effect until recently since a new permit had not been issued. On July 23, the LARWQCB issued a regional MS4 Permit that covers 95 cities, Los Angeles County, Ventura County and their two respective flood control districts. This permit will be in effect for five years starting September 11, 2021. Compliance with the MS4 Permit will continue to require:

- A planning and land development program to lessen water quality impacts of development, minimize pollutant loadings, reduce stormwater runoff volume and provide mitigation measures for new development and redevelopment projects.
- A development construction program to prevent illicit construction-related discharges of pollutants to the storm drain system by implementing and maintaining best management practices (BMPs).
- A public information and participation program to educate residents and businesses on stormwater BMPs.
- An industrial and commercial facilities program to inventory and inspect critical sources of potential stormwater pollution.
- A public agency activities program to inventory Public Agencies and implement general and activity specific BMPs such as street sweeping, trash collection, and litter removal, etc.
- An illicit connections and illicit discharges elimination program to detect, investigate, and eliminate illicit discharges into the storm drain system

The City is committed to complying with the new MS4 Permit. The City will continue to commit resources to street sweeping, trash collection, catch basin cleaning several times a year, catch basin stenciling to build public awareness that the drains lead to the ocean untreated, construction site

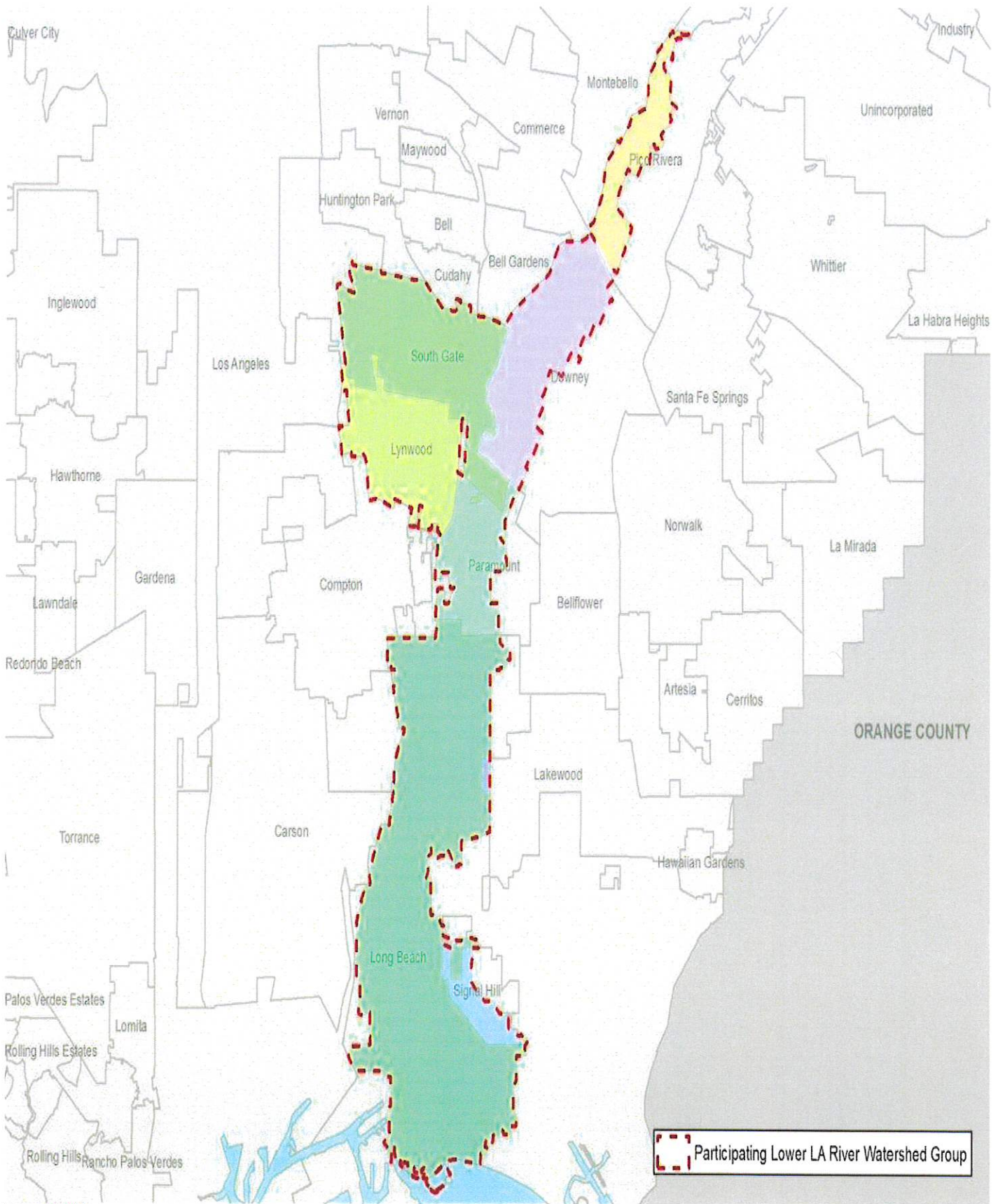
inspections, industrial/commercial site inspections for discharge of non-stormwater, reporting of illicit connections/discharges to the drainage system, public education for residents and businesses, watershed coordination activities, requiring development to comply with the Low Impact Development Program and incorporating storm water quality improvements into capital projects. This approach has yielded favorable results. For example, in the FY 2019/20 annual NPDES report, the City diverting and treating 6 acre-feet of stormwater and dry weather runoff, which is the 2nd highest volume in the LLAR watershed.

ATTACHMENTS:

- A. Lower Los Angeles River Watershed Map

GD:lc

Lower Los Angeles River Watershed Members



Last rev. 03/04/14