



City of Carson

Report to Mayor and City Council

November 15, 2011
New Business Consent

SUBJECT: CONSIDERATION TO APPROVE A MEMORANDUM OF AGREEMENT BETWEEN THE GATEWAY CITIES COUNCIL OF GOVERNMENTS AND THE CITY OF CARSON TO EXTEND THE ADMINISTRATION AND COST SHARING OF THE COORDINATED IMPLEMENTATION PLAN FOR THE LOS ANGELES RIVER AND TRIBUTARIES METALS TOTAL MAXIMUM DAILY LOAD (REACH 1 AND COMPTON CREEK)

Submitted by M. Victor Rollinger
Development Services General Manager

Approved by David C. Biggs
City Manager

I. SUMMARY

City Council is requested to approve the attached Memorandum of Agreement (MOA) with the Gateway Cities Council of Governments (GCCOG) (Exhibit No. 1) to extend the GCCOG service as fiduciary agent and provide for the development of milestones of the Coordinated Implementation Plan (CIP) for the Los Angeles River and Tributaries Metals Total Maximum Daily Load (LAR Metals TMDL) for Reach 1 and Compton Creek.

II. RECOMMENDATION

Take the following actions:

1. APPROVE the "Memorandum of Agreement Between the Gateway Cities Council of Governments and the City of Carson to Extend the Administration and Cost Sharing of the Coordinated Implementation Plan for the Los Angeles River and Tributaries Metals Total Maximum Daily Load (Reach 1 and Compton Creek)."
2. AUTHORIZE the Mayor to execute the Memorandum of Agreement following approval as to form by the City Attorney.

III. ALTERNATIVES

DO NOT EXECUTE the MOA. This alternative is not recommended since the city is subject to fines for noncompliance.

IV. BACKGROUND

The LAR Metals TMDL requires all Los Angeles River watershed cities and agencies to implement best management practices to reduce the amount of various metals pollutants in the river and its tributaries.

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On July 7, 2009, the City Council approved a MOA with the GCCOG regarding the administration and cost sharing for the development of the CIP for the LAR Metals TMDL (Exhibit No. 2). That MOA provided for the GCCOG to act as the fiduciary agent for the agencies that are tributary to Reach 1 and Compton Creek of the Los Angeles River, collectively referred to as Jurisdictional Group 1 (JG1). JG1 consists of Caltrans and the cities of Carson, Compton, Huntington Park, Lakewood, Long Beach, Lynwood, Signal Hill, and South Gate. That MOA also provided for the GCCOG to enter into a separate agreement with John L. Hunter & Associates, Inc. for the preparation of the CIP.

The CIP was completed and submitted to the Regional Water Quality Control Board on January 11, 2011, in accordance with the LAR Metals TMDL. The Regional Water Quality Control Board accepted the CIP and the agencies of JG1 need the GCCOG to extend the existing agreement with John L. Hunter & Associates, Inc. through June 30, 2012, in order to further develop the implementation milestones.

The budget for this MOA extension is estimated not-to-exceed \$210,000.00 with the understanding that: 1) all agencies will execute the MOA; 2) any JG1 agency not approving the extension with the GCCOG will cause a reduction in the scope of work and cost by that agency's allotment; 3) any reduction in the scope of work will be at the direction of the JG1 Technical Committee staffed by representatives from each of the participating cities; and 4) the City of Carson's share is \$5,968.62.

V. FISCAL IMPACT

Sufficient funds were budgeted for this MOA extension in the FY 2011/12 National Pollutant Discharge Elimination System budget in account no. 01-80-820-285-6004.

VI. EXHIBITS

1. "Memorandum of Agreement Between the Gateway Cities Council of Governments and the City of Carson to Extend the Administration and Cost Sharing of the Coordinated Implementation Plan for the Los Angeles River and Tributaries Metals Total Maximum Daily Load (Reach 1 and Compton Creek)." (pgs. 4-14)
2. Minutes, July 7, 2009, Item No. 10. (pg. 15)

Prepared by: Patricia Elkins, Storm Water Quality Programs Manager

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Development Services
Economic Development	Public Services

Action taken by City Council

Date _____ Action _____

MEMORANDUM OF AGREEMENT
BETWEEN
THE GATEWAY CITIES COUNCIL OF GOVERNMENTS
AND
THE CITY OF CARSON

TO EXTEND THE ADMINISTRATION AND COST SHARING OF THE COORDINATED
IMPLEMENTATION PLAN FOR THE LOS ANGELES RIVER AND TRIBUTARIES
METALS TOTAL MAXIMUM DAILY LOAD (REACH 1 AND COMPTON CREEK)

This Memorandum of Agreement ("Agreement") is made and entered into as of the date of the last signature set forth below by and between the Gateway Cities Council of Governments, a California joint powers authority ("GCCOG"), and the City of Carson, a California municipal corporation ("City"); (hereinafter "Party" or "Parties") with respect to the following:

RECITALS

WHEREAS, the Regional Water Quality Control Board, Los Angeles Region ("Regional Board") adopted the Los Angeles River and Tributaries Metals Total Maximum Daily Load ("TMDL" or "Los Angeles River Metals TMDL") in September of 2007, with the intent of improving water quality in the Los Angeles River and its tributaries; and

WHEREAS, this TMDL regulates the discharge of runoff from cities and CALTRANS to the Los Angeles River and tributaries; requiring a high degree of organization and cooperation from the local watershed agencies; and

WHEREAS the Los Angeles River Reach 1 and Compton Creek cities and Caltrans are herein referred to as collectively the "Regulated Entities" or singularly a "Regulated Entity"; and

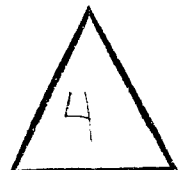
WHEREAS, the GCCOG has previously entered into interagency agreements, with the Regulated Entities for the development of the Los Angeles River Metals TMDL Coordinated Implementation Plan (CIP); and

WHEREAS, this CIP was submitted to the Regional Board on January 11, 2010, and

WHEREAS, a Los Angeles River Metals TMDL Reach 1 Technical Committee, consisting of representatives from the Regulated Entities, has been established with the purpose of assisting the Regulated Entities with the implementation of the CIP; and

WHEREAS, the Regulated Entities require the administrative services of the GCCOG to coordinate the development and administration, including contracting for the continued implementation assistance of the CIP and other related activities; and

WHEREAS, the GCCOG has agreed to provide administrative services to the Regulated Entities to facilitate the implementation of the CIP; and



WHEREAS, the Regulated Entities have agreed to share in fully funding the costs of continued implementation efforts of the CIP, including those costs incurred by the GCCOG in administering this Agreement, based on the cost allocation contained in Exhibit A and the scope of work in Exhibit B of this Agreement; and

WHEREAS, the GCCOG and the Regulated Entities agree to employ consultants and scientific experts as needed to assist the Technical Committee with the implementation of the CIP, and the Regulated Entities are willing to pay the consultants and scientific experts for their services through the GCCOG; and

WHEREAS, GCCOG will execute similar cost-sharing agreements with all other Regulated Entities before this agreement becomes enforceable, unless stated otherwise elsewhere in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the Parties do hereby agree as follows:

Section 1. Recitals. The recitals set forth above are fully incorporated as part of this Agreement.

Section 2. Purpose. The purpose of this Agreement is to cooperatively fund the implementation of the CIP.

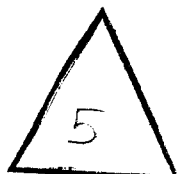
Section 3. Cooperation. The Parties shall fully cooperate with one another to attain the purposes of this Agreement.

Section 4. Voluntary Nature. This Agreement is voluntarily entered into for the implementation of the CIP.

Section 5. Term. The term of this Agreement shall remain and continue in effect until June 30, 2012.

Section 6. Coordinated Implementation Plan. The Los Angeles River Metals TMDL CIP consists of: characterization, source and structural control BMPs projected reductions in pollutant loads, monitoring schedule, reporting, and other regulatory requirements.

Section 7. Assessment for Proportional Costs. The City of Carson agrees to provide funds to the GCCOG in the amount shown in Exhibit A and the estimated implementation consulting and scientific expert costs in Exhibit B (*Consultants Scope of Work*), attached hereto and made a part of this Agreement by this reference. The GCCOG will invoice the City upon the execution of this Agreement, based on allocated CIP costs, which includes all administrative costs incurred by the GCCOG in the performance of its duties under this Agreement. The GCCOG administrative costs include compensation for staff time, audit expenses, and costs incurred in administering agreements. Any overpayment or underpayment of the CIP costs shall be credited or billed to the City

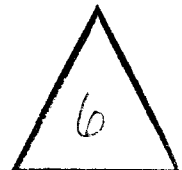


Section 8. Role of the GCCOG. The GCCOG shall enter into substantially and materially similar agreement with each of the Regulated Entities to effectuate the CIP implementation, invoice and collect from the Regulated Entities the estimated amounts identified in Exhibit A.

Section 9. Invoice and Payment.

- a) The GCCOG shall invoice each Regulated Entity. Payment of 100 percent is due upon signing of this agreement with the understanding that all Regulated Entities will execute the agreement not later than November 30, 2011. The invoice shall be sent to the Regulated Entities by the GCCOG on or about December 1, 2011.
- b) Late Payment Penalty – As of February 1, 2012, any payment that is late shall be subject to interest on the original amount due from the date that the payment first became due. The interest rate shall be equal to the Prime Rate in effect when the payment first became due plus one percent for any payment that is made from 1 to 30 days after the due date. The Prime Rate in effect when the payment first became due plus five (5) percent shall apply for any payment that is made from 31 to 60 days after the due date. The Prime Rate in effect when the payment first became due plus ten (10) percent shall apply for any payment that is made more than 60 days after the due date. The rates shall, nevertheless, not exceed the maximum allowed by law.

Section 10. Except as modified or changed herein, all other provisions and terms of the existing Agreement shall remain in full force and effect.



IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed on their behalf, respectively, as follows:

DATE: _____

CITY OF CARSON

City Mayor Jim Dear

ATTEST:

City Clerk Helen S. Kawagoe

APPROVED AS TO FORM:

City Attorney

DATE: _____

GATEWAY CITIES
COUNCIL OF GOVERNMENTS

Larry R. Nelson, President

ATTEST:

Richard Powers, Secretary

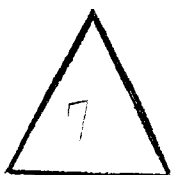


Exhibit A

Reach 1 Metals TMDL Payment Record Payment Record through June 16, 2011

	Cost %	Phase 1 costs (develop IP)	Total Paid	Overpaid or underpaid	Phase II cost	New Total Due
Caltrans	5.27%	11,910.20	13,827.88	1,917.68	11,067.00	9,149.32
Carson	2.84%	6,418.00	6,413.38	-4.62	5,964.00	5,968.62
Compton	32.04%	72,410.40	73,011.90	601.50	67,284.00	66,682.50
Huntington Park	2.28%	5,153.00	10,549.85	5,396.85	5,229.00	-167.85
Lakewood	2.49%	5,627.00	5,623.44	-3.56	4,788.00	4,791.56
Long Beach	25.10%	56,726.00	25,145.32	-31,580.68	52,710.00	84,290.68
Lynwood	12.58%	28,430.80	30,406.22	1,975.42	26,418.00	24,442.58
Signal Hill	2.48%	5,605.00	5,601.14	-3.86	5,208.00	5,211.86
South Gate	14.92%	33,719.00	33,712.18	-6.82	31,332.00	31,338.82
Total	100.00%	\$225,999.40	\$204,291.31		210,000.00	

incl COG Admin
of 2nd \$10,000

Incl COG adm
cost of \$10,000

Incl purchase
of City of LA
data @ \$16k



EXHIBIT B
Scope of Work
Jurisdictional Group 1 (JG1)
For Reach 1 of the Los Angeles River and Compton Creek

Task 1 – Ongoing Revisions and Updates

Ongoing revisions and updates to Implementation Plan, including: revisions to acreages, improvement to maps, Low Impact Development (LID) ordinances, and Effectiveness Assessments; communication with various agencies including, but not limited to: California Stormwater Quality Association (CASQA), California Product Stewardship Council (CPSC), and the Regional Water Board; and new memoranda of understanding (MOAs), agreements, etc., as necessary.

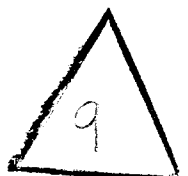
100 hrs @ \$155	\$ 15,500
80 hrs @ \$ 95	<u>\$ 7,600</u>
	\$ 23,100

Task 2 – Compliance Demonstration Model

Recent comments by Regional Water Board Staff indicate that the Regional Board will want a model demonstrating that implementation of the JG1 Implementation Plan will achieve compliance with the assumptions and requirements of the waste load allocations (WLAs) contained in the Los Angeles River Metals TMDLs before the TMDLs are incorporated into the new MS4 permit or permits. This information is necessary in order for the staff to incorporate sufficient information in the permit's administrative record to provide an adequate demonstration that expressing water quality-based effluent criteria as BMPs in the new MS4 permit or permits, and the BMPs required by the permit(s), will be sufficient to implement the applicable WLAs.

This task includes development of an acceptable spreadsheet or use of an equivalent County-wide model describing efforts of the JG1 Implementation Plan toward achieving compliance with the assumptions and requirements of the waste load allocations (WLAs), including: development of spread sheet model and description of model results, description and justification of assumptions included in the model, and incorporation of source controls.

115 hrs @ 155	\$17,825
90 hrs @ 95	<u>\$ 8,550</u>
	\$26,375



Task 3 – Analysis of Street Sweeping Effectiveness

Completing an acceptable compliance demonstration model requires a detailed analysis of street sweeper effectiveness to provide the basis for street sweeping effectiveness assumptions. This task includes a literature survey and analysis of recent street sweeping effectiveness studies, including San Diego street sweeping studies and others relevant to operational source control of metals through enhanced street sweeping. This task also will include a detailed analysis of the municipal street sweeping programs within the 2,857-acre Bullis Drain Sub-watershed and preparation of documented street sweeping effectiveness assumptions for use in the compliance demonstration model. This will be necessary to demonstrate compliance with the January 2012 Metals TMDLs milestone.

95 hrs @ 155	\$14,725
40 hrs @ 95	<u>\$ 3,800</u>
	\$18,525

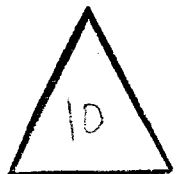
Task 4 – Improvement of Dominguez Gap Wetlands Operations

Dominguez Gap Wetlands operations need to be brought into compliance with operations as described in the Dominguez Gap environmental impact report (EIR). This will allow JG1 to be in compliance with dry and wet weather waste load allocations (WLAs) for almost 15% of the jurisdictional area.

This task involves coordination with the County of Los Angeles Department of Public Works (DPW) to improve operations of the Dominguez Gap Wetlands project to reduce the discharge of runoff to the Los Angeles River during smaller rain events. Some of the major items include:

- Strategy Development to ensure runoff reduction
- Preparation of documentation required for County evaluation
- Preparation of graphs showing data reflecting Dominguez Gap Water Flow Management
- Coordination with County DPW staff to promote operations improvements
- Work with DPW management to facilitate decisions on operations improvements
- Work with County Board of Supervisor staff to facilitate management decisions

75 hrs @ 155	\$11,625
35 hrs @ 95	<u>\$ 3,325</u>
	\$14,950



Task 5 – Outreach to Priority Industries

The JG1 Implementation Plan specifies that during implementation Phase 1A, outreach will be conducted to priority industries identified as having a high probability of generating metals; trucking companies; facilities with large parking lots; and automotive repair facilities to encourage implementation of operational source control BMPs. This task includes assistance to municipalities in the targeted subwatersheds through assisting the Technical Committee with development of outreach materials to be delivered or mailed to metals handling businesses, large private parking lot owners industry groups, and automotive repair facilities.

40 hours @ \$95/hour	\$3,800
Printing cost allowance	<u>\$1,000</u>
	\$4,800

Task 6 – Development of a “Credit Toward Compliance” Proposal

The JG1 Implementation Plan sets forth an adaptive, performance-based management approach utilizing best management practices (BMPs) as the measure of complying with the assumptions and requirements of the WLAs contained in the TMDLs for the Los Angeles River. The Implementation Plan also includes a proposal that this approach be incorporated into the relevant MS4 permits. To accomplish these goals, a credit toward compliance system must be negotiated with the Regional Water Board to provide a mechanism to receive credit from true and operational source control programs in order for JG1 to be deemed in compliance for TMDL milestones.

The task includes:

- Negotiation with Regional Water Board staff (Sam Unger, Deb Smith and Renee Purdy)
- Proposal for Development of Credit Toward Compliance Approach for JG1
- Progress reports on negotiations with Regional Water Board staff
- JG1 Proposal for Deemed Compliant Determination for January 11, 2012 Milestone

90 hrs @ 155	\$ 13,950
35 hrs @ 95	<u>\$ 3,325</u>
	\$ 17,275

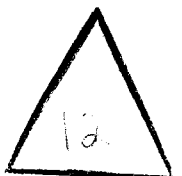


Task 7 – Flow Monitoring

Preliminary results of the Coordinated Monitoring Plan suggest that wet weather discharges are likely to be the most significant obstacle for achieving TMDL objectives. Without a Tier 2 site located near the mouth of Compton Creek, two consecutive exceedences of TMDL limits in the LA River at Wardlow during effectiveness monitoring will trigger Tier 3 monitoring. Establishment of a monitoring site at the mouth of East Compton Creek is first intended to provide accurate wet-weather flow measurements that can be used to validate estimates of discharge volumes the model (Task 2). Implementation of a wet weather flow monitoring site near the mouth of the creek will also establish the major infrastructure improvements needed to quantify metal loads this important watershed if necessary in subsequent years.

- Obtain encroachment permits for access to site and installation of conduit and sensors in the channel.
- Run conduit under the access road to the trucking facility near the site.
- Establish concrete pad and steel enclosure for containment of equipment.
- Explore options for sources of power and communications to the site, availability of rain gauge data in the watershed, and potential for a rain gauge on site. Install a rain gauge, if necessary.
- Install an AVB flow meter for continuous measurement of all stormwater discharges for the 2010/2011 storm season.
- Conduct maintenance and collect manual flow data for verification of AVB flow measurements
- Develop draft and final reports with data files documenting rainfall and runoff.

75 hrs @ \$155	\$11,625
90 hrs @\$95	\$8,550
Equipment/expendables	<u>\$10,500</u>
	\$30,675



Task 8 – Treatment Control Site Analysis

The JG1 Implementation Plan specifies the installation of water capture infiltration and/or use of structural BMPs, if feasible and grant funding is available. South Park in the City of Compton has been tentatively selected as a site for such a structural BMP. This site would serve the Compton Creek East Branch watershed, which constitutes 42.6% of the Jurisdictional Group Area. The essential first element of constructing such a structural BMP is to determine if the site is suitable for the BMP. This task includes geotechnical and infiltration testing to assist in developing the basis of the design and sizing for a potential project at this site.

Field Investigation & Testing	\$21,632
44 hours @ \$95/hr	<u>\$4,180</u>
	\$25,812

Task 9 – Compliance Reporting

The Regional Board will likely request a report documenting compliance shortly after the Metals TMDL is incorporated into the next MS4 permit(s). At this point, the format and level of detail the Board will require for such a report is uncertain. This task will utilize materials and reports developed in previous Tasks to prepare a report documenting efforts towards compliance with the requirements of the January 2012 milestone date.

Budgetary Allotment	\$9,000
(Each task 2-8 is to have its own report facilitating this task)	

Task 10 – JG1 Technical Committee Meetings

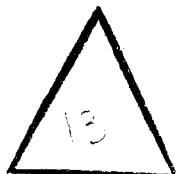
Organize and attend meetings of the JG1 Technical Committee and provide meeting summaries to JG1 Technical Committee members.

120 hrs @ 155/hr	\$18,600
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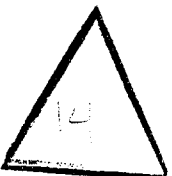
Prepare for and participate in Technical Committee conference calls.

70 hrs @ 155/hr	<u>\$10,850</u>
	\$29,450

Total:	\$199,962
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All tasks are estimates and resources may be shifted from one task to another at the discretion of the Technical Committee based upon the needs of demonstrating progress towards compliance.



**ITEM NO. (10) CONSIDERATION TO APPROVE A MEMORANDUM OF AGREEMENT
BETWEEN THE GATEWAY CITIES COUNCIL OF GOVERNMENTS AND
THE CITY OF CARSON REGARDING THE ADMINISTRATION AND
COST SHARING FOR THE DEVELOPMENT OF THE COORDINATED
IMPLEMENTATION PLAN FOR THE LOS ANGELES RIVER AND
TRIBUTARIES METALS TOTAL MAXIMUM DAILY LOAD (REACH 1
AND COMPTON CREEK) (DEVELOPMENT SERVICES)**

RECOMMENDATION for the City Council:

TAKE the following actions:

1. APPROVE the Memorandum of Agreement with the Gateway Cities Council of Governments for the administration and cost sharing for the development of the Coordinated Implementation Plan for the Los Angeles River and Tributaries Metals Total Maximum Daily Load (Reach 1 and Compton Creek).
2. AUTHORIZE the Mayor to execute the agreement following approval as to form by the City Attorney.

ACTION: It was moved to Approve New Business Consent Calendar Item Nos. 3, 7, 10, 11, 12, and 15 on motion of Dear, seconded by Santarina and unanimously carried by the following vote:

Ayes:	Mayor Dear, Mayor Pro Tem Davis-Holmes, Council Member Santarina, Council Member Gipson, and Council Member Ruiz-Raber
Noes:	None
Abstain:	None
Absent:	None

