



City of Carson Report to Mayor and City Council

June 4, 2013
New Business Consent

SUBJECT: CONSIDER INDIVIDUALLY OR COLLABORATIVELY DEVELOPING THE WATERSHED MANAGEMENT PROGRAM PLANS AND THE MONITORING PLANS TO COMPLY WITH THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD LOS ANGELES REGION ORDER NO. R4-2012-0175, NPDES PERMIT NO. CAS004001

Farrokh Abolfathi

Submitted by Farrokh Abolfathi
Acting Director of Public Works

David C. Biggs

Approved by David C. Biggs
City Manager

I. SUMMARY

Order No. R4-2012-0175 (Order), issued by the California Regional Water Quality Control Board, Los Angeles Region, (Regional Board), became effective on December 28, 2012. This Order requires all Municipal Separate Storm Sewer (MS4) Dischargers (or Permittees) to determine:

- (1) whether the Permittee intends to develop an *individualized* Watershed Management Program (WMP),
- (2) whether the Permittee intends to participate in a *collective* Enhanced Watershed Management Program (EWMP) with other Permittees,
- (3) whether the Permittee intends to prepare an Integrated Monitoring Program (IMP) and/or
- (4) whether the Permittee intends to participate in a Coordinated Integrated Monitoring Program (CIMP) with other Permittees.

Permittees must submit their Notice of Intent (NOI) signed by the City Manager, ***no later than June 28, 2013***. City Council is requested to consider the options and associated costs presented in this report and take the following recommended actions, or alternate actions as the Council deems appropriate.

II. RECOMMENDATION

TAKE following actions:

1. AUTHORIZE staff to solicit proposals for the preparation of a City of Carson Watershed Management Program and Coordinated Integrated Monitoring Program to fulfill the requirements of California Regional Water Quality Control Board Los Angeles Region Order No. R4-2012-0175.
2. AUTHORIZE the City Manager to sign and submit the Notice of Intent to the California Regional Water Quality Control Board Los Angeles Region on or before June 28, 2013.

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III. ALTERNATIVES

1. DIRECT staff to participate with the multiple agency City of Los Angeles lead cities for the Dominguez Channel Watershed and with the Los Angeles River "Reach 1" agencies for the Los Angeles River Watershed to prepare their collective Enhanced Watershed Management Program and Coordinated Integrated Monitoring Program.
2. AUTHORIZE the City Manager to sign and submit the Notice of Intent to the California Regional Water Quality Control Board Los Angeles Region on or before June 28, 2013.
3. Take any action the City Council deems appropriate that is consistent with the requirements of law.

IV. BACKGROUND

The Los Angeles County Flood Control District, the County of Los Angeles, and 84 incorporated cities within the Los Angeles County Flood Control District are subject to this Order.

Numerous receiving waters within Los Angeles County do not meet water quality standards or fully support beneficial uses and therefore have been classified as impaired on the State's 303(d) List. The Regional Board and the United States Environmental Protection Agency have each established Total Maximum Daily Loads (TMDLs) to address some of these water quality impairments.

Waste Load Allocations (WLAs) in these TMDLs are expressed in several ways depending on the nature of the pollutant. This Order allows a Permittee to clarify and distinguish their individual contributions and demonstrate that its MS4 discharges do not cause or contribute to exceedances of receiving water limitations or effluent limitations. The Regional Board has provided methods for Permittees to work cooperatively.

The Order provides several options for cities to comply. Each option has benefits but also has additional cost associated with it. For example, if the City of Carson does not have a draft Low Impact Development Ordinance and a draft Green Streets Policy by June 28, 2013, it must submit a 12-Month WMP by December 28, 2014; otherwise, an additional 6 months is provided to prepare an 18-Month WMP.

Similarly, if the City of Carson wishes to participate in a EWMP, it must secure funding for construction of multi-benefit regional projects (not necessarily within the City of Carson.)

<u>Type of NOI</u>	<u>LID/Green Streets Policy</u>	<u>Multi-Benefit Regional Projects</u>
12-Month WMP	No	No
18-Month WMP	Yes	No
30-Month EWMP	Yes	Yes

The EWMP option was added to the Order at the last minute and was the subject of the City of Carson's Petition for Review filed on December 10, 2012 with the California State Water Resources Control Board requesting review of the adoption of the Order. "In short, after issuing a Tentative Order and the close of a 45-day comment period, and two days of public hearings, the Regional Board issued a Revised Tentative Order, and, thereafter, a Second Revised Tentative Order. Each revision of the Tentative Order contained substantial changes and required a new 45-day review and comment period in order to meet the minimum due process and public interest requirements and avoid insulating the Regional Board's adopted order 'from any meaningful challenge'."

There is no financial benefit to the City of Carson if it participates with other cities in a EWMP. Preliminary cost estimates show that it would not be in the best interest of the City of Carson to participate in the City of Los Angeles lead EWMP for Dominguez Channel or Reach 1 of the Los Angeles River. Rather, it would be much more cost effective for the City of Carson to prepare an individual WMP and work with one or two cities on a CIMP (like those cities that drain into Carson such as Compton).

V. FISCAL IMPACT

The fiscal impact associated with staff's recommendation is the most cost efficient method of compliance.

VI. EXHIBITS

None.

Prepared by: Patricia Elkins, Storm Water Quality Programs Manager and William W. Wynder, City Attorney

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Public Works
Community Development	Community Services

Action taken by City Council

Date _____ Action _____