



Agenda Item # _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Tell and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Neil Miller, Director of Public Works
Lindy Coe-Juell, Senior Management Analyst

DATE: November 21, 2006

SUBJECT: Consider Authorizing an Amendment to the Memorandum of Agreement for the Santa Monica Bay Beaches Bacteria TMDL Implementation Plan to Jointly Fund a Required Technical Report to the Los Angeles Regional Water Quality Control Board

RECOMMENDATION:

Staff recommends that City Council authorize the City Manager to execute an amendment to the Memorandum of Agreement for the Santa Monica Bay Beaches Bacteria TMDL Implementation Plan in order to jointly fund a technical report required by the Regional Water Quality Control Board. This action will allow the City to contribute its \$10,996 share of the jointly funded technical report.

FISCAL IMPLICATION:

Sufficient funds were budgeted to cover our City's portion of this jointly funded technical report.

BACKGROUND:

On July 15, 2003, the Los Angeles Regional Water Quality Control Board (Regional Board) adopted the Santa Monica Bay Beaches Bacteria (SMBBB) TMDL, which sets numerical standards for bacteria loading in water at 44 beaches from the Los Angeles/Ventura County line to the Palos Verdes Peninsula. The SMBBB TMDL identifies multiple agencies that are responsible for compliance and groups those agencies into Jurisdictional Groups for the purpose of implementing programs to meet the numerical water quality standards. Manhattan Beach is included in Jurisdictional Group Five and Six (J5&6) along with the Cities of El Segundo, Hermosa Beach, Redondo Beach and Torrance and the County of Los Angeles and Caltrans.

Per the SMBBB TMDL, Jurisdictional Groups were responsible for submitting an Implementation Plan to the Regional Board by July 2005 to describe how the responsible agencies planned to achieve the TMDL bacteria water quality standards. In July 2004, City Council Approved a memorandum of Agreement (MOA) between the City of Manhattan Beach and the other J5&6 responsible agencies (Attachment A). The purpose of this MOA was to allow the responsible agencies to jointly develop and submit an IP to the Regional Board. Camp Dresser & McKee, Inc

(CDM) was selected by J5&6 to assist with the development of the plan. CDM gave a presentation to City Council on February 15, 2005 regarding the draft IP; and the final IP was submitted to the Regional Board on July 15, 2005.

The J5&6 IP, which was developed with a thorough watershed land use review and hydrologic analysis, includes three phases of program implementation focused on reducing bacteria loading in runoff that eventually reaches the ocean. These programs include both structural activities, such as installation of pervious pavement, and non-structural activities, such as an inspection and certification program for restaurants following pollution prevention best management practices. The three program phases are to be iterative and adaptive so that the activities that work well to reduce bacteria loading will be expanded and those activities that are less effective will be modified or eliminated.

On April 6, 2006, the Regional Board held a public hearing to review the IPs submitted by the various SMBBB TMDL Jurisdictional Groups, including J5&6. The Regional Board summarized that the plans were good “in concept” but would require additional technical information. On that date, the Regional Board adopted Resolution No. 2006-007 (Attachment B), which directs the TMDL responsible agencies to submit a supplemental report to demonstrate that the IPs justify an 18-year, rather than a 10-year, timeframe for implementation and compliance. The information required in the report includes technically defensible quantifiable estimates of the water quality benefits provided by the proposed structural and non-structural IP activities. The responsible agencies must also provide a quantitative analysis linking the water quality benefits proposed for the IP activities to achievement of the numeric bacteria water quality standards. These estimates and analysis must be provided to the Regional Board by January 2007.

DISCUSSION:

The staff representatives to the J5&6 Group, in addition to the representatives to the other Jurisdictional Groups, agree that the 18-year implementation schedule is much more feasible than the 10-year schedule for meeting the TMDL bacteria loading standards through implantation of the activities in our IPs. Staff representatives also determined that the best way to provide the necessary technical report to the Regional Board was to contract with a professional consulting firm. J5&6 has decided to contract with CDM because the firm developed our IP and is most familiar with the related programs and the Regional Board’s information request. In order to move forward with the development of the technical report, the J5&6 agencies needed to 1) extend the term of our MOA and 2) agree to additional cost sharing for the development of the report.

In June of 2006, City Council approved of Manhattan Beach entering into an extended SMBBB TMDL MOA term. The original MOA term expired in July 2006 and the extension was approved through July 2008. This timeframe was selected to allow for the development of the technical report and for the Regional Board’s review of that report.

At this time, staff recommends that the City Council authorize the additional funding required to develop the technical report. The development of this report will be jointly funded by the J5&6 agencies according to the percentage of land each agency owns that is tributary to the Santa Monica Bay Beaches from 45th street in Manhattan Beach to the southern border of Redondo Beach (which is the watershed for our J5&6 Group as defined in the SMBBB TMDL). This formula is the same cost sharing formula that was used to develop the IP. The table below

summarizes cost sharing formula, the original amount each agency paid to develop the IP, and the additional funds required for the development of the technical report. Manhattan Beach’s contribution to the funding of the technical report is \$10,996.

Table 1: SMBBB TMDL IP and Supplemental Technical Report Cost Sharing Formula and Funding Amounts Contributed by J5&6 Responsible Agencies

Jurisdiction	Tributary Area (acres)	Contribution Percentage	Original IP Development Contribution Amount	Supplemental Technical Report Contribution Amount	Total Contribution Amount
Manhattan Beach	2023	24.991%	\$46,233	\$10,996	\$57,229
Hermosa Beach	901	11.130%	\$20,591	\$4,897	\$25,488
Redondo Beach	2623	32.403%	\$59,946	\$14,257	\$74,203
Torrance	2289	28.277%	\$52,312	\$12,443	\$64,755
El Segundo	21	0.259%	\$479	\$114	\$593
County of Los Angeles	172	2.125%	\$3,931	\$935	\$4,866
Caltrans	66	0.815%	\$1,508	\$358	\$1,866
Total	8095	100%	\$185,000	\$44,000	\$229,000

Attachments (not available in electronic format):

- A. July 2004 SMBBB TMDL Implementation Plan Development J5&6 MOA
- B. April 2006 Regional Board Resolution No. 2006-007
- C. Amendment No. 1 to the July 2004 SMBBB TMDL MOA
- D. Amendment No. 2 to the July 2004 SMBBB TMDL MOA