

APPROVED
MAR 20 2013

REPORT OF GENERAL MANAGER

NO. 13-073

DATE March 20, 2013

**BOARD OF RECREATION
& PARK COMMISSIONERS**

C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: KEN MALLOY HARBOR REGIONAL PARK – AMENDMENT TO THE MEMORANDUM OF AGREEMENT WITH THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD FOR IMPLEMENTATION OF LOAD ALLOCATIONS FOR THE TOTAL MAXIMUM DAILY LOADS FOR EUTROPHIC, ALGAE, AMMONIA, AND ODORS (NUTRIENTS) AND PESTICIDES AND POLYCHLORINATED BIPHENYLS (PCB-TOXICS) IN MACHADO LAKE

R. Adams _____
H. Fujita _____
V. Israel _____

K. Regan _____
*M. Shull *MS*
N. Williams _____

[Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Approve the Amendment to the Memorandum of Agreement (MOA) between the Department of Recreation and Parks (RAP), the Department of Public Works, Bureau of Sanitation (BOS), and the Los Angeles Regional Water Quality Control Board (LARWQCB), substantially in the form on file in the Board Office, to achieve compliance with the Machado Lake Toxics Total Maximum Daily Loads (TMDL) through the attainment of the interim and final load allocations and numeric targets, subject to the approval of the City Attorney as to form;
2. Direct the Board Secretary to transmit the proposed Amendment to the MOA to the City Attorney for review and approval as to form; and,
3. Authorize the Board President and Secretary to execute the Amendment to the MOA upon receipt of the necessary approval.

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SUMMARY:

Machado Lake is located within the 20-square mile Machado Lake subwatershed, a portion of the larger 110-square mile Dominguez Channel Watershed Management Area. It is a receiving body of urban and stormwater runoff from a network of storm drains throughout the watershed, the largest being the Wilmington Channel.

Machado Lake was placed on the Clean Water Act 303(d) list of impaired waterbodies in 1998, 2002, 2006 and 2008 for impairments due to nutrients (primarily phosphorous and nitrogen) and the toxic pollutants chlordane, dichlorodiphenyltrichloroethane (DDT), dieldrin, polychlorinated biphenyls (PCBs), and the chemical group A (Chem A) which consist of a suite of bio-accumulative pesticides that includes chlordane and dieldrin. 303(d) listed waterbodies require the development of Total Maximum Daily Loads (TMDLs) to establish the amount of pollutants these waterbodies can assimilate, while still supporting beneficial uses.

In the context of TMDLs, pollutant sources are either point sources or nonpoint sources. Point sources include discharges for which there are defined outfalls such as wastewater treatment plants and storm drain outfalls. The point source discharges are regulated through the National Pollutant Discharge Elimination System (NPDES) permits. Nonpoint sources, by definition, include pollutants from a number of diffuse land uses and source activities that generate runoff to the receiving waterbodies and are not regulated through the NPDES permits. TMDLs contain the numeric targets and/or the interim and final waste load allocation requirements assigned to point source discharges, and the interim and final load allocation requirements assigned to nonpoint source discharges that must be attained to improve the water quality of the impaired waterbodies and its beneficial uses.

The LARWQCB developed a Nutrients TMDL for Machado Lake that became effective on March 11, 2009. It identified the City of Los Angeles, Department of Recreation and Parks (RAP) as the responsible jurisdiction assigned interim and final load allocations, and the Department of Public Works' Bureau of Sanitation (BOS) as one of the responsible jurisdictions assigned interim and final waste load allocations (collectively referred to as the "City of Los Angeles"). The Nutrients TMDL provided two options to implement the load allocations: 1) City of Los Angeles can enter into an Amendment to the MOA with the LARWQCB, or 2) the LARWQCB issues a Cleanup and Abatement Order pursuant to Water Code Section 13304 requiring immediate attainment of the TMDL compliance requirements.

The City of Los Angeles decided to pursue the Amendment to the MOA option. The Original MOA for the Nutrients TMDL was executed by the City of Los Angeles and the LARWQCB on April 7, 2010 (RAP Board considered and approved the Original MOA via Board Report No. 10-074). The Original MOA required the City of Los Angeles to prepare a Lake Water Quality Management Plan (LWQMP) identifying the various in-lake management strategies,

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such as hydraulic dredging and alum treatment, which will be implemented to attain compliance with the TMDL numeric targets and load allocations. A Monitoring and Reporting Program was required as part of the LWQMP. The LWQMP was submitted to the LARWQCB on September 10, 2010, and approved on February 14, 2011.

The LARWQCB developed a Toxics TMDL for Machado Lake since it is impaired for chlordane, DDT, dieldrin and PCBs in fish tissue, and chlordane, DDT and PCBs in bottom sediments. The Toxics TMDL became effective on March 20, 2012. It allows that since there is an executed MOA and an approved LWQMP for the Nutrients TMDL, these documents may be amended to implement and attain the load allocations for the Toxics TMDL. The Amendment to the MOA for the Toxics TMDL is attached for the Board's consideration and approval and is entitled "Amendment to Memorandum of Agreement between the California Regional Water Quality Control Board, Los Angeles Region, and City of Los Angeles". This Amendment to the MOA will be executed by independent actions of the LARWQCB, RAP and BOS. It is required to be submitted to the LARWQCB by March 23, 2013. If the City does not execute the Amendment to the MOA, the LARWQCB will issue a Cleanup and Abatement Order requiring immediate attainment of the Toxics TMDL.

Staff has determined that execution of the amended MOA and preparation of a LWQMP does not constitute a "project" under the California Environmental Quality Act (CEQA) because it involves administrative actions required to coordinate compliance with State-mandated water quality regulatory requirements. These actions will have no physical impacts on the environment; therefore, no CEQA documentation is required. CEQA compliance for the eventual implementation of the LWQMP will be covered by the Environmental Impact Report (EIR) that was prepared for the Machado Lake Ecosystem Rehabilitation Project and the Wilmington Drain Multiuse Project (Prop O projects).

FISCAL IMPACT STATEMENT:

There will be no impact to the RAP's General Fund associated with approval of the amended MOA. Proposition O funds will cover the costs of preparing and implementing the LWQMP, and the costs associated with the Monitoring and Reporting Program will be borne by the Bureau of Sanitation.

This report was prepared by David Attaway, Environmental Supervisor, of the Planning, Construction and Maintenance Branch.