



CITY OF BEVERLY HILLS

PUBLIC WORKS SERVICES DEPARTMENT

MEMORANDUM

TO: PUBLIC WORKS COMMISSION

FROM: Josette Descalzo, Environmental Compliance and Sustainability Programs Manager

DATE: March 10, 2016

SUBJECT: Stormwater Compliance Update

BACKGROUND

The City's urban and stormwater runoff goes through a network of storm drain lines that discharges to Ballona Creek and Estuary. The City's discharges are subject to meeting water quality standards prescribed in the 2012 MS4 Permit for Ballona Creek and Estuary. These water quality standards are covered under the regulatory term, Total Daily Maximum Load (TMDLs). These TMDLs were set to maintain and preserve beneficial uses such as fishing, swimming and water recreational activities. TMDLs for Ballona Creek were established for metals & toxics and bacteria pollutants. The Cities of Beverly Hills, Culver City, Inglewood, Los Angeles, Santa Monica and unincorporated areas of Los Angeles County discharge to Ballona Creek and are subjected to the Ballona Creek TMDLs.

On December 28, 2012, the new Municipal Separate Storm Sewer System Permit (2012 MS4 Permit) was adopted by the Los Angeles Regional Water Quality Control Board (RWQCB) to ensure compliance with the regulations under the Federal Clean Water Act. The new permit prescribed additional regulations on incorporated cities in Los Angeles County and the Los Angeles County Flood Control District (Permittees) which includes incorporating many TMDLs and compliance deadlines established throughout Los Angeles County. The Ballona Creek TMDLs has a final compliance deadline set for 2021.

In developing the 2012 MS4 Permit, it was apparent to the RWQCB that they needed to provide additional compliance pathways for the Permittees because compliance through previous versions would likely not be met and therefore unsuccessful in improving water quality. For these two reasons, the 2012 MS4 Permit has three compliance pathways: 1) traditional approach requiring Permittees to meet strict numeric standards in the storm drain outfalls and water bodies of the United States; 2) preparation and implementation of a Watershed Management Program (WMP); and 3) preparation and implementation of an Enhanced Watershed Management Program (EWMP). The WMP and EWMP compliance pathways are adaptive management approaches that allow Permittees to comply with the 2012 MS4 Permit through action-based (variety of Best Management Practices and careful planning) compared to strict numeric standards.

On May 2013, the City of Beverly Hills, with the approval of the City Council, joined the Ballona Creek EWMP group. Since then, the Ballona Creek EWMP group drafted and submitted many regulatory documents such as the EWMP Plan and the Coordinated Integrated Monitoring Plan (CIMP) to the RWQCB to comply with the permit.

The EWMP Plan is a planning and implementation document that outlines each agency's action-based approach ("recipe") to meet water quality standards to maintain beneficial uses in Ballona Creek. The "recipe" for compliance can be summarized by implementing policies and building green infrastructure that would capture and infiltrate urban runoff; thus preventing pollutants traveling via urban runoff to Ballona Creek. According to the EWMP Plan, the City will need to capture approximately 87 acre-ft. of urban and stormwater runoff in order to meet the TMDL limits. Adopting ordinances and policies and constructing Regional (Signature) and Distributed (local) green infrastructure are the "recipe" for compliance.

The CIMP Plan is a comprehensive watershed monitoring plan that includes 12 pre-approved sampling sites in Ballona Creek and pre-approved stormwater outfall sites. These sites were pre-approved to assure representative watershed sampling and provide potential sources of pollutants. The CIMP Plan will also assess water quality improvements once Regional and Distributed green infrastructure are implemented throughout the watershed. Monitoring is performed all year long especially during storm events and reports are submitted to the RWQCB on a semi-annual basis.

DISCUSSION

City staff is working on implementing policies and projects that would achieve TMDL compliance as outlined in the EWMP plan. The City adopted the Low Impact Development (LID) Ordinance on May 5, 2015, which became effective on June 16, 2015. The LID ordinance requires that certain development projects implement Best Management Practices (BMPs) to capture and infiltrate runoff produced by 1-inch of rain onsite. Development projects include single and multifamily residence and commercial projects. Projects that are required to implement LID BMPs can use a combination of the following to meet compliance:

1. Landscape (designed to capture and roof runoff)
2. Rain gardens
3. Planter boxes
4. Green roofs
5. Infiltration and retention basins
6. Permeable pavement

The City also adopted the Green Streets Policy during the June 16, 2015, formal City Council meeting. The policy requires that the City, to the maximum extent practicable, implement green streets BMPs such as permeable pavement or vegetated swales to any new development and/or redevelopment of streets and roadways projects. Currently, City staff is working on two projects that have green streets elements. The restoration of Santa Monica Boulevard included a scope to address drainage issues from the alleys intersecting North of Beverly Park, which there may be a green streets solution to this issue, as well as considering permeable landscape medians on Santa Monica Boulevard. Secondly, the Public Works Services Department posted an RFP determine the feasibility and design for green street functions on the Burton Way Median. In addition to the green street function, the RFP also included component for a water efficient landscape garden design. Bids for this RFP are due on March 17, 2016. The consultant who is awarded this project will be expected to complete the design and construction

documents by December 30, 2016, and include public workshop presentations before the final date of the work.

In addition to green streets, City staff has started working on the La Cienega Park Regional Project. As presented during the May 11, 2015, Public Works Meeting, the City of Beverly Hills is the lead agency for this project since the site resides in the City. The project has a potential to capture 24 acre-ft. of urban runoff and recharge the groundwater aquifer system. Staff had a kickoff meeting with the Cities of West Hollywood and Los Angeles, whose drainage areas will be flowing to La Cienega Park, informing and engaging them with the planning process. The second step of this process is to determine the feasibility of having retention/detention basins and, if feasible, design for these basins under the playing fields in La Cienega Park. A draft RFP that addresses this work will provide a more defined cost for construction. The RFP is being circulated in Public Works, Community Services and the Cities of West Hollywood and Los Angeles for comments. The RFP will be posted once all comments are finalized.

When the Green Streets on Burton Way Median and the La Cienega Park projects are deemed feasible, staff will be presenting results and next steps to the City Council and the Recreation and Parks and Public Works Commissions.