



Agenda Report

July 10, 2023

TO: Honorable Mayor and City Council

FROM: Department of Public Works

SUBJECT: AUTHORIZATION TO ENTER INTO MEMORANDUM OF AGREEMENT BETWEEN CITY OF PASADENA, SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS, 17 PUBLIC AGENCIES AND LOS ANGELES COUNTY FLOOD CONTROL DISTRICT FOR ADMINISTRATION AND COST SHARING FOR IMPLEMENTATION OF THE COORDINATED INTEGRATED MONITORING AND THE WATERSHED MANAGEMENT PROGRAMS FOR THE UPPER LOS ANGELES RIVER WATERSHED FOR AN AMOUNT NOT-TO-EXCEED \$244,588

RECOMMENDATION:

It is recommended that the City Council:

1. Find the Memorandum of Agreement (MOA) proposed herein to be exempt from the California Environmental Quality Act (CEQA) in accordance with Title 14 Chapter 3, Article 19, Section 15308, Class 8, actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment; and
2. Authorize the City Manager to execute a Memorandum of Agreement (MOA) between City of Pasadena, San Gabriel Valley Council of Governments (SGVCOG), 17 other public agencies and Los Angeles County Flood Control Division (LACFCD) regarding the administration and cost sharing for implementing the Coordinated Integrated Monitoring Program (CIMP) and the Watershed Management Program (WMP) for the Upper Los Angeles River (ULAR) Watershed Management Area (WMA) for an amount not-to-exceed \$244,588.

BACKGROUND:

Under the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program reduces water pollution by regulating the discharge of pollutants into lakes, rivers, and streams. The implementation of this permit program has resulted in significant improvement in the quality of this country's water resources since 1972.

On December 28, 2012, the Los Angeles NPDES Municipal Separate Storm Sewer System Permit (MS4 Permit) became effective in accordance with the Clean Water Act. The Los Angeles MS4 Permit covers unincorporated areas of Los Angeles County, the Los Angeles County Flood Control District (LACFCD), and 84 cities within Los Angeles County, and provides individual compliance metrics to each individual agency. Thus, the City of Pasadena has its own compliance pathway and requirements that need to be implemented in order to attain compliance with our water quality mandates. Unlike previous permits, permittees are provided with multiple compliance pathways, including the option to develop a WMP to work in collaboration with each other to attain common water quality goals in a more efficient and cost-effective manner.

As a result, the City of Pasadena along with 17 public agencies and LACFCD elected to create the Upper Los Angeles River Watershed Management Group (ULAR WMG) and collectively pursue the development of a WMP. Partnering agencies in the ULAR WMG include the cities of Alhambra, Burbank, Calabasas, Glendale, Hidden Hills, La Canada Flintridge, Los Angeles, Montebello, Monterey Park, Rosemead, San Fernando, San Gabriel, San Marino, South El Monte, South Pasadena, Temple City, County of Los Angeles, and LACFCD. Attachment A contains a map of the ULAR WMG and their attributable percentage of the WMA.

On December 13, 2013, the City Council authorized execution of an MOA with these 18 co-permittees for preparation and approval of the WMP and the CIMP for the ULAR WMG. This WMP was approved by the Los Angeles Regional Water Quality Control Board on February 20, 2014. The City of Los Angeles served as the lead agency for managing the ULAR WMG, as well as the administrator that billed the co-permittees for their respective share of the costs. The City paid its cost-share for this MOA of \$417,959 in full and it expired on June 30, 2018.

On June 11, 2018, the City Council authorized the execution of a second MOA with the ULAR WMG to continue the joint efforts in maintaining, updating, monitoring, and reporting MS4 permit requirements. For this MOA, the co-permittees decided to include SGVCOG as an independent billing entity to bill and collect each co-permittee's share of the MOA costs. The total cost of this MOA was estimated to be \$6,758,891, of which Pasadena was responsible for \$241,098. The existing MOA expired on June 30, 2023.

The ULAR WMG has drafted a new 3-year MOA (FY 2024-2026) for co-permittees to approve and execute for continued efforts at addressing MS4 compliance through collaborative monitoring, reporting, studies, and other related activities. The City of Los Angeles will continue to serve as the lead agency and SGVCOG will continue as the billing entity. As the lead for the ULAR WMG, the City of Los Angeles will manage the performance of the associated WMP-related tasks that the agencies agree to collaboratively fund, including the costs of the following: preparation of the bi-annual Progress Monitoring and Annual Watershed Report to the Regional Water Quality Control Board; preparation of the Adaptive Management Plan to update the WMP; implementation of the Trash Reporting and Monitoring Plan; preparation of the Report of Waste Discharge; completion of the load reduction strategy to comply with bacteria total

maximum daily load requirements; and potential special studies in the watershed pursuant to the MS4 Permit. In addition, the City of Los Angeles will perform stormwater monitoring services (sample collection in-situ measurements, laboratory analyses, and reporting) consistent with the requirements of the approved CIMP and pursuant to the MS4 Permit requirements. The SGVCOG will administer the MOA and collect funds from each individual co-permittee for the cost-sharing of monitoring services.

The total cost of the MOA is estimated to be \$ 5,358,422, with the City's share estimated to be \$244,588. This MOA shall become effective on the last date of the execution by the 17 public agencies, LACFCD and the SGVCOG, and shall remain in effect for three years from the effective date or until June 30, 2026, whichever is later. The MOA may be extended, through an amendment, for an additional term of three years.

Collaborating in this ULAR WMG and addressing the MS4 Permit compliance regulations as a group will benefit the City by allowing for greater confidence in attaining our compliance milestones with collective resources, having a stronger voice with local regulators, and assist Pasadena in achieving our compliance goals in a more cost-effective manner through regional partnership.

COUNCIL POLICY CONSIDERATION:

This project is consistent with the City Council's goals to increase conservation and sustainability and the General Plan Land Use policy to encourage and promote the stewardship of Pasadena's natural environment, including water conservation and protection of water quality and natural open space.

ENVIRONMENTAL ANALYSIS:

The proposed actions to approve the MOA regarding the administration and implementation of the CIMP and WMP for the Upper Los Angeles River have been determined to be exempt from CEQA per Section 15308, actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment.

FISCAL IMPACT:

The City's total share for the Memorandum of Agreement is \$244,588, with payments due annually over three upcoming fiscal years, FY 2024-2026. Funding for this action will be addressed by the utilization of the LA County Safe Clean Water Program Municipal Annual Return (Measure W) – FY 2024-2026 (24322079).

Respectfully submitted,



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Approved by:



MIGUEL MÁRQUEZ
City Manager



Attachment A – Upper Los Angeles River Watershed Area Map