



THE PORT  
OF LOS ANGELES  
Executive Director's  
Report to the

Board of Harbor Commissioners

**DATE: APRIL 24, 2019**

**FROM: ENVIRONMENTAL MANAGEMENT**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - MEMORANDUM OF UNDERSTANDING WITH THE LOS ANGELES GATEWAY REGION INTEGRATED REGIONAL WATER MANAGEMENT JOINT POWERS AUTHORITY TO COMPLY WITH REQUIRED MONITORING IN THE GREATER HARBOR WATERS UNDER THE HARBOR TOXICS TOTAL MAXIMUM DAILY LOAD REGULATION**

**SUMMARY:**

Staff requests approval of a Memorandum of Understanding (MOU) with the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA) for administration and cost-sharing obligations to conduct joint monitoring under the Total Maximum Daily Load for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters (Harbor Toxics TMDL). The City of Los Angeles Harbor Department (Harbor Department) is a named responsible party under the TMDL. Twelve responsible parties have elected to pool efforts and resources to conduct joint monitoring as a substantial cost saving measure versus conducting individual monitoring. This MOU is for a five-year period and reflects the cost share obligations that the Regional Monitoring Coalition (RMC) members have agreed to and names the GWMA to perform administrative, fiduciary, and contractual services. The Harbor Department's cost share obligation is \$265,655 over a five-year period.

**RECOMMENDATION:**

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is administratively and categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) and Article III Class 6(2) of the Los Angeles City CEQA Guidelines;
2. Approve the Memorandum of Understanding with the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority and Harbor Toxics Total Maximum Daily Load responsible parties for the reimbursement to cover the City of Los Angeles Harbor Department's cost share obligation of \$265,655 over a five-year period;

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3. Authorize the Executive Director to execute and Board Secretary to attest to the proposed Memorandum of Understanding for and on behalf of the Board of Harbor Commissioners; and
4. Adopt Resolution No. \_\_\_\_\_.

**DISCUSSION:**

Background/Context – The Harbor Toxics TMDL was approved by the Los Angeles Regional Water Quality Control Board (Regional Board), the State Water Resources Control Board, and the U.S. Environmental Protection Agency with a 20-year implementation schedule which became effective on March 23, 2012, and named the Harbor Department as a responsible party. Other named parties under the Harbor Toxics TMDL include the Cities of Long Beach, Signal Hill, Los Angeles County Flood Control District, and other cities that drain directly to the greater harbor waters, which are defined as including Los Angeles and Long Beach Harbors and Eastern San Pedro Bay. The TMDL Basin Plan Amendment specifies that parties are individually responsible for conducting the required monitoring; however, the parties have chosen to form a coalition as a cost-saving measure and to avoid duplication of effort and data. The GWMA has agreed to act as fiduciary for the RMC under the previous MOU that was approved by the Board on June 5, 2014, under Agreement No. 14-3257. This MOU has the same structure.

Among the many requirements for responsible parties is the mandate to prepare a comprehensive monitoring and reporting plan and to sample the sediment, water column, and fish tissue in the greater harbor waters area. The three media must be analyzed for an extended list of pollutants, including metals and bioaccumulative organics. In addition, the sediment must be analyzed for toxicity and health of the benthic community. The water column must be sampled in both wet and dry weather. The comprehensive monitoring and reporting plan was approved by the Regional Board and has been undertaken under the previous MOU with GWMA.

The Harbor Department is named as a responsible party under the Harbor Toxics TMDL. Harbor Department staff coordinate with the City of Los Angeles (City) Department of Public Works, Bureau of Sanitation, Watershed Protection Division (BOS/WPD), which is the City's lead on TMDL matters. Staff from BOS/WPD and the Harbor Department have coordinated on how best to use City resources to comply with the Harbor Toxics TMDL requirements, as well as related requirements under the Municipal Stormwater Permit. Harbor Department and BOS/WPD staff have agreed that the costs for complying with these regulations should be divided as follows: the Harbor Department takes the lead for TMDL activities in the harbor area. BOS/WPD takes the lead for areas north of the harbor, including the Dominguez Channel Estuary, which has a tidal connection to the harbor. BOS/WPD leads the efforts and bears the costs for the Enhanced Watershed Management Program and Coordinated Integrated Monitoring Program required under the Municipal Stormwater Permit, which includes the harbor area. This arrangement

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between City departments has been implemented since 2014 and in this way, City resources are used efficiently to cover regulatory requirements.

Selection Process – The GWMA, a joint powers authority, was chosen to provide administrative, fiduciary, and contractual services for the RMC because of its experience with watershed and regulatory issues while acting on behalf of public agencies in the Gateway Cities area. Many of the Harbor Toxics RMC responsible parties are GWMA members. The GWMA follows protocols appropriate to a public agency (e.g. public meetings, releasing RFPs for services).

Cost Sharing – The cost share MOU identifies the GWMA as the fiduciary party, responsible for collection of funds and hiring and paying contractor(s). The total cost for the monitoring and reporting program is \$1,859,920 (including administrative costs), to be shared among participating Harbor Toxics TMDL responsible parties. The total cost is reduced to \$1,364,845 by allowing seven individual discharge permittees (Kinder Morgan, Petro-Diamond, Tesoro, Metropolitan Stevedore, Vopak, Morton Salt, and Long Beach Generation) to use the RMC monitoring data as non-members. These permittees are obligated to perform monitoring under their National Pollutant Discharge Elimination System (NPDES) permits. Each of the seven NPDES permittees will contribute \$70,725 over the five-year period, for a total of \$495,075. There is no increase in the scope of the monitoring and reporting program resulting from the financial contribution of the NPDES permittees.

TMDL monitoring costs, as agreed upon by RMC members, are as divided as follows: 65% of the total is divided according to square miles of jurisdiction and 35% of the total is divided evenly according to the number of members. The Harbor Department and the City are each counted, as named in the TMDL. The Harbor Department pays the City's share (San Pedro and Wilmington) and in exchange, the City pays for stormwater costs associated with the Municipal Stormwater Permit (as discussed in the Background/Context section above).

In particular, the Harbor Department's share breaks down as follows: jurisdictional land/water area cost is \$8,847 per square mile X 20.35 square miles = \$180,027. Fixed base cost is \$50,978. GWMA administrative costs are \$34,651 maximum over life of agreement-actual cost to be set on yearly basis by the GWMA. The Harbor Department's obligation totals \$265,655 over the five-year period of the MOU. The Los Angeles County Flood Control District cost formula differs; that agency contributes a fixed 10% of the total cost, plus administrative costs.

In the absence of a collaborative agreement, each party, per the Harbor Toxics TMDL, is individually responsible for undertaking the monitoring requirements. The cost for just the Harbor Department under such a scenario is estimated to be in excess of \$1,000,000 over a five-year period.

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**ENVIRONMENTAL ASSESSMENT:**

The proposed action is approval of an MOU with GWMA, acting as a fiduciary for the Harbor Toxics TMDL responsible parties, to perform monitoring and related services required by the Harbor Toxics TMDL, which is an administrative activity related to basic data collection that does not result in a serious or major disturbance to an environmental resource. Therefore, the Director of Environmental Management has determined that the proposed action is administratively and categorically exempt from the requirements of CEQA in accordance with Article II Section 2(f) and Article III Class 6(2) of the Los Angeles City CEQA Guidelines.

**FINANCIAL IMPACT:**

Approval of the proposed MOU will allow the Harbor Department and other responsible parties to collaborate in the required monitoring under the Harbor Toxics TMDL and reduce costs and avoid duplication of effort and data.

The total five-year cost of the project is \$1,364,845, to be shared by all named responsible parties as follows:

Harbor Department	\$ 265,655
Los Angeles County Flood Control District	\$ 155,335
City of Bellflower	\$ 67,540
City of Lakewood	\$ 96,710
City of Long Beach	\$ 393,305
Port of Long Beach	\$ 132,190
City of Paramount	\$ 42,740
City of Rancho Palos Verdes	\$ 59,835
City of Rolling Hills	\$ 38,670
City of Rolling Hills Estates	\$ 32,875
City of Signal Hill	\$ 47,015
Unincorporated Los Angeles County	\$ 32,975
<b>TOTAL</b>	<b>\$1,364,845</b>

The Harbor Department's contribution will be spent as follows:

FY 19/20	\$ 53,131
FY 20/21	\$ 53,131
FY 21/22	\$ 53,131
FY 22/23	\$ 53,131
FY 23/24	\$ 53,131
<b>TOTAL</b>	<b>\$ 265,655</b>

The Harbor Department recognized the Harbor Toxics TMDL required monitoring as a pollution remediation obligation (GASB 49) in FY 18/19. Funds will be expensed out of Account 21995 (Pollution Remediation), Center 7000 (Liability), Program 000 (Base Budget).

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**CITY ATTORNEY:**

The Office of the City Attorney has reviewed and approved the MOU as to form and legality.


**TRANSMITTAL:**

1. Memorandum of Understanding

FIS Approval: mys  
CA Approval: gmc



CHRISTOPHER CANNON  
Director of Environmental Management



MICHAEL DiBERNARDO  
Deputy Executive Director

APPROVED:



EUGENE SEROKA  
Executive Director

CC/YO  
AUTHOR: A. Jirik  
APP No.: 970203-532

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