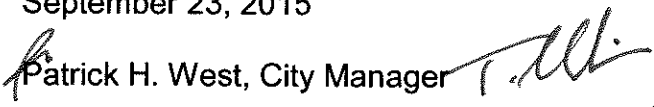





Date: September 23, 2015
To: Patrick H. West, City Manager 
From: Ara Maloyan, PE, Director of Public Works 
For: Mayor and Members of the City Council
Subject: National Pollution Discharge Elimination System (NPDES) Permit

The purpose of this memorandum is to provide information regarding requirements for compliance with the City's National Pollutant Discharge Elimination System (NPDES) Permit, Order No. R4-2014-0024, in accordance with the Clean Water Act. The newly issued permit is significantly different from past permits in scope and responsibility. As such, the Public Works Department wants to highlight the changes and challenges presented by the new permit.

ISSUANCE OF THE NEW LONG BEACH NPDES PERMIT

Long Beach was issued an individual permit by the Los Angeles Regional Water Quality Control Board (Regional Board), rather than being included as one of 88 cities in the Los Angeles County Permit. Long Beach pursued a separate permit, as issues and impacts of water quality are significantly different for Long Beach than they are for the other 88 cities. Having an individual permit affords Long Beach a greater degree of control. The new NPDES Permit was adopted by the Los Angeles Regional Board (Regional Board) on February 6, 2014, with an effective date of March 28, 2014. In accordance with Part VII.C.4.b of the Permit, the City of Long Beach was required to submit a Draft Watershed Management Plan (WMP) plan within twelve (12) months of the effective date of the permit (March 28, 2015). The draft WMP was submitted to the Regional Board prior to March 28, 2015; the board is currently reviewing and will be providing comments and modifications, if necessary. In the interim, the City is required to adopt the new enforcement requirements contained within the WMP by modifying our local ordinance to conform to the new requirements.

PREPARATION OF THE DRAFT WMP PLAN

During the development of this plan, and throughout any subsequent revisions required by the Regional Board, the City will continue to enforce the previously adopted permit. Some of the components of the NPDES program have water quality goals that require multiagency coordination. This is due to the fact that the drainage basins encompass multiple cities. As such, Long Beach has been taking part as a regional participant with neighboring municipalities and agencies in the development of Watershed Management Plans for the areas of the City within the Lower Los Angeles River, the Lower San Gabriel River and the Lower Cerritos Channel Watersheds. In addition to these Water Management Plans, the City is a regional participant with the Harbor Regional Monitoring Coalition Toxic Total Maximum Daily Load (TMDL) and the Dominguez Channel Toxic Sediment TMDL.

The draft Watershed Management Plan integrates the Water Management Plans of the watersheds mentioned above, along with the two TMDLs also mentioned above, and with the remaining areas of the City to prepare one Master Watershed Management Plan (MWMP).

There are six (6) areas of Long Beach that are currently not covered by the three Watershed Management Plans above. These areas are: the San Gabriel River Estuary; Alamitos Bay/LCC Estuary; Shoreline Water Front; City Beaches/Outfalls/Pier to Breakwater (San Pedro Bay); the Port of Long Beach; and a small area draining to the Dominguez Channel. The MWMP has been developed to cover the six areas of the City named above. It is desired that the MWMP will be similar in structure to the WMPs mentioned above in order to maintain minimal cost to the City and a consistent format that has been approved by the Regional Board.

COST INCREASES AS A RESULT OF COMPLIANCE INSPECTIONS

The current staffing levels of the Storm Water Management Division are not sufficient to implement the new inspection requirements of the new NPDES Permit. Previously, compliance inspections were handled by the Regional Board Staff. Now, with the number of TMDLs implemented, additional compliance requirements have triggered additional inspections to monitor and enforce compliance as required by the permit. This has caused the burden for compliance inspections to be shifted completely to the City.

Staff has deliberated on the course of action that would be most expedient and financially feasible for the City. There are over 2,520 compliance inspections required for public, business, and commercial/industry facilities that must be carried out within one year. Current staffing resources would make it infeasible to complete the inspections within the time period required by the NPDES permit without adding significant staffing levels. The alternative would be to conduct the same inspections through a contract for one year. The cost is estimated at \$494,000, for inspecting over 2,520 sites as required by the Permit. The costs of this contract could be offset by an inspection fee that would be developed and returned to Council for adoption. This method of inspection and cost recovery would be similar to what other cities facing this requirement have chosen to pursue to address the inspection requirements.

The fee would be paid by those facilities and businesses for whom inspections must be conducted. The amount of revenue needed to help offset the cost of the inspection work is currently estimated at \$196 for inspection visits and/or violation

fines. Staff will continue to consider other alternatives to offset the cost for inspection work in order to determine if it is possible to reduce the fees. Additionally, an evaluation of inspection work conducted in FY 2016 will be completed to determine if future inspection work should continue through contracted services or by City Staff. Anticipating this requirement, \$494,000 has been included in the FY 16 budget.

PROCESS/TIMELINE FOR APPROVAL BY THE REGIONAL BOARD

A timeline table detailed with the process of approval by the Regional Board and key dates for review of the MWMP by City Officials is attached. Training and Education for City staff and the public is included in the schedule. Periodic meetings and written updates will be scheduled for changes that may occur in the approval process with the Regional Board, and/or scheduling dates for the permit implementation workshop and other permit meetings to be determined.

PERMIT MANDATE

The Clean Water Act has mandated local compliance with water quality controls and improvements. While compliance is expensive, it is an expense with which all cities are being burdened. For the City of Long Beach, compliance by cities "upstream" from us will have an immeasurable benefit to our water quality. Having our own local permit affords us the ability to not only comply with the mandated reductions, but to do so in a manner that respects our unique conditions as the end point of two large rivers and the recipient of upstream pollutants. Our permit will allow us to reduce stormwater pollution discharges into the Los Angeles River, as enforced under the NPDES Permit, as well as under the Los Angeles River Total Maximum Daily Load (TMDL) requirement, which is overseen by the Regional Board, State Water Resources Control Board (SWRCB) and the United States Environmental Protection Agency (US-EPA) in accordance with the Clean Water Act. Violation of the requirements of the NPDES Permit would result in fines of \$5,000 to \$10,000 per day of violation, in addition to other fines and required reconciliation work assessed by the Regional Board, SWRCB AND US-EPA.

On October 6, in order to comply with the new permit, staff will bring forward a request for a NPDES ordinance amendment reflecting the progressive enforcement required by the Permit and contract amendments required by the Permit to demonstrate realistic authority to the Regional Board.

CONCLUSION

Local control and compliance over compliance over our NPDES permit is important to our water quality and environment. As such, staff will continue to work diligently to comply with and recommend actions that invest in our ability to comply with our

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NPDES permit. As we do, we will provide information and updates, and work with City departments to understand the NPDES permit and implement the requirements for compliance. Information workshops and training sessions for all stakeholder groups will be conducted.

Should you have questions regarding the information above, please contact Anthony Arevalo, Storm Water/Environmental Compliance Officer at 562-570-6023 or by email at Anthony.Arevalo@longbeach.gov.

Attachment

Cc: Charles Parkin, City Attorney
Laura Doud, City Auditor
Tom Modica, Assistant City Manager
Arturo M. Sanchez, Deputy City Manager
Ara Maloyan, Director of Public Works
Sean Crumby, Deputy Director of Public Works/City Engineer
Amy Webber, Deputy City Attorney
Jyl Marden, Assistant to the City Manager
Anthony Arevalo, Storm Water/Environmental Compliance Officer