

MOTION

The California Department of Transportation (CalTrans) manages the statewide effort to reduce or eliminate the discharge of pollutants to storm drain systems and receiving waters. CalTrans is subject to waste discharge requirements set forth in Order 2022-0033-DWQ NPDES NO. CAS000003 by the California State Water Resources Control Board (SWRCB). Under this order, CalTrans can implement the Ballona Creek Total Maximum Daily Load (TMDL) Project (project) with the City of Los Angeles under a Stakeholder Cooperative Implementation Agreement (CIA).

Under the CIA, CalTrans will contribute an amount not to exceed fifteen million dollars (\$15,000,000) to the City of Los Angeles to construct two Low Flow Treatment Facilities within the Ballona Creek Watershed to comply with the Ballona Creek TMDL. CalTrans will receive Waste Load Allocation reduction credits commensurate with the amount of funding contributed to regional projects as approved by the Regional Water Quality Control Board to demonstrate equivalent load reductions required to meet its TMDL.

This project is part of a larger regional strategy in collaboration with Beverly Hills, West Hollywood, Culver City, Inglewood, County of Los Angeles and Los Angeles County Flood Control District, with a total cost of around \$92 million. The project partners have secured funds from the Safe, Clean Water Program, Proposition O and partner agency funds. As the largest agency, the City of Los Angeles is committed to securing resources to fill any existing funding gaps through various funding sources. This CalTrans fund transfer will assist the City of Los Angeles in leveraging funding from the State to implement this important project.

The \$15 million in funding from CalTrans will offset some of the \$92 million in funding required to construct the Project and close a budgetary shortfall that would otherwise require funding from the Measure W Safe, Clean Water Municipal Program.

I THEREFORE MOVE that the City Council adopt the attached Resolution as required by CalTrans, authorizing the Director of the Bureau of Sanitation, or designee, to negotiate, accept, execute, and submit all documents, including, but not limited to, agreements, amendments, and payment requests etc., subject to the approval of the Board of Public Works and the City Attorney as to form and legality, which may be necessary to secure funding, in an amount not to exceed \$15 million, from CalTrans for the Ballona Creek TMDL Project.

I FURTHER MOVE that the \$15 million in funding from CalTrans be accepted and established in a new account entitled, "Ballona Creek TMDL Project – CalTrans" within

the Capital Improvement Expenditure Program Fund, Fund No. 100, Department 54, and approve appropriations, transfers and deposits in the amount not to exceed **\$15,000,000** upon execution with CalTrans.

I FURTHER MOVE that the City Administrative Officer and the Office of the Chief Legislative Analyst be authorized to make any technical corrections or clarifications to the above funding instructions to effectuate the intent of this Motion.

PRESENTED BY:   
TRACI PARK  
Councilwoman, 11<sup>th</sup> District

SECONDED BY: 

ORIGINAL

## RESOLUTION

### RESOLUTION OF LOS ANGELES CITY COUNCIL AUTHORIZING THE DIRECTOR OF THE BUREAU OF SANITATION (LASAN) TO ENTER INTO A COOPERATIVE IMPLEMENTATION AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) TO RECEIVE GRANT FUNDS FOR LASAN'S BALLONA CREEK TMDL PROJECT

**WHEREAS**, Recipient proposes to implement a Funded Activity that is eligible for funding pursuant to California Streets and Highways Code (SHC) Sections 114 and 130, and CalTrans and the City are authorized to enter into a Cooperative Agreement for improvements to the State Highway System (SHS) as watershed stakeholders within the City's jurisdiction.

**WHEREAS**, The CalTrans NPDES Permit issued by the State Water Resources Control Board encourages CalTrans to partner with local municipalities and to provide funding for regional water quality treatment facilities in TMDL watersheds in which CalTrans is identified as a responsible party, or in significant trash generating areas. CalTrans receives Compliance Unit credits for financial contributions to local municipalities to assist CalTrans in complying with the CalTrans NPDES Permit.

**WHEREAS**, The Los Angeles City Council acted on April 25, 2018, to approve the Final Environmental Impact Report/Ballona Creek Bacteria Total Maximum Daily Load Project. In doing so, the City Council certified that the Final Environmental Impact Report (EIR) was completed in compliance with CEQA, adopted the Findings and Statement of Overriding Considerations, adopted the Mitigation Monitoring Program, and approved the Ballona Creek TMDL Project as described in the Final EIR. The EIR's compliance with both CEQA and NEPA were verified when the Federal Army Corp of Engineers analyzed the completed environmental review and approved the Ballona Creek TMDL Project's 404 and 408 permits.

**WHEREAS**, On July 2, 2018, the City of LA certified the Environmental Impact Report for the **BALLONA CREEK TMDL PROJECT**; and

**WHEREAS**, after conducting further environmental analysis, the City has adopted and implemented the Project identified as the **BALLONA CREEK TMDL PROJECT** and issued the Notice to Proceed to construct it on October 25, 2022; and

**WHEREAS**, the City's Project will improve water quality through the treatment and diversion of dry-weather runoff in Ballona Creek by the LFTF-1 facility and the treatment of dry-weather runoff from the Sepulveda Channel by the LFTF-2 facility. The drainage areas of LFTF-1 and LFTF-2 encompass 54,572 and 14,828 acres, respectively.

**WHEREAS**, CalTrans owns property that is in the Basin and stormwater from it will flow into the **BALLONA CREEK TMDL PROJECT** facilities; and

**WHEREAS**, CalTrans has agreed to contribute an amount not to exceed **\$15,000,000** to the City to construct the Project facilities, within the regional area under the jurisdiction of the City to comply with the Total Maximum Daily Load (TMDL); and

**WHEREAS**, these funds will provide for the capture of polluted urban and stormwater runoff from along the Ballona Creek Watershed; and

**WHEREAS**, it is in the interest of the City of Los Angeles to accept this funding and to implement this City project, as it will improve water quality of the Ballona Creek Watershed; and

**WHEREAS**, the Fund Program guidelines of the Cooperative Implementation Agreement (CIA) and CalTrans procedures require the City of Los Angeles to adopt a resolution authorizing receipt of the funding of up to **\$15,000,000** from CalTrans and to execute an agreement with CalTrans to implement the City of Los Angeles' **BALLONA CREEK TMDL PROJECT**;

**NOW, THEREFORE, BE IT RESOLVED**, with the concurrence of the Mayor, the City Council of the City of Los Angeles hereby:

1. Authorizes the Director of the Bureau of Sanitation, or designee, to negotiate, accept, execute, and submit all documents, including, but not limited to, agreements, amendments, and payment requests etc., subject to the approval of the Board of Public Works and the City Attorney as to form, which may be necessary to secure the CIA Program of the CalTrans, through the City, in an amount not to exceed **\$15,000,000**, for the implementation of the **BALLONA CREEK TMDL PROJECT**;
2. Authorize the establishment of a new account entitled "Ballona Creek TMDL Project – CalTrans" within the Capital Improvement Expenditure Program Fund, Fund No. 100, Department 54;

3. Approve appropriations, transfers and deposits in the amount not to exceed **\$15,000,000** from CalTrans funds to the new account entitled "Ballona Creek TMDL Project – CalTrans" within the Capital Improvement Expenditure Program Fund, Fund No. 100, Department 54 upon MOA execution with CalTrans.
4. Upon mutual agreement, the City Council agrees to enter into a Cooperative Implementation Agreement with CalTrans to receive funds from CalTrans to construct the **BALLONA CREEK TMDL PROJECT** facilities.

APPROVED AND PASSED AND ADOPTED BY THE CITY COUNCIL on:

       Day of        (Month), 2023.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Council of the City of Los Angeles.

\_\_\_\_\_.

Clerk/Secretary for the Governing Board

ATTEST:

\_\_\_\_\_

Barbara Romero, Director, Bureau of Sanitation