

Safe, Clean Water Program

Central Santa Monica Bay

Watershed Area Steering Committee (WASC)



Meeting Minutes:

Thursday, March 18, 2021
10:00 AM – 12:00 PM
WebEx Meeting

Attendees:

Committee Members Present:

| | |
|---|-----------------------------------|
| Cung Nguyen (LACFCD) | Bruce Reznik (LA Waterkeeper) |
| E.J. Caldwell (West Basin MWD) | Josette Descalzo (Beverly Hills) |
| Art Castro* (LADWP) | Charles Herbertson (Culver City) |
| Sheila Brice (Los Angeles Bureau of Sanitation) | Liz Crosson (Los Angeles) |
| Rita Kampalath (LAC Sustainability Office) | Bruce Hamamoto (LAC Public Works) |
| Alysen Weiland* (PSOMAS) | Curtis Castle (Santa Monica) |
| Gloria Walton (The Solutions Project) | |

Committee Members Not Present:

Cathie Santo Domingo (LA Recreation & Parks)
Max Podemski (Los Angeles)

*Committee Member Alternate

See attached sign-in sheet for full list of attendees.

1. Welcome and Introductions

Liz Crosson, the Chair of the Central Santa Monica Bay WASC, welcomed WASC and called the meeting to order.

Kirk Allen (District) discussed WebEx features and facilitated the roll call. WASC made self-introductions and a quorum was established.

2. Approval of Meeting Minutes from March 1, 2021

The District provided a copy of the meeting minutes from March 1, 2021. Liz Crosson asked the committee members for comments or revisions.

A motion to approve the March 1, 2021 was made by Cung Nguyen and seconded by Gloria Walton. (13 Approved, see Vote Tracker sheet).

3. Public Comment Period

Dr. Eftekhazadeh submitted a comment card (See Public Comment Card).

City of Los Angeles submitted a letter with various information that supports the City LA Sanitation and Environment's (LASAN) Ballona Creek TMDL Project (See Letter).

4. Committee Member and District Updates

Kirk Allen provided the District updates, noting:

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- Funds Transfer Agreements (TAs) are being executed for the Municipal and Regional programs. Over half of the Cities have received their local returns and approximately \$80M has been disbursed to those Cities. Cities that have not returned their executed TAs were requested to return them as soon as possible. Second Annual Plans are due in April 2021 with next funding disbursements in August.
- All Watershed Coordinators have been selected and are working to execute contracts.
- Technical Resources Program (TRP) - the District has issued 13 of 14 NTPs for Feasibility Studies. The deadline for round 3 projects is July 31, 2021.
- Reminder that LACFCD and local sewer/sanitation agency conceptual approval is requested, where appropriate, 2 months in advance of project deadlines.
- Tax relief applications are due May 1, 2021. Low-Income Senior-Owned (LISO) properties and General Income-Based Tax Reductions (GIBTR) are available for individuals meeting the minimum income and/or age thresholds.
- The Stormwater Investment Plan (SIP) tool and Partial Funding Guidelines are now available. WASCs are encouraged to finish their respective SIPs as soon as possible. Regional Oversight Committee (ROC) will review SIPs and provide recommendations to the Board of Supervisors.

5. Discussion Items:

a) Ex Parte Communication Disclosure

Bruce Reznik had meetings with the Our Water LA Coalition and discussed the Safe Clean Water Program, but not specific projects.

Rita Kampalath has had active discussions with her LA County Chief Sustainability Office regarding Measure W and WHAM, but not on specific projects.

b) Central Santa Monica Bay (CSMB) Project Prioritization and Selection Discussion for populating the Fiscal Year 2021-22 Stormwater Investment Plan ([SCW Portal](#) & [CSMB Scoring Rubric](#))

Scientific Studies Program (SSP)

Discussion on Scientific Studies will continue at a future WASC meeting.

Infrastructure Program (IP) Projects

WASC consensus to rank projects at the next meeting and preference for discussion of the projects at this meeting.

Projects:

- (1) Ballona Creek Low Flow Diversion Project – SEITec
- (2) Ballona Creek TMDL Project – LASAN
- (3) Blackwelder Tract Lower Ballona Creek Green BMPs and Landscape Improvement Project_ California Greenworks, Inc.
- (4) Hayden Tract Lower Ballona Creek Green BMPs and Landscape Improvement Project_ – California Greenworks, Inc.
- (5) Normandie Ave ES - DROPS and Paving – LAUSD
- (6) Slason Connect Clean Water Project – Corvias Infrastructure Solutions, [Geosyntec Consultants](#)
- (7) Venice High School Comprehensive Modernization Project – LAUSD
- (8) Webster MS - DROPS – LAUSD

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Cung Nguyen noted that the Hayden and Blackwelder Tract Lower Ballona Creek Green BMPs and Landscape Improvement Projects by California Greenworks, Inc., as well as the SEITEC Ballona Creek Low Flow Diversion Project have not submitted a request for conceptual approval to LACFCD and should not be considered.

Bruce Reznik asked if submitted IP projects like Hayden and Blackwelder, could be switched to request TRP funding, to assist with items like obtaining Army Corps of Engineers permits. Kirk Allen indicated that the WASC has the discretion to suggest projects use TRP funding. Liz Crosson expressed a need to figure out how to effectively work with NGOs and community groups to develop projects.

Several WASC members encouraged projects that are located at schools, since schools are underfunded, own a lot of open space; especially schools located in areas that lack other open space, and could serve as examples to other schools that could implement future projects at schools. Other WASC members were concerned that the projects located at schools are not 'green' enough and lacked regional benefits and should therefore not be prioritized.

Charles Herbertson asked if the District rules allow funding of projects that are already constructed. Kirk Allen indicated that as long the projects were built after November 2018 they can be considered for funding.

Sheila Brice asked which components of the LAUSD projects were funded by DROPS and which would be funded by the SCW Program. Christos Chrysiliou indicated that the DROPS covered construction costs and the SCW Program would cover additional costs not supported by DROPS at the time, features like reflective coatings and other capture features; costs that would utilize SCW funding are only those that were incurred after the November 2018 election. Sheila Brice inquired on how to evaluate the schools within DACs in terms of benefits. Kirk Allen provided guidance on how to review projects that claimed DAC benefits using the SCW program portal. Mike Antos from Stantec noted that schools are unique because they benefit students and that students are also community members.

Sheila Brice highlighted the benefits of the Ballona Creek TMDL Project and noted that the Project has U.S Army Corps of Engineers and LACFCD permits. She also indicated that the project is pursuing Envision certification. Bruce Reznik commented on the viability of the two Ballona Creek Projects and their potential carbon footprint impacts. Sheila Brice indicated that the Ballona Creek TMDL Project would be retrofitting an existing facility using sustainable materials and practices.

Several WASC members expressed support of the Ballona Creek TMDL Project because of the support it has received.

6. Public Comment Period

Dr. Eftekhazadeh from SEITec commented that the Ballona Creek TMDL Project had ample discussion time among the WASC and asked to further expand on the benefits of the Ballona Creek Low Flow Diversion Project to address some of the concerns discussed by the WASC. Dr. Eftekhazadeh commented that the letter from the City of LA should be fact checked.

Nancy Ngugi of California Greenworks commented that they are a small non-profit looking for opportunities to partner with large agencies. Nancy mentioned that the Feasibility Study states they would need to apply for permits.

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7. Voting Items

None.

8. Items for Next Agenda

a) Preliminary Ranking of Projects

b) Approve the final Fiscal Year 2021-22 Stormwater Investment Plan funding recommendations for the CSMB Watershed Area and approve submission to the Regional Oversight Committee for review.

9. Adjournment

Liz Crosson thanked the WASC members and public for their time and participation and adjourned the meeting. Next meeting is scheduled for Monday April 5, 2021, from 1:00 pm to 3:00 pm.

CENTRAL SANTA MONICA BAY WASC MEETING - March 18, 2021

| Member Type | Organization | Quorum Present | | | Voting Item | |
|------------------------------|---|---------------------------|---------|-------------------|-------------|----------|
| | | Member | Voting? | Alternate | Voting? | |
| Agency | LACFC | Cung Nguyen | x | Marcela Benavides | Y | |
| Agency | West Basin MWD | E.J. Caldwell | x | Alex Heide | Y | |
| Agency | LA Water & Power | Delon Kwan | | Art Castro | x | |
| Agency | LA Sanitation District | Sheila Brice | x | Michael Scaduto | Y | |
| Agency | LA Recreation & Parks | Cathie Santo Domingo | | Darryl Ford | | |
| Community Stakeholder | LAC Chief Sustainability Office | Rita Kampalath | x | Gary Gero | Y | |
| Community Stakeholder | Lipa Consulting Company / Business Sector | Jacob Lipa | | Alysen Weiland | x | |
| Community Stakeholder | The Solutions Project / SCOPE | Gloria Walton | x | Gloria Medina | Y | |
| Community Stakeholder | LA Waterkeeper | Bruce Reznik | x | Kim Martin | Y | |
| Community Stakeholder | VACANT | | | | | |
| Municipal Members | Beverly Hills / West Hollywood | Joseette Descalzo | x | Hany Demitri | Y | |
| Municipal Members | Culver City | Charles Herbertson | x | Kim Braun | Y | |
| Municipal Members | Los Angeles | Max Podemski | | Ackley Padilla | | |
| Municipal Members | Los Angeles | | | Rafael Prieto | | |
| Municipal Members | Los Angeles | Liz Crosson | x | Susie Santilena | Y | |
| Municipal Members | LAC Public Works | Bruce Hamamoto | x | Armando D'Angelo | Y | |
| Municipal Members | Santa Monica | Curtis Castle | x | George Rodriguez | Y | |
| Total Non-Vacant Seats | | 15 | | | Yay (Y) | 13 |
| Total Voting Members Present | | 13 | | | Nay (N) | 0 |
| Agency | | 4 | | | Abstain (A) | 0 |
| Community Stakeholder | | 4 | | | Total | 13 |
| Municipal Members | | 5 | | | | Approved |

| Other Attendees | | |
|--------------------|------------------------|---------------------|
| Aiyla Balakumar | Limor Horowitz | Wendy Dinh |
| Alfredo Magallanas | Lorena Matos | Annelisa Moe |
| Armando D'Angelo | Lori Selna | Christos Chrysiliou |
| Brenda Ponton | Marcela B | Conor Mossavi |
| Brett Perry | Marisol Cira | Curtis Fang |
| Brian Rowley | Marisol Ibarra | Gus Orozco |
| Carlos Moran | Maritsa DRA INC | Ilene Ramiez |
| Chanel Kincaid | Megyn | Jon Ball |
| Chris Dorn | Melanie Rivera | Sean Singletary |
| Danielle Chupa | Michael Gagan | Taraneh Nik-Khah |
| George Rodriguez | Mikaela Randolph | Traci Minamide |
| Jae Ko | Mike Rudd | |
| Jenna Dottavio | Mohammad Baig | |
| Jessica Cassman | Nancy Ngugi | |
| Joyce Amaro | Nichole Heil | |
| Julia Hawkinson | Richard Watson | |
| Karen Lee | Scott Singletary | |
| Katie Harrel | Sean Agid | |
| Ken Susilo | Shahram Kharaghani | |
| Kim Braun | Shahriar Eftekharzadeh | |
| Lauren Amimoto | Susie Santilena | |
| Leslie Frazier | Tara Liampetchakul | |



Public Comment Form

Name:* Shahriar Eftekharzadeh Organization*: SEITec
Email*: Shahriar.Eftekharzadeh@seitecinc.com Phone*: 310 879 9376
Meeting: CSMB WASC Date: 03/18/2021

LA County Public Works may contact me for clarification about my comments

*Per Brown Act, completing this information is optional. At a minimum, please include an identifier so that you may be called upon to speak.

Phone participants and the public are encouraged to submit public comments (or a request to make a public comment) to SafeCleanWaterLA@dpw.lacounty.gov. All public comments will become part of the official record.

Please complete this form and email to SafeCleanWaterLA@dpw.lacounty.gov by at least 5:00pm the day prior to the meeting with the following subject line: "Public Comment: [Watershed Area] [Meeting Date]" (ex. "Public Comment: USGR 4/8/20").

Comments

Given the existential crises of climate change brought about by CO2 emissions, and LA's commitment and action plans to carbon neutrality by 2045 (five years ahead of global commitment), it is really surprising to see that the SCW Program has no carbon footprint criteria in scoring and evaluating its projects.

As we all know, gravity schemes are the ultimate nature based solutions and form a key part of accomplishing carbon neutrality. Therefore, the SCW Program must encourage gravity solutions and discourage pumping and pump stations. Yet, gravity solutions is not even recognized as a nature based solution in the current scoring criteria.

An accepted metric for evaluating a water supply source is its energy intensity measured in kWh/MG. This is a metric that will serve the SCW Program well in its strive to be part of the solution to our sustainability needs. Unfortunately, the Program seeks no knowledge of what it is driving in this regard. The current practice of giving full Water Supply Score to diversions to the sanitary sewer for recycled water production overlooks the already very high energy intensity of advanced tertiary treatment. With the high energy intensity of pumping added to this, the wisdom of such a supply source becomes questionable and needs evaluating.

The above are serious shortcomings of the SWC Program, which must be corrected in the evaluation criteria and included in the requirements of Feasibility Studies.

The SMB WASC committee must fully consider these in their evaluation and recommendation of the current projects.

CITY OF LOS ANGELES

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March 17, 2021

ELECTRONIC MAIL

Central Santa Monica Bay Watershed Area Steering Committee
Safe, Clean Water Program
Los Angeles, CA

Attention: Chairwoman Liz Crosson, Vice Chairman Charles Herbertson

Dear Central Santa Monica Bay Watershed Area Steering Committee,

**SUBJECT: THE BALLONA CREEK TMDL PROJECT'S EXTENSIVE SCOPING,
DEVELOPMENT, AND HISTORY LEADING TO THE SAFE, CLEAN WATER PROGRAM
FUNDING REQUEST**

In connection with the City of Los Angeles (LA) Ballona Creek TMDL Project (Ballona Project) application for Round 2 Safe, Clean Water (SCW) Regional Program funding, the City of LA Sanitation and Environment (LASAN) is submitting this letter to provide clarification to the Central Santa Monica Bay Watershed Area Steering Committee (CSMB WASC) in their Regional Program projects evaluation.

The Ballona Project is a crucial, watershed-wide, collaborative project between the Cities of LA, Beverly Hills, Culver City, West Hollywood, and Inglewood, along with the County of Los Angeles (LA County) and the Los Angeles County Flood Control District (LACFCD).

We urge the CSMB WASC to support LASAN's proposed Ballona Project as it is the best alternative for the following reasons:

1. This shovel ready proposal is the most expeditious, feasible, and efficient approach to meeting the overdue Dry Weather Bacteria TMDL and Time Schedule Order requirements of the entire Ballona Creek Watershed.
2. The project has incorporated five years of input from the LA Regional Water Quality Control Board (Regional Board), permitting agencies such the California Department of Fish and Wildlife, US u of Engineers (USACE), and LACFCD, our project partners, and a 2-year long CEQA process. This input has shaped the Ballona Project into a safe, viable, and publicly supported project with major considerations for environmental impacts, public safety, protection of the channel infrastructure, and associated downstream uses.

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3. As a result of extensive outreach efforts by LASAN, the Ballona Project has displayed comprehensive support from a broad range of water quality and community advocates, municipal agencies, and regulatory agencies, including members of the Regional Board.
4. The required permits are executed and cannot be transferred to other project proposals. These critical permits, each of which require an extensive review process, include those from the USACE, Regional Board, LACFCD, and the California Department of Fish and Wildlife.
5. LASAN's proposal both meets the operational needs of the City of LA's current infrastructure and integrates seamlessly to provide regional water quality and water supply benefits. As such, LASAN is committed to moving forward with this project scope and has the required consent and approval from the LACFCD. The Ballona Project does not interfere with the LACFCD's regular and ongoing operation and maintenance program for the channel, per their flood control mandate.

In Attachment I, LASAN provides responses to alternatives and comments previously presented to the CSMB WASC. LASAN would also like to reiterate and highlight the history and context of the Ballona Project to date:

Regulatory Framework

The Ballona Project scope is referenced in a number of water quality and watershed management regulatory documents (i.e. Ballona Creek Enhanced Watershed Management Plan, Time Schedule Order (TSO) R4-2015-0108, and associated Pollution Prevention Plan) approved by the Regional Board. The City of LA, and its project partners, regularly update and collaborate with the Regional Board, and have discussed the current scope and design components, including the diversion structure and ozone treatment technology, to ensure the project scope is adequate and meets regulatory requirements. Additionally, the Ballona Project addresses the Dry Weather Bacteria Time Schedule Order (TSO), thus, any further delays in implementation would delay compliance, and can pose regulatory impacts to the regulated municipalities in the watershed.

Project Alternatives Evaluation Process (EIR, Stakeholder Process)

The draft Environmental Impact Report (EIR) was released for public review in August 2017, and the final EIR, outlining the preferred alternative, was certified in August 2018 (State Clearinghouse #2017021047). One of the primary purposes of an EIR is to identify alternatives to a proposed project and demonstrate that it has taken a strong evaluation of the project objectives to select alternatives that allow for meaningful comparison (per CEQA Guidelines).

The EIR evaluated and considered a range of diversion and treatment options and recommended that the design elements that include saw cut diversion, collection well, conveyance piping, and pump station represents the best option for achieving TMDL compliance and meeting the purpose and need of the project at the three sites: (1) LFTF-1 along Ballona Creek, (2) LFTF-2 along Sepulveda Channel, and (3) the Mesmer Low Flow Diversion Project along Centinela Creek (Round 1 awarded project led by Culver City).

Additionally, the EIR process included extensive outreach and stakeholder involvement, in order to obtain valuable feedback to incorporate into the design elements. A list of organizations that received CEQA notifications is listed in the table below:

Table 1: Agencies that Received CEQA Notifications

| Government and Associations | Environmental Organizations | Permitting Agencies |
|---|--|---|
| City of Los Angeles: - Council Districts 5, 6 and 11 - Westchester and Del Rey Neighborhood Councils - Del Rey Residents Association | - Ballona Creek Renaissance - Council of Watershed Health - Friends of Ballona Wetlands - Heal the Bay - LA Waterkeeper - Natural Resources Defense Council - Santa Monica Bay Restoration Commission - Surfrider Foundation | - California Department of Fish and Wildlife - Los Angeles County Flood Control District - Regional Water Quality Control Board - US Army Corps of Engineers |

Extensive Design Process and Alternatives Considered

The current 80% design progress of the Ballona Project is the culmination of best engineering practices, alternative analyses, structural reports, hydraulics studies, geotechnical investigations, surveying, bench scale testing, external reviews, years of monitoring data, regulatory guidance, and the valuable experience the City of LA has in the operation of low flow diversions and water treatment facilities.

In comparison, and based on the EIR and pre-design discussions of the alternatives, the use of rubber dam, instead of saw cut diversion, would present major challenges, including, but not limited to the following: (1) operation and maintenance challenges (per the LACFCD), (2) structural and flood protection risks associated with large volume of water held in a major flood control channel prone to rapid flow rate increases, and in close proximity to high density residential area, (3) regulatory and permitting challenges from the permitting agency (i.e. LACFCD, USACE, Regional Board) given that the rubber dam can likely result in significant flow velocity and hydraulic changes in the channel.

UV treatment technology was thoroughly compared to ozone treatment technology and was ultimately deemed infeasible due to the pre-treatment and filtration requirements for appropriate disinfection. The selected ozone alternative had comparable equipment lifespan expenses but excelled in the need for less maintenance and flexible, reliable performance treating variable and turbid urban runoff.

LFTF-1 is located on the City of LA property in Culver City. LFTF-2 is located on LACFCD property in the City of LA. Both facilities have components in the channel which is owned and operated jointly by the USACE and LACFCD. Any different facility design components would need the approval of these agencies to use their property as such.

Lastly, the Ballona Project is currently pursuing certification for the Envision Platinum Level from the Institute for Sustainable Infrastructure regarding all phases of project implementation. Planning, design, and construction are taken into account in order to ensure reduction of environmental impacts, imbed sustainability into the Ballona Project, and make project innovation and community engagement a priority. Examples of such components include installation of solar panels to augment energy use and sustainable materials and practices.

Facility and Regulatory Permits

Ballona Project has finalized, or is in the process of completing the following permits listed below:

- 1) Obtained Rivers & Harbors Act Section 408 Permits (USACE) for the two facilities;
- 2) Obtained CWA Section 404 Permits (USACE) for the two facilities;
- 3) In the process of finalizing the CWA Section 401 Water Quality Certification (Regional Board);
- 4) In the process of finalizing the LAFCD Permits;
- 5) Obtained Section 1602 Permit from the California Department of Fish and Wildlife;
- 6) Obtained Letters of No Objection and Use and Maintenance Agreements from LAFCD

To secure the above permits, LASAN demonstrated that the Ballona Project will not pose harm to the public interest, cause environmental harm, and/or damage or affect the integrity and use of the channel. Ballona Creek and the Sepulveda Channel are all concrete-lined channels that have served as flood control facilities, and also have downstream beneficial and environmental uses that need to be protected. As an example, the purpose of Section 408 is to ensure that "project or alteration proposed will not be injurious to the public interest and will not impair the usefulness of the Civil Works project (channel) or alter its ability to meet its authorized purpose" (USACE Section 408 Permit). Additionally, the Section 404 permits focus on minimizing impacts to the environment and the nation's waters.

Investment of Resources to Date

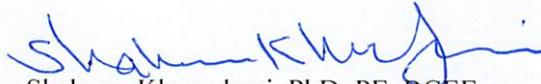
The Ballona Project is a testament to the partnership and collaborative work between the Cities of LA, Culver City, West Hollywood, Beverly Hills, and Inglewood, as well as the County of LA and the LAFCD. These partners have collaborated and shared resources for a watershed-wide strategy that includes the two facilities that make up the Ballona Project and the Round 1 awarded Culver City Mesmer Low Flow Diversion Project.

SCW Program Submittal Process

It is important to highlight that the current Ballona Project proposal submitted to the SCW Program has followed all appropriate transparency and vetting procedures. The Project was under development for over five years, with extensive stakeholder and public involvement, before being submitted to the SCW Program. The Project provided extensive supplementary documentation in the SCW Program submission. The City of LA welcomes any input towards project improvement, but a comprehensive understanding of regulatory and permitting requirements, environmental considerations, and project development and design process, is required for accurate assessment of such input.

The City of LA and our six partner agencies applaud the opportunity provided by the collaboration and financial resources of the SCW Program to the Los Angeles Region. If you have any questions about this response or wish to discuss further, please contact me at (213) 485-0587 or via email at shahram.kharaghani@lacity.org or your staff may contact Sheila Brice at (213) 485-3923 or via email at sheila.brice@lacity.org.

Sincerely,



Shahram Kharaghani, PhD, PE, BCEE
Acting Assistant General Manager
LA Sanitation and Environment

SK/SB:bp,wpd

Enclosures:

1. Responses to Public Comment at the March 1, 2021 CSMB WASC Meeting

Appendix 1: Responses to Public Comment at the March 1, 2021 CSMB WASC Meeting

The following lists the three points raised in a public comment submitted at the March 1, 2021 CSMB WASC Meeting and LASAN's responses:

Public Comment Item 1 – “LASAN has already looked at rubber dam and opted for pump station - This is NOT true. LASAN only evaluated a small rubber dam as an alternative to the saw cut channel to the pump station, and NOT as alternative for the pump station itself.”

LASAN Response:

A rubber dam being evaluated as an alternative to either a saw cut channel or the pump station would need to divert the same amount of water. Additionally, a larger rubber dam, replacing the saw cut channel and raising the water level by up to 19' to avoid pumping requirements would have even greater environmental, safety, and access impacts than a “smaller” dam which was evaluated and deemed infeasible.

Additionally, a pump station is a requirement for these projects to ensure operability. This project has to manage a complex water balance between the fluctuating creek input, downstream water demand, available sewer capacity, and the ozone treatment process. In order to ensure the project attains its stated goals, basic operative functionality, integration with current City infrastructure, and commitments in the EIR, permits, and regulatory documents, any diversion alternative would require pump control. This pump station is also critical to provide potential future wet weather treatment options.

Critical issues identified of a rubber dam alternative include:

1. Safety concern with deep water body in urban setting (including adjacent bike path).
2. Flood control functionality of the channel. Saw cut channel has significantly lower risk.
3. Inherent complexity and number of moving parts compared to saw cut channels.
4. Geotechnical/structural concerns related to anchoring and dam foundations to hold up to 19 feet of water depth against 50-year-old channel walls/ slope
5. Expressed preference by LA County project partner. LACFCD would require a new access ramp upstream of the dam, increasing project cost.

Documents included in our funding application that reflect the Project's due diligence of project alternatives are below. This represents only a portion of total discussions held as LASAN pursued a project that met minimal permitting and regulatory requirements, maximized project benefits, and minimized project cost.

1. Ballona Creek Bacteria TMDL Project Initial Study page 23 (November 2015) - page 1738/1903
2. Revised Pollution Prevention Plan page 31 (July 2016) -page 837/1903
3. Final EIR Table 2.6-1 (April 2018) -page 1327/1903

Public Comment Item 2: "Gravity alternative will delay the project because of CEQA - This is NOT true. According to 14 CCR Section 15162 all that is needed is an addendum for the EIR, given the smaller environmental impacts. The addendum does not need to be circulated for public review."

LASAN Response:

This argument assumes that a 19' tall rubber dam in the flood control channel has smaller environmental impacts than a saw cut channel. Withholding judgement on the specific technical merits, it is clear the additional flood control, local environmental, and safety impacts of a new semi-permanent water body in the flood control channel are not clearly cut as smaller impacts and would need thorough evaluation.

We request the commenter provide the specific language in 14 CCR Section 15162 that shows "all that is needed is an addendum for the EIR, given the smaller environmental impacts. The addendum does not need to be circulated for public review."

14 CCR Section 15162 (C) outlines that a subsequent EIR or negative declaration must be prepared for any changed context or scope of the project. 14 CCR Section 15162 (D) requires that the new EIR "shall be given the same notice and public review as required under Section 15087 or Section 15072." There would also be additional delays as this new EIR is scoped, completed, and approved by the City of Los Angeles's LASAN management, the Board of Public Works, the Energy, Climate Change, Environmental Justice, and River Committee and full City Council, as the current EIR was approved, requiring at least one year. Similar approvals by all project partners and other permitting agencies such as the California Department of Fish and Wildlife, who have approved the current scope, will require time and are not guaranteed. The current 404 and 408 permits are tied to the current approved Full EIR and could require delays for amendment.

Public Comment Item 3- "Gravity alternative will delay the project because of permitting - This is also NOT true. The key permit in the project critical path timeline is the US ACE 408 permit, which LASAN has not yet as yet applied for (REF. Feasibility Study, p. 39)"

LASAN Response:

The USACE 408 Permits for LFTF-1 and LFTF-2 were applied for on Dec 10, 2019 by the City of Los Angeles and the LACFCD, and were received on Jan 6, 2021. The permit numbers are as follows:

408-SPL-2020-0008

408-SPL-2020-0009

The citation above refers to the Round 1 Feasibility Study from 2018. This report was attached to the Round 2 application for historical reference but does not represent the current status, as the label on page 1835/1903 of the project application PDF states: "Prepared for Round 1 SCW application. All information superseded by information in the Round 2 SCW