

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
NOVEMBER 1, 2016**

ITEM 2

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION AUTHORIZING ACCEPTANCE OF FUNDS FROM THE LOS ANGELES DEPARTMENT OF WATER AND POWER (LADWP) TO CONTINUE CONTAMINANT SOURCE INVESTIGATION ACTIVITIES IN THE SAN FERNANDO VALLEY GROUNDWATER BASIN

DISCUSSION

Since the 1980s, the Los Angeles Regional Water Quality Control Board (Los Angeles Regional Water Board) staff have been investigating sources of groundwater contamination in the San Fernando Valley Groundwater Basin (San Fernando Basin). The San Fernando Basin is an important source of drinking water for the Los Angeles metropolitan area. According to LADWP, over 50% of their drinking water supply wells in the San Fernando Basin have been impacted with chemicals such as volatile organic compounds (VOCs), heavy metals including hexavalent chromium, and chemicals of emerging concern such as 1,4-dioxane, 1,2,3-trichloropropane, N-nitrododimethylamine (NDMA) and perchlorate. The cities of Burbank and Glendale water supply wells are also impacted by some of the same contaminant sources in San Fernando. To date, the Los Angeles Regional Water Board, with the support of the United States Environmental Protection Agency (U.S. EPA), LADWP, and the cities of Burbank and Glendale, have identified hundreds of sites in the San Fernando Basin that are impacted. Numerous orders requiring technical reports, inspections, soil and groundwater assessments, and cleanups have been issued by the Los Angeles Regional Water Board. The primary role of the Los Angeles Regional Water Board as a regulatory agency in the San Fernando Valley Superfund area has been to identify sources of contamination and assess and clean up source sites while the U.S. EPA, water purveyors, and the responsible parties addressed groundwater cleanup.

To support their plan to restore use of their dormant wells, LADWP has funded the Los Angeles Regional Water Board's investigative efforts that focus on source sites in the vicinity of their impacted water supply wells that are not being investigated as part of the U.S. EPA San Fernando Valley Superfund Site. Thus far, LADWP has provided funding to the Los Angeles Regional Water Board through a Memorandum of Understanding (MOU) to support a limited-term position. The existing MOU expires on December 31, 2016. LADWP has agreed to fund a five-year MOU from January 1, 2017 through June 30, 2022. LADWP will provide a total of \$1,250,000. The Los Angeles Regional Water Board is requesting acceptance of the 5-year MOU and a permanent position to be created to implement the new five-year MOU. The Los Angeles Regional Water Board staff's continuing focused assessments and clean ups of source sites in the vicinity of LADWP's wells will eventually assist in restoring the full capability of the San Fernando Basin as a source of drinking water.

POLICY ISSUE

Should the State Water Resources Control Board (State Water Board) authorize the Executive Director or designee to accept funds totaling \$1,250,000 from LADWP to continue to fund the Los Angeles Regional Water Board staff to continue contaminant source investigation activities in the San Fernando Basin?

FISCAL IMPACT

Yes, the proposed MOU would augment the State Water Board's budget. The State Water Board's Fiscal Year 2016-17 through Fiscal Year 2021-22 budget has adequate expenditure authority to expend these funds.

REGIONAL BOARD IMPACT

Yes, the Los Angeles Regional Water Board. The proposed MOU would allow continued work on contaminant source investigation activities in the San Fernando Basin.

HUMAN RIGHT TO WATER

The actions proposed under this item are consistent with the established policy of the State recognizing the human right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes (human right to water; Water Code section 106.3). The proposed actions are also consistent with [Resolution No. 2016-0010](#), in which the State Water Board adopted the human right to water as a core value and top priority. As directed by the State Water Board in Resolution No. 2016-0010, staff has determined that the proposed actions support the human right to water by continuing to enable the Los Angeles Regional Water Board to identify sources of drinking water contamination and ultimately assist in restoring the full capability of the San Fernando Basin as a source of drinking water.

STAFF RECOMMENDATION

That the State Water Board authorize the Executive Director or designee to accept \$1,250,000 from LADWP for Fiscal Year 2016-17 through Fiscal Year 2021-22 to continue contaminant source identification and other activities in the San Fernando Basin.

<p>State Water Board action on this item will assist the Water Boards in implementing Priority 2 of the Strategic Plan Update: 2008-2012 to protect and restore groundwater quality. In particular, approval of this item will assist in fulfilling Objective 2.3 to ensure the viability of high quality groundwater basins.</p>

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2016-

AUTHORIZING ACCEPTANCE OF FUNDS FROM THE LOS ANGELES DEPARTMENT OF WATER AND POWER (LADWP) TO CONTINUE CONTAMINANT SOURCE INVESTIGATION ACTIVITIES IN THE SAN FERNANDO VALLEY GROUNDWATER BASIN

WHEREAS:

1. The San Fernando Valley Groundwater Basin (San Fernando Basin) is an important source of drinking water for the Los Angeles metropolitan area;
2. Portions of the San Fernando Basin are polluted with volatile organic compounds, hexavalent chromium, and chemicals of emerging concern such as 1,4-dioxane, 1,2,3-trichloropropane, N-nitrododimethylamine (NDMA), and perchlorate;
3. Many of LADWP's drinking water supply wells in the San Fernando Basin have been impacted by the pollution described above;
4. The Los Angeles Regional Water Quality Control Board (Los Angeles Regional Water Board) has been working under an existing Memorandum of Understanding (MOU) with LADWP that has funded investigation of potential sources of the pollution described above;
5. The existing MOU will expire on December 31, 2016;
6. LADWP has agreed to fund a new five-year MOU starting January 1, 2017; and
7. LADWP will provide \$1,250,000 to fund Los Angeles Water Regional Board staff to continue contaminant source investigation activities in the San Fernando Basin from January 1, 2017 through June 30, 2022.

THEREFORE BE IT RESOLVED THAT:

The State Water Resources Control Board (State Water Board) authorizes the Executive Director or designee to accept funds totaling \$1,250,000 from LADWP to continue to fund the Los Angeles Regional Water Board staff to continue contaminant source investigation activities in the San Fernando Basin.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on November 1, 2016.

Jeanine Townsend
Clerk to the Board

**MEMORANDUM OF UNDERSTANDING
AGREEMENT NO. XXXXX**

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION
AND
THE CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER

1. Purpose of MOU

The purpose of this Memorandum of Understanding (MOU) is to formalize an agreement between the California Regional Water Quality Control Board, Los Angeles Region (Regional Board), and the City of Los Angeles Department of Water and Power (LADWP) regarding assessment, investigation, enforcement, and cleanup of sites impacted by chlorinated solvents, hexavalent chromium, and chemicals of emerging concern in the San Fernando Basin (SFB). Groundwater in SFB is known to be contaminated and requires remediation to restore it to its full beneficial usage. Under this MOU, LADWP will provide funding to cover the costs of Regional Board technical staff to oversee the assessment, investigation, and cleanup of sites; and conduct enforcement at sites identified as potential dischargers that are not part of the United States Environmental Protection Agency (U.S. EPA) groundwater cleanup action in the San Fernando Valley Superfund Site. It is the intent of the Regional Board and LADWP (Parties) to assure that any and all services provided be performed solely by the Regional Board and that all work products become the property of the Regional Board.

2. Need for MOU

Pursuant to the Porter-Cologne Water Quality Control Act (Cal. Water Code, Div. 7, §§ 13000 et seq.), (Water Code), the Regional Board is the principal state agency within the Los Angeles Region with primary responsibility for the coordination and control of water quality, including groundwater in Los Angeles and Ventura Counties. The Porter-Cologne Act authorizes the Regional Board authority to order persons who are responsible for discharges of waste (dischargers) to investigate and clean up waste and abate effects of waste discharges to restore waters to full beneficial uses. Regional Board staff has provided, and continues to provide, regulatory oversight of investigation, monitoring, and remediation of wastes in soil and/or groundwater at hundreds of facilities under the former Well Investigation Program (WIP) and Site Cleanup Program (SCP). In consideration of Regional Board resource issues, the Parties seek to facilitate assessment and cleanup of wastes, including chlorinated solvents; heavy metals, hexavalent chromium, and chemicals of emerging concern such as 1,4-dioxane (1,4-diethyleneoxide), N-nitrosodimethylamine (NDMA), 1,2,3-trichloropropane, and perchlorate, that have been discharged at sites within SFB and to provide sufficient resources to the Regional Board so it can continue to address SFB groundwater restoration.

3. Scope of Work

The Regional Board will continue to provide regulatory oversight of the investigation, monitoring, and remediation of wastes in soil and/or groundwater contamination at facilities in areas that overlay groundwater that is a source of LADWP drinking water supplies in the San Fernando Valley. At present, the Regional Board is focusing on investigating sites in the vicinity of the Tujunga Wellfield, as LADWP identified the area as a priority at this time. The

Parties may re-evaluate future priorities and shift the focus of the Regional Board's work under this MOU to other areas within SFB and potentially groundwater basins outside the San Fernando Valley.

4. Terms of MOU

In order to fulfill the purpose and need described herein, Parties hereto agree to the following terms and provisions:

- a. To assist the Regional Board in its implementation of the Porter-Cologne Act, LADWP agrees to provide funding not to exceed \$1,250,000 over a five-year period, January 1, 2017 to December 30, 2021, so that the Regional Board is able to dedicate/assign services of one or more full-time professional(s) with the following preferred qualifications: a California Registered Geologist or a California Registered Engineer, educated and knowledgeable in soil and groundwater investigation and remediation.
- b. LADWP agrees to provide \$250,000 by January 1, 2017, \$250,000 by January 1, 2018, \$250,000 by January 1, 2019, \$250,000 by January 1, 2020, and \$250,000 by January 1, 2021. Any unused funds shall be returned to LADWP within 90 calendar days of MOU termination.
- c. At the discretion of the Regional Board, the Geologist(s) and/or Engineer(s) may be existing staff, newly hired, and/or as otherwise secured.
- d. The Regional Board agrees to dedicate one or more full-time professional(s) to the following range of services and duties at the Regional Board's discretion and in accordance with all Regional Board policies and procedures: review groundwater testing and sampling data; review work plans and reports; conduct site investigations; attend meetings; compile data and information; conduct file management; conduct enforcement actions, including, for example, issuing California Water Code Section 13304 Cleanup and Abatement Orders, as needed; prepare reports and schedules; write correspondence regarding soil and groundwater assessments; and oversee monitoring and cleanup of sites impacted by chlorinated solvents, heavy metals, and chemicals of emerging concern in SFB.
- e. The Regional Board shall provide LADWP with detailed monthly expenditures by the 15th of each month for the previous month.
- f. The Regional Board shall provide formal quarterly progress reports 45 calendar days after the end of the quarter and meet with LADWP on a quarterly basis or more frequently at LADWP's discretion.

5. Legal Authority

- a. The Regional Board enters into this MOU under the authority of Water Code section 13225, subsection (j).
- b. Except as specifically provided herein, nothing in this MOU alters the statutory or regulatory authority of the Regional Board or LADWP or the rights or obligations of

dischargers under the Water Code or any other provision of law, nor shall anything in this MOU limit the Parties' legal authority or responsibilities.

6. Withdrawal from MOU and Termination

Any Party may withdraw from this MOU by giving six months advance written notice to the other Party. Upon withdrawal by either Party, the MOU will be terminated, except that LADWP will be obligated to pay for any outstanding costs of Regional Board staff incurred during those final six months.

IN WITNESS WHEREOF, the parties hereby confirm this Agreement, to be executed by their duly authorized representatives.

DEPARTMENT OF WATER AND POWER
OF THE CITY OF LOS ANGELES BY
BOARD OF WATER AND POWER COMMISSIONERS

By: _____
DAVID H. WRIGHT
General Manager

Date: _____

And: _____
BARBARA E. MOSCHOS
Board Secretary

IN WITNESS WHEREOF, the parties hereby confirm this Agreement, to be executed by their duly authorized representatives.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION:

By: _____
SAMUEL UNGER, P.E.
Executive Office

Date: _____