

**MEMORANDUM OF UNDERSTANDING (MOU)
AMENDMENT NO. 1 TO AGREEMENT NO. 47036-1 (AMENDMENT)
FOR ADMINISTRATIVE INVESTIGATIVE COST RECOVERY**

California Environmental Protection Agency Regional Water Quality
Control Board, Los Angeles Region (Regional Board) and the City of Los Angeles
Department of Water and Power (LADWP)

1. Purpose of MOU

MOU will formalize an amended agreement between the Regional Board and LADWP regarding assessment, investigation, enforcement, and cleanup of sites impacted by chlorinated solvents, hexavalent chromium, and emerging chemicals in the San Fernando Groundwater Basin of the City of Los Angeles. Groundwater in the San Fernando Basin (SFB) is known to contain contaminants which require remediation to resurrect it to its full beneficial usage. Under this MOU, LADWP will provide funding for Regional Board technical staff to oversee the assessment, investigation, and cleanup of sites, and conduct enforcement at said sites identified as potential dischargers that are not part of the United States Environmental Protection Agency groundwater cleanup action at the North Hollywood Operable Unit (NHO). 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

Regional Board is the regulatory agency responsible for protection of water resources, including groundwater resources in Los Angeles and Ventura Counties. The Porter-Cologne Water Quality Control Act (California Water Code, Division 7) (Porter-Cologne Act) gives Regional Board authority to order dischargers to investigate and clean up waste and abate the effects of the discharges of waste to restore waters to their full beneficial uses. Regional Board staff has and continues to provide regulatory oversight for the investigation, monitoring, and remediation of soil and/or groundwater contamination at hundreds of facilities under the former Well Investigation Program (WIP) and Site Cleanup Program (SCP). In consideration of Regional Board resource issues, Parties, hereto seek to facilitate assessment and clean up at facilities potentially contaminated with chlorinated solvents trichloroethylene (TCE), tetrachloroethylene (PCE), heavy metals including hexavalent chromium, emerging compounds such as 1,4-dioxane (1,4-diethyleneoxide), N-nitrosodimethylamine (NDMA), 1,2,3 trichloropropane, and perchlorate, and to provide resources to Regional Board so it can prioritize its activities to address SFB groundwater restoration.

3. Terms of MOU Amendment

In furtherance of the foregoing described purpose and need, the 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 \$500,000 over a two year period, July 1, 2014 to June 30, 2016, so that Regional Board is able to dedicate/assign the services of, one or two professionals with the following qualifications: 1) California Registered Geologist; or 2) California Registered Engineer, educated and knowledgeable in soil and groundwater investigation and remediation.
- b. LADWP agrees to provide initial \$100,000 by July 1, 2014, and unless otherwise agreed upon, \$150,000 by January 1, 2015, \$100,000 by July 1, 2015, and the remaining \$150,000 by January 1, 2016. Any unused funds shall be returned to LADWP within 90 calendar days of termination of this MOU.
- 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. Regional Board shall dedicate one or two professionals to the following range of services and duties: review groundwater testing and sampling data; review work plans and reports; conduct site investigations; attend meetings; compile data and information; conduct file management; prepare reports and enforcement actions, schedules, documents; write correspondence and permits addressing soil and groundwater assessments; issue Water Code 13304 Cleanup and Abatement Orders, as needed; and oversee monitoring and cleanup of chlorinated solvent, heavy metal, and emerging chemical impacted sites in SFB within the City of Los Angeles.
- e. Priorities shall be given to these potential areas: North Hollywood Wellfield area where potentially responsible parties (PRP) have been previously issued investigative orders, Tujunga Wellfield and possible PRPs upgradient north of the wellfield; and Pollock Wellfield and possible PRPs upgradient and around the wellfield.
- f. Regional Board shall provide LADWP with detailed monthly expenditures by the 15th of each month for the previous month.
- g. Regional Board shall provide LADWP with bi-weekly e-mail updates on the progress and activities taken by Regional Board staff. In addition, 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.

Regional Board shall defend, indemnify and hold harmless LADWP and its officers, agents, and employees against all losses, claims, liabilities, damages, and expenses of any nature directly or indirectly arising out of or as the result of any negligent and/or intentional acts or omissions by Regional Board or employees, agents, or subcontractors of Regional Board in the performance of this MOU.

IN WITNESS WHEREOF, the parties thereto have executed this Amendment 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 OF THE CITY OF LOS ANGELES

By: _____
MARCIE L. EDWARDS
General Manager

APPROVED AS TO FORM AND LEGALITY
MICHAEL N. FEUER, CITY ATTORNEY

Date: _____

MAY 14 2014
BY: *Tina Shim* for M.L.
TINA SHIM
DEPUTY CITY ATTORNEY

And: _____
BARBARA E. MOSCHOS
Secretary

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

DATE: May 16, 2014 By: *Samuel Unger*
SAMUEL UNGER
Executive Officer