

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – LOS ANGELES REGIONAL WATER BOARD  
DECEMBER 6, 2011**

**ITEM 14**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR DEBRIS IN NEARSHORE AND OFFSHORE SANTA MONICA BAY

**DISCUSSION**

On November 4, 2010, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted [Resolution No. R10-010](#) , amending the Water Quality Control Plan for the Los Angeles Region ([Basin Plan](#)) to incorporate a TMDL for Debris in Nearshore and Offshore Santa Monica Bay.

*Impairment*

During the 1998, 2002, and 2006 Water Quality Assessments, nearshore and offshore Santa Monica Bay was included on the federal Clean Water Act section 303(d) list (303(d) list) because debris levels exceeded applicable water quality objectives in the Basin Plan and California Ocean Plan necessary to protect beneficial uses. Debris is defined by the National Oceanic and Atmospheric Administration (NOAA) Marine Debris Program as “any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment.”

A schedule for development of TMDLs in the Los Angeles Region was established in a consent decree (Heal the Bay Inc., et al. v. Browner C 98-4825 SBA) approved on March 22, 1999. The consent decree combined waterbody pollutant combinations in the Los Angeles Region into 92 TMDL analytical units. This TMDL addresses waterbody pollutant combinations in analytical unit 66 and, per the consent decree, must be approved by or established by the US EPA by March 22, 2012.

Debris loading to the Santa Monica Bay causes impairments to beneficial uses associated with aquatic life, wildlife, recreation, navigation and industrial supply. Marine debris impacts species primarily through ingestion and entanglement. Small and large floatable and settleable debris can also inhibit the growth of aquatic vegetation, decreasing spawning areas and habitats for fish and other organisms. Glass and metal debris can cause injuries to beach goers, and diapers and medical waste can carry bacteria and viruses. Nets and monofilament fishing line can obstruct propellers and plastic sheeting and bags can block cooling intakes.

*Sources*

Along the West Coast, land-based debris comprises more than half of the debris observed in the marine environment, undetermined sources of debris comprise less than half of the debris observed in the marine environment, and ocean-based debris comprises only approximately one-tenth of the debris observed in the marine environment according to a 2007 report of the

National Marine Debris Monitoring Program. According to the 1994 Santa Monica Bay Restoration Plan, over 4,000 tons of trash are collected from Santa Monica Bay beaches annually and a 1994 Southern California Coastal Water Research Project survey found that one-quarter of the ocean bottom surveyed contained man-made materials. In a 1998 study, the Southern California Coastal Water Research Project examined the composition and distribution of beach debris and found over 105 million preproduction plastic pellets, weighing more than 4,700 pounds.

Debris is conveyed by dry-weather runoff and stormwater through storm drains to the Santa Monica Bay. The primary sources of debris discharged from storm drains include litter, debris from commercial establishments and public venues, industrial discharges, garbage transportation, landfills, and construction debris. The principal source of plastic pellets is point source discharges through storm drains from industries that manufacture or otherwise handle plastic pellets. In addition to storm drains, wind, improper disposal, and spills are the other means by which debris is discharged to the Santa Monica Bay.

### Targets and Allocations

The TMDL has numeric targets and load allocations (LAs) and wasteload allocations (WLAs) of zero trash and zero plastic pellets, consistent with previous Trash TMDLs adopted by the Los Angeles Water Board and approved by the State Water Board, Office of Administrative Law, and US EPA. WLAs for trash are assigned to Caltrans and MS4 permittees. WLAs for trash may be assigned to additional responsible jurisdictions or agencies discharging urban runoff and stormwater in the future. WLAs for plastic pellets are assigned to permittees of the Industrial Storm Water General Permit who have Standard Industry Classification (SIC) codes associated with industrial activities involving plastic pellets, or have the term "plastic" in the facility or operator name, regardless of the SIC codes. LAs are assigned to jurisdictions that own and/or manage beaches and harbors along Santa Monica Bay (California Department of Parks and Recreation, County of Los Angeles Department of Beaches and Harbors, and cities of Hermosa Beach, Los Angeles, Santa Monica, and Redondo Beach) and agencies that have jurisdiction over non-beach open space and/or parks (National Park Service, California Department of Parks and Recreation, County of Los Angeles, County of Ventura, and State Lands Commission).

### Implementation

This TMDL has two principal components: one addressing trash and one addressing preproduction plastic.

The trash components of the TMDL mirror the requirements for both point sources and nonpoint sources that have been established in previous trash TMDLs in the Los Angeles region. Similarities in requirements for point sources include the zero numeric target, a WLA of zero trash assigned to MS4 permittees, including Caltrans, and the allowance to implement the TMDL using a variety of implementation strategies, including the use of full capture systems or partial capture systems and/or institutional controls to achieve the WLA. Similarities in requirements for nonpoint sources of trash include a LA of zero trash and the "minimum frequency of assessment and collection" (MFAC) and best management practice (BMP) approach. Additionally, the implementation schedule and requirements for this Santa Monica Bay Nearshore and Offshore Debris TMDL are coordinated with the established Malibu Creek Watershed Trash TMDL and the Ballona Creek Trash TMDL to avoid inconsistent schedules and redundant requirements.

The TMDL includes an implementation schedule that requires responsible jurisdictions to meet a progressive reduction of trash from the baseline WLA until a 100% reduction is achieved within 8 years of the effective date of the TMDL. Nonpoint sources of trash must demonstrate full compliance by achieving the LA between required trash collection and assessment events within five years of the effective date of the TMDL.

The second component of the TMDL is related to controlling the discharge of preproduction plastic to the Santa Monica Bay. In addition to the requirements of Clean Water Act section 303(d), California Water Code section 13367 requires the state and regional boards to implement a program to control discharges of preproduction plastics. This TMDL sets forth requirements consistent with California Water Code section 13367. The preproduction plastic components of the TMDL establish a WLA of zero plastic pellets discharged from industrial facilities, and assigns the requirement to meet this WLA to industrial stormwater permittees within the Santa Monica Bay Watershed Management Area that have SIC codes of 282X, 305X, 308X, 39XX, 25XX, 3261, 3357, 373X, and 2893, or have the term "plastic" in the facility or operator name, regardless of the SIC codes. Industrial facilities are required to prepare a stormwater pollution prevention plan (SWPPP) that includes appropriate BMPs, and submit annual monitoring reports.

The TMDL emphasizes implementation of the plastic pellets WLA through industrial stormwater permits, and does not assign a plastic pellet WLA to MS4 permittees. The obligations imposed on MS4 permittees are to monitor for potential discharge of plastic pellets from the MS4 and to actively implement elements of their MS4 permits to control discharge of plastic pellets from facilities and activities engaged in the manufacture, handling or transport of plastic pellets within the permittee's jurisdiction.

For plastic pellets, the implementation schedule requires that responsible jurisdictions achieve the plastic pellet WLA within five years of the effective date of the TMDL.

#### Opportunity for Reconsideration

Within five years from the effective date of the TMDL, the Los Angeles Water Board will evaluate the effectiveness of full capture systems or other measures used to achieve trash WLAs, as well as evaluate BMPs implemented at industrial facilities for effectiveness in achieving plastic pellet WLAs. At that time, and if warranted, the Los Angeles Water Board will also reconsider the trash and plastic pellet WLAs, and the TMDL based on evaluation of effectiveness of the MFAC/BMP program.

#### **POLICY ISSUE**

Should the State Water Board approve the amendment to the Basin Plan to incorporate a TMDL for debris in nearshore and offshore Santa Monica Bay as adopted by Los Angeles Water Board Resolution No. R10-010?

#### **FISCAL IMPACT**

Los Angeles Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

## **REGIONAL BOARD IMPACT**

Approval of Los Angeles Water Board Resolution No. R10-010 will amend the Los Angeles Water Board's Basin Plan.

## **STAFF RECOMMENDATION**

That the State Water Board:

1. Approves the Basin Plan amendment adopted under Los Angeles Water Board Resolution No.R10-010.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R10-010 to the Office of Administrative Law for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL.

State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012 to implement strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030. In particular, approval of this item will assist in fulfilling Action 1 to prepare, adopt, and take steps to carry out Total Maximum Daily Loads (TMDLs), designed to meet water quality standards, for all impaired water bodies on the 2006 list.

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2011-

### APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD FOR DEBRIS IN NEARSHORE AND OFFSHORE SANTA MONICA BAY

#### WHEREAS:

1. On November 4, 2010, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted [Resolution No. R10-010](#), an amendment to the Water Quality Control Plan for the Los Angeles Region ([Basin Plan amendment](#)), to incorporate a Total Maximum Daily Load (TMDL) for debris in nearshore and offshore Santa Monica Bay.
2. The Los Angeles Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) "Substitute Environmental Documents" for the proposed Basin Plan amendment, including the CEQA Checklist, the final staff report entitled "Santa Monica Bay Nearshore and Offshore TMDL", and the responses to comments complies with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in the California Code of Regulations, Title 23, section 3775 et seq. The State Water Board has reviewed the Substitute Environmental Documents for the Basin Plan amendment and concurs with the Los Angeles Water Board's findings and determinations, including the Statement of Overriding Considerations.
3. The Los Angeles Water Board also adopted the Basin Plan amendment pursuant to the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
4. The Los Angeles Water Board found the Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining High Quality of Waters in California ([State Water Board Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 CFR section 131.12), in that it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards.
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise basin plans, and section 13242, which requires a program of implementation for achieving water quality objectives. The State Water Board also finds that the TMDL as reflected in the Basin Plan amendment is consistent with the requirements of federal Clean Water Act section 303(d).
6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The TMDL must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).

# DRAFT

7. Los Angeles Water Board staff determined that minor, non-substantive changes to the language of the Basin Plan amendment were necessary to correct minor clerical errors and to improve clarity and consistency. The Los Angeles Water Board's Executive Officer made these minor non-substantive changes in a [memorandum dated March 18, 2011](#). The memorandum contains clarifying language that responsible permittees defined under the Waste Load Allocation section of the Basin Plan amendment are required to prepare and submit annual monitoring reports. The memorandum also clarifies that the task originally requiring responsible jurisdictions to submit trash monitoring and reporting plans (TMRPs) and plastic pellet monitoring and reporting plans (PMRPs) are separated into two different tasks. Lastly, the memorandum contains one additional non-substantive change to amend a footnote for consistency with changes orally made at the Los Angeles Water Board hearing.
8. The Los Angeles Water Board's Executive Officer made additional minor non-substantive changes to the language of the Basin Plan amendment in a [memorandum dated November 18, 2011](#). The memorandum contains clarifying language regarding a footnote in the implementation table as well as clarifying language regarding the provision that the cities of Thousand Oaks and Westlake Village may comply with the trash-related requirements of this TMDL by complying with the Malibu Creek Trash TMDL.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R10-010.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R10-010 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL.

## 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 Resources Control Board held on December 6, 2011.

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Jeanine Townsend  
Clerk to the Board