

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – LOS ANGELES REGIONAL WATER BOARD
JUNE 17, 2014**

ITEM 8

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO REVISE THE TOTAL MAXIMUM DAILY LOADS FOR METALS IN BALLONA CREEK AND THE TOTAL MAXIMUM DAILY LOADS FOR TOXIC POLLUTANTS IN THE BALLONA CREEK ESTUARY

DISCUSSION

The Los Angeles Water Board revised the TMDL for Metals in Ballona Creek and the TMDL for Toxic Pollutants in the Ballona Creek Estuary on December 5, 2013 through [Resolution No. R13-010](#). The original TMDLs addressed Clean Water Act (CWA) section 303(d) listings for dissolved copper, dissolved lead, total selenium, dissolved zinc, and toxicity in Ballona Creek and Sepulveda Channel and cadmium, copper, lead, silver, zinc, chlordane, DDT, PCBs, PAHs in Ballona Creek estuary sediments.

The Ballona Creek Estuary Toxic Pollutants TMDL was adopted by [Resolution No. R05-008](#) on July 7, 2005 and became effective on January 11, 2006. The Ballona Creek Metals TMDL was also adopted on July 7, 2005 by Resolution No. R05-07. On September 6, 2007, the Los Angeles Water Board adopted, by [Resolution No. R07-015](#), an amendment to the Basin Plan again incorporating the TMDL for metals in Ballona Creek, which became effective on October 29, 2008.

The goal of the TMDLs is to address the impairment of beneficial uses associated with elevated levels of metals and organic pollutants in waters and sediment. Metals in the water and metals and organic pollutants in the sediment have led to water toxicity in the creek and sediment toxicity in the estuary. Both of the original TMDLs directed the Los Angeles Water Board to reconsider each respective TMDL “to re-evaluate the waste load allocations and the implementation schedule.”

As part of the reconsideration, the Los Angeles Water Board re-evaluated the historic data used to develop the original TMDLs, along with data collected since development of the TMDLs. The original metals TMDL set numeric targets for dry and wet weather based on the historic flow, hardness values, and conversion factors. The original toxic pollutants TMDL set sediment allocations based on the National Oceanic and Atmospheric Administration Effect Range Low sediment guidelines.

The Los Angeles Water Board analyzed historic and recent data obtained as a result of new policies and studies that have been developed since adoption of the TMDLs. Based on this analysis, the Board found that selenium in water and PAHs in sediment were not observed at concentrations that would impair beneficial uses. The Los Angeles Water Board therefore recommends delisting these two waterbody-pollutant combinations. The revised Metals TMDL is based on adjusted critical flow rates, hardness values, and conversion factors. The revised

Toxics TMDL includes sediment targets for indirect effects and fish tissue targets to be consistent with statewide sediment quality objectives and more recently adopted toxic pollutants TMDLs in the Los Angeles Region.

The detailed analysis supporting these TMDL revisions is contained in the staff reports for the revisions.

POLICY ISSUE

Should the State Water Board approve the amendments to the Basin Plan to revise the TMDL for Metals in Ballona Creek and the TMDL for Toxic Pollutants in the Ballona Creek Estuary?

FISCAL IMPACT

The 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

Yes, approval of this resolution will amend the Los Angeles Water Board's Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the [amendments](#) to the Basin Plan adopted under Los Angeles Water Board Resolution No. R13-010.
2. Authorizes the Executive Director or designee to submit the amendments adopted under Los Angeles Water Board Resolution No. R13-010 as approved, and the administrative record for this action to the Office of Administrative Law and the TMDL revisions to the U.S. EPA for approval.

<p>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 Objective 1.1 to implement a statewide strategy to efficiently prepare, adopt, and implement TMDLs, which result in water bodies meeting water quality standards, and adopt and begin implementation of TMDLs for all 2006-listed water bodies by 2019.</p>
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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2014-

APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO REVISE THE TOTAL MAXIMUM DAILY LOADS FOR METALS IN BALLONA CREEK AND THE TOTAL MAXIMUM DAILY LOADS FOR TOXIC POLLUTANTS IN THE BALLONA CREEK ESTUARY

WHEREAS:

1. On December 5, 2013, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R13-010](#), to revise the Total Maximum Daily Loads for Metals in Ballona Creek and the Total Maximum Daily Loads for Toxic Pollutants in the Ballona Creek Estuary.
2. The Los Angeles Water Board previously prepared California Environmental Quality Act (CEQA) “substitute environmental documents” for the establishment of the original TMDLs adopted by Los Angeles Water Board [Resolution Nos. R05-008](#) and [R07-015](#). These documents contained the required environmental documentation under the State Water Board’s regulations for the implementation of CEQA, as set forth in the California Code of Regulations, Title 23, sections 3775 through 3781. The Los Angeles Water Board found that the Basin Plan amendments adopted by Resolution No. R13-010 did not alter the environmental analysis that was previously prepared for the establishment of these TMDLs because the TMDL revisions will not result in different implementation actions than those previously analyzed, or different effects upon the environment. Moreover, no additional reasonably foreseeable methods of compliance warrant environmental analysis pursuant to Public Resources Code section 21159 and California Code of Regulations, Title 14, section 15187. As such, the Los Angeles Water Board found that the Basin Plan amendments are consistent with the prior CEQA documentation and determined that no subsequent environmental documents shall be prepared consistent with California Code of Regulations, Title 14, section 15162. The State Water Board concurs with the Los Angeles Water Board’s findings and determinations.
3. The Los Angeles Water Board also adopted these Basin Plan amendments 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 amendments are 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 C.F.R. § 131.12), in that they do not allow degradation of water quality, but require restoration of water quality and attainment of water quality standards during dry weather and wet weather.

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5. The State Water Board finds that the Basin Plan amendments are 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 revisions, as reflected in the Basin Plan amendments, are consistent with the requirements of section 303(d) of the federal Clean Water Act.
6. These Basin Plan amendments do 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 revisions must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendments adopted under Los Angeles Water Board Resolution No. R13-010.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendments adopted under Los Angeles Water Board Resolution No. R13-010 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL revisions.

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 June 17, 2014.

Jeanine Townsend
Clerk to the Board