

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – LOS ANGELES REGIONAL WATER BOARD
NOVEMBER 17, 2015**

ITEM 6

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO ADOPT SITE-SPECIFIC OBJECTIVES FOR LEAD AND COPPER IN THE LOS ANGELES RIVER WATERSHED AND TO REVISE THE TOTAL MAXIMUM DAILY LOAD (TMDL) FOR METALS IN THE LOS ANGELES RIVER AND TRIBUTARIES

DISCUSSION

On April 9, 2015, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted [Resolution No. R15-004](#), amending the Basin Plan to adopt site-specific objectives for lead and copper in the Los Angeles River Watershed and to revise the TMDL for metals in the Los Angeles River and Tributaries.

The Los Angeles Water Board originally adopted the Los Angeles River and Tributaries Metals TMDL in 2005, readopted the TMDL in 2007 based on updated CEQA documentation pursuant to a writ of mandate, and revised the TMDL in 2010. The goal of the TMDL is to attain the water quality objectives for metals contained in the California Toxics Rule (CTR) in order to restore the Los Angeles River and protect its aquatic life beneficial uses. The TMDL allows for special studies to evaluate the uncertainties and assumptions made during TMDL development.

In 2010, the Los Angeles River Metals TMDL Special Studies Steering Committee (representing the County of Los Angeles, the California Department of Transportation, and 34 cities located within the Los Angeles River watershed) submitted a work plan for a watershed-wide copper Water-Effects Ratio (WER) study and a special study to recalculate lead criteria. The WER Study approach was based on U.S. EPA's 1994 Interim Guidance on Determination and Use of Water-Effect Ratios for Metals and considered U.S. EPA's 2001 Streamlined Water-Effect Ratio Procedure for Discharges of Copper. A total of 83 dry-weather and 20 wet-weather samples were collected at 14 and 10 sites, respectively, during the WER Study. The Lead Recalculation Study followed U.S. EPA's Recalculation Procedure, which can consist of any updates or revisions in the national data set (not necessarily site-specific updates). An internal U.S. EPA draft dataset that met the minimum data requirements and water quality criterion calculation data requirements was used and the study calculated updated final acute value and final chronic value equations for lead. In 2014, the Special Studies Steering Committee submitted the results of the Copper WER and Lead Recalculation studies.

The proposed Basin Plan amendment revises the water quality objectives for copper using the calculated WERs and revises the lead water quality objectives based on the recalculated final acute and chronic lead values, and correspondingly revises the TMDL.

The calculated final WERs for Reaches 1-4 and Compton Creek, Rio Hondo, Arroyo Seco, Verdugo Wash, Burbank Western Channel, and Tujunga Wash are as follows:

Waterbody	Calculated fWER
LAR Reaches 1 through 4	3.971
Compton Creek	3.364
Rio Hondo	9.691
Arroyo Seco	1.324
Verdugo Wash	2.176
Burbank Western Channel	4.746
Tujunga Wash	8.279

The proposed water quality objectives to reflect the lead recalculation are:

$$\text{Acute (short-term) Lead Water Quality Objective Equation} = (1.46203 - \ln(\text{hardness}) * 0.145712) * e^{1.466 * \ln(\text{hardness}) - 1.882}$$

$$\text{Chronic (4-day average) Lead Water Quality Objective Equation} = (1.46203 - 1.466 * \ln(\text{hardness}) - 3.649)^{\text{Dissolved}}$$

The corresponding proposed TMDL revisions update the numeric targets, loading capacity, and load and wasteload allocations to be consistent with the revised copper and lead water quality objectives. The proposed TMDL revisions also include monitoring to ensure ongoing protectiveness of the WERs and to confirm that the WER-based copper wasteload allocations will achieve downstream water quality standards. The proposed TMDL revisions also include footnotes to the waste load allocations that require permit compliance with anti-degradation and anti-backsliding requirements.

POLICY ISSUE

Should the State Water Board approve an amendment to the Basin Plan to adopt site-specific objectives for lead and copper in the Los Angeles River Watershed and to revise the TMDL for metals in the Los Angeles River and Tributaries?

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

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 amendment to the Basin Plan adopted under Los Angeles Water Board Resolution No. R15-004.

2. Authorizes the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board Resolution No. R15-004 as approved, and the administrative record for this action, to the Office of Administrative Law and to the U.S. Environmental Protection Agency for approval.

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.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2015-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO ADOPT SITE-SPECIFIC OBJECTIVES FOR LEAD AND COPPER IN THE LOS ANGELES RIVER WATERSHED AND TO REVISE THE TOTAL MAXIMUM DAILY LOAD (TMDL) FOR METALS IN THE LOS ANGELES RIVER AND TRIBUTARIES

WHEREAS:

1. On April 9, 2015, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R15-004](#), an amendment the Water Quality Control Plan for the Los Angeles Region (Basin Plan amendment), to adopt site-specific objectives for lead and copper in the Los Angeles River Watershed and to revise the TMDL for metals in the Los Angeles River and Tributaries.
2. The Los Angeles Water Board previously prepared California Environmental Quality Act (CEQA) “substitute environmental documents” for the establishment of the original TMDL, and a subsequent revision to the TMDL, adopted by Los Angeles Water Board [Resolution Nos. R2007-014](#) and [R10-003](#). 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 amendment adopted by Resolution No. R15-004 did not alter the environmental analysis that was previously prepared for Resolutions Nos. R2007-014 and R10-003 because the addition of site-specific copper Water-Effects Ratios (WERs), as well as recalculated lead criteria, 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 amendment is 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 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 C.F.R. 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.

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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 revision as reflected in the Basin Plan amendment is consistent with the requirements of section 303(d) of the federal Clean Water Act.
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 Basin Plan amendment 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 amendment adopted under Los Angeles Water Board Resolution No. R15-004.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R15-004 to OAL for approval of the regulatory provisions and to U.S. EPA for approval.

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 November 17, 2015.

Jeanine Townsend
Clerk to the Board