

Reconsideration of the
Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL,
Legg Lake Trash TMDL, and
Ventura River Estuary Trash TMDL

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Los Angeles Regional Water Quality Control Board

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I. Introduction

This staff report provides the rationale for the reconsideration of three existing trash total maximum daily loads (TMDLs) that were previously adopted by the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board): the Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL (Santa Clara River Lakes Trash TMDL), Legg Lake Trash TMDL, and Ventura River Estuary Trash TMDL. The staff report discusses the effectiveness of the current implementation measures of these TMDLs and reconsiders certain aspects of the TMDLs as they compare to new statewide provisions for trash control. The three TMDLs are similar in compliance approaches but vary in geographical locations and land use types. These similarities and differences were considered when determining the need for TMDL revisions.

A. Regulatory Background

Section 303(d) of the Clean Water Act (CWA) requires that “Each State shall identify those waters within its boundaries for which the effluent limitations are not stringent enough to implement any water quality standard applicable to such waters.” The CWA also requires states to establish a priority ranking for waters on the 303(d) list of impaired waters and establish TMDLs for such waters.

The elements of a TMDL are described in Title 40 of the Code of Federal Regulations (40 CFR), sections 130.2 and 130.7 and Section 303(d) of the CWA, as well as in U.S. Environmental Protection Agency guidance (U.S. EPA, 2000). A TMDL is defined as the “sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background” (40 CFR §130.2) such that the capacity of the waterbody to assimilate pollutant loadings (the Loading Capacity) is not exceeded. TMDLs are also required to account for seasonal variations and include a margin of safety to address uncertainty in the analysis.

States must develop water quality management plans to implement the TMDL (40 CFR §130.6). The U.S. EPA has oversight authority for the CWA Section 303(d) program and is required to review and either approve or disapprove the TMDLs submitted by states.

B. Los Angeles Water Board Trash TMDLs

The Los Angeles Water Board has adopted several TMDLs for waters listed on the 303(d) list as impaired by trash and debris in order to attain applicable water quality standards. These TMDLs have been established for waterbodies in various watersheds within the Board's jurisdiction pursuant to state and federal requirements. The Santa Clara River Lakes Trash TMDL, Legg Lake Trash TMDL, and Ventura River Estuary Trash TMDL have been in effect since March 6, 2008. The TMDLs assign waste load allocations (WLAs) to point sources of trash, such as discharges from the municipal separate storm sewer system (MS4), and nonpoint sources of trash, such as direct discharge to waterbodies by wind or littering. The TMDLs require MS4 permittees to implement WLAs by installing and maintaining full capture systems on all catch basins in their jurisdiction or through any other lawful manner that will achieve an equivalent level of trash control. A full capture system consists of any device or series of devices that traps all particles that are 5 mm or greater in size and has a design treatment capacity of not less than the peak flow rate resulting from a one-year, one-hour storm in the area draining to the device(s). The TMDLs require nonpoint sources of trash to implement LAs through a minimum frequency of assessment and collection (MFAC)/best management practice (BMP) program.

II. Statewide Trash Amendments

On April 7, 2015, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2015-0019, through which it approved an "Amendment to the Water Quality Control Plan for Ocean Waters of California to Control Trash" and "Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries" (Trash Amendments) (SWRCB, 2015a, 2015b). The statewide

Trash Amendments became effective on January 12, 2016. The Trash Amendments were developed to provide statewide consistency for the regional water boards' regulatory approaches to protect aquatic life and public health beneficial uses from impacts due to trash and debris by establishing a statewide water quality objective and implementation provisions to reduce trash in state waters, while focusing resources on high trash generating areas.

The statewide Trash Amendments require MS4 permittees to comply with a prohibition on the discharge of trash via one of two tracks.

Track 1 requires MS4 permittees to install, operate, and maintain full capture systems for all storm drains that capture runoff from the priority land uses in their jurisdictions. Priority land uses are defined by the Trash Amendments as follows:

- (1) **High-density residential:** all land uses with at least ten (10) developed dwelling units/acre.
- (2) **Industrial:** land uses where the primary activities on the developed parcels involve product manufacture, storage, or distribution (e.g., manufacturing businesses, warehouses, equipment storage lots, junkyards, wholesale businesses, distribution centers, or building material sales yards).
- (3) **Commercial:** land uses where the primary activities on the developed parcels involve the sale or transfer of goods or services to consumers (e.g., business or professional buildings, shops, restaurants, theaters, vehicle repair shops, etc.)
- (4) **Mixed urban:** land uses where high-density residential, industrial, and/or commercial land uses predominate collectively (i.e., are intermixed).
- (5) **Public transportation stations:** facilities or sites where public transit agencies' vehicles load or unload passengers or goods (e.g., bus stations and stops).

Track 2 requires MS4 permittees to install, operate, and maintain any combination of full capture systems, multi-benefit projects, other treatment controls, and/or institutional controls within either the jurisdiction of the MS4 permittee or within the jurisdiction of the

MS4 permittee and contiguous MS4 permittees. The MS4 permittee determines the locations or land uses within its jurisdiction to implement any combination of controls. For Track 2, the MS4 permittee must demonstrate that such a combination of controls achieves full capture system equivalency. The State Water Board, however, does expect MS4 permittees to elect to install full capture systems where such installation is not cost-prohibitive.

Similar to Track 2 for MS4 permittees, Caltrans must install, operate, and maintain any combination of full capture systems, multi-benefit projects, other treatment controls, and/or institutional controls for all storm drains that capture runoff from significant trash generating areas. Caltrans must demonstrate that this combination achieves full capture equivalency. For Caltrans, significant trash generating areas could include areas such as: highway on- and off-ramps in high-density residential, commercial, mixed urban and industrial land uses; rest areas and park-and-ride facilities/lots; state highways in commercial and industrial land use areas; and other mainline highway segments that may be identified by Caltrans through pilot studies and/or surveys.

While the statewide Trash Amendments generally only require trash controls in priority land use areas, the amendments provide that a regional water board may determine that specific land uses or locations (e.g., parks) generate substantial amounts of trash. In the event that the permitting authority makes that determination, the permitting authority may require the MS4 permittees to comply with Track 1 or Track 2 with respect to such land uses or locations.

The statewide Trash Amendments apply to all surface waters of the State, with the exception of those waters within the jurisdiction of the Los Angeles Water Board where trash or debris TMDLs were in effect prior to the effective date of the Trash Amendments. The statewide Trash Amendments required the Los Angeles Water Board to reconsider the scope of its trash TMDLs, with the exception of those for the Los Angeles River and Ballona Creek watersheds, to particularly consider an approach that

would focus MS4 permittees' trash-control efforts on high-trash generation areas within their jurisdictions.

III. Comparison of Statewide Trash Amendments and Los Angeles Water Board Trash TMDL Requirements

The Trash TMDLs subject to reconsideration as required by the Statewide Trash Amendments are the Revolon Slough/Beardsley Wash Trash TMDL, the Malibu Creek Watershed Trash TMDL, the Machado Lake Trash TMDL, the Santa Monica Bay Debris TMDL, the Santa Clara River Lakes Trash TMDL, the Legg Lake Trash TMDL, and the Ventura River Estuary Trash TMDL. The Los Angeles Water Board reconsidered the Revolon Slough/Beardsley Wash Trash TMDL and the Malibu Creek Watershed Trash TMDL on June 14, 2018, and the Machado Lake Trash TMDL and Santa Monica Bay Debris TMDL on March 14, 2019. This staff report focuses on reconsideration of the Santa Clara River Lakes Trash TMDL, Legg Lake Trash TMDL, and the Ventura River Estuary Trash TMDL.

The Santa Clara River Lakes Trash TMDL, Legg Lake Trash TMDL, and Ventura River Estuary Trash TMDL require responsible entities to comply with waste load allocations by addressing **all** point sources of trash in their respective watersheds with full capture systems, or through any lawful manner. As mentioned previously, the statewide Trash Amendments require MS4 permittees to address point sources of trash **in priority land use areas only**, which the State Water Board has defined as high-density residential, industrial, commercial, mixed urban, and public transportation stations. In order to determine where the priority land use areas are in these respective watersheds, Los Angeles Water Board staff analyzed Southern California Association of Governments (SCAG) land use data to determine which SCAG land use codes correspond to the priority land uses listed in the statewide Trash Amendments (Table 1).

Table 1. Priority Land Uses and Associated SCAG Land Use Codes.

Priority Land Uses in Statewide Trash Amendments	SCAG Land Use Categories/Codes
High-density residential	Multi-Family Residential: 1120 Mobile Homes and Trailer Parks: 1131 Mixed Residential: 1140 Rural Residential: 1151 ¹
Industrial	Industrial: 1300
Commercial	Commercial and Services ² : 1200
Mixed urban	Mixed urban: 1600
Public transportation stations	Transportation, Communication, and Utilities: 1400

1- SCAG land use code 1151 is “Rural Residential High Density”. The description for this land use code states that the density is >2 units/acre. The “high density” residential definition in the statewide Trash Amendments is “at least 10 developed dwelling units/acre”. Due to the fact that >2 units/acre could mean >10 units/acre, the SCAG land use code 1151 is included in the definition of Priority Land Uses for the purposes of this comparison. A responsible jurisdiction may remove this particular land use from the definition of Priority Land Uses if they can demonstrate that the rural residential land use areas under its jurisdiction have less than 10 units/acre.

2- Includes schools

Los Angeles Water Board staff created maps showing the subwatershed areas in the vicinity of the Santa Clara River Lakes, Legg Lake, and the Ventura River Estuary, including the SCAG land use codes associated with priority land uses, to compare the areas addressed in the Los Angeles Water Board trash TMDLs to the areas that would be addressed in the statewide Trash Amendments. In order to determine whether the Los Angeles Water Board might change the requirements of the Santa Clara River Lakes Trash TMDL, Legg Lake Trash TMDL, and Ventura River Estuary Trash TMDL to align with the scope of the statewide Trash Amendments while ensuring that water quality standards are attained in these waterbodies, Los Angeles Water Board staff analyzed the maps and evaluated three criteria for these three trash TMDLs. The purpose of the criteria is to determine if the non-priority land use areas in the watersheds subject to these TMDLs are discharging trash to the impaired waterbodies and, if so, whether or not there are effective MFAC Programs in the impaired waterbodies that would adequately address these discharges by collecting and

removing the trash before it could negatively affect beneficial uses. If the non-priority land use areas are discharging trash to the impaired waterbodies and there are not effective MFAC Programs in the waterbodies, then excluding these areas from full capture system or equivalent requirements would not be protective of beneficial uses.

The first criterion evaluated for the reconsideration of the point source compliance strategy for the trash TMDLs was:

- 1. Is there a potential for non-priority land use areas to discharge significant amounts of trash to impaired waterbodies?*

Los Angeles Water Board staff analyzed the number of catch basins in non-priority land use areas and the amounts and types of trash found at monitoring sites downstream of these areas to determine whether non-priority land use areas are contributing significant amounts of trash to impaired waterbodies. Staff also examined the amounts and types of trash at all monitoring sites to determine which sites had the highest amounts of trash and if those sites corresponded to priority land use areas.

The second criterion evaluated for the reconsideration of the point source compliance strategy for the trash TMDLs was:

- 2. Are there priority land use areas upstream of and/or in near proximity to non-priority land use areas, such that trash from the priority land use areas may enter the MS4 in nearby non-priority land use areas?*

Los Angeles Water Board staff analyzed map data to see if there were priority land use areas adjacent to or interspersed with non-priority land use areas where there was a potential for trash to be carried to non-priority land use areas by wind, foot traffic, auto traffic, or other means. Staff generally considered roads and neighborhoods on a broad scale to determine how non-priority and priority land use areas may be connected within a community. This analysis was intended to reflect the possibility, for example, of a low-density residential neighborhood that was located between two busy transportation

corridors where traffic between the corridors may have an impact on trash generated in the low-density residential neighborhood. While staff did not conduct a street-level analysis of each neighborhood, we relied upon our knowledge of these watersheds to make general conclusions about how land uses were interconnected.

The third criterion evaluated for the reconsideration of the point source compliance strategy for the trash TMDLs was:

3. *Is there an effective MFAC program downstream of the non-priority land use areas that will serve as a back stop in the event that trash is discharged from non-priority land use areas?*

Los Angeles Water Board staff analyzed MFAC Programs, including the frequencies of collection events, the number and locations of monitoring sites, and the amount of trash remaining in the impaired waterbodies following each collection event to determine the effectiveness of the programs. If staff determined that MFAC Programs were effective, then staff determined that potential discharges from non-priority land use areas could be adequately addressed by the MFAC Program such that beneficial uses would be protected.

IV. Santa Clara River Lakes Trash TMDL

A. Background and Compliance Approach

On June 7, 2007, the Los Angeles Water Board adopted the Santa Clara River Lakes Trash TMDL through Resolution No. R4-2007-009. Subsequently, the State Water Board, Office of Administrative Law, and U.S. EPA approved the TMDL. The Santa Clara River Lakes Trash TMDL became effective on March 6, 2008.

The Santa Clara River Lakes Trash TMDL established a numeric target of zero trash based on the narrative water quality objectives for *Floating Material* and *Solid, Suspended, or Settleable Materials*, specified in the Water Quality Control Plan for the Los Angeles Region (Basin Plan). The TMDL defined zero trash for nonpoint sources

as no trash immediately following each assessment and collection event consistent with an established MFAC Program. The MFAC Program was established at an interval that prevents trash from accumulating in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections. The TMDL defined zero trash for point sources as zero trash discharged into and on the shorelines of Elizabeth Lake, Munz Lake, and Lake Hughes.

1. Point Sources

The TMDL assigned WLAs for trash to Permittees of the Los Angeles County MS4 Permit within the Santa Clara River Lakes subwatershed, including Los Angeles County, and local land owners with storm drains that discharge to Elizabeth Lake and Lake Hughes (the TMDL found Munz Lake to be unimpaired). The TMDL allows responsible entities for point sources to comply with WLAs in any lawful manner, including the installation of full capture systems and the implementation of MFAC Programs in conjunction with BMPs. Responsible entities for point sources that chose to comply with waste load allocations via the installation of full capture systems were required to demonstrate a phased implementation of full capture devices over an 8-year period until 100% of the stormwater conveyances were addressed by full capture systems by March 6, 2016. The TMDL required responsible jurisdictions to submit a Trash Monitoring and Reporting Plan (TMRP) that described the methodologies used to assess trash, defined a trash baseline WLA, and prioritized areas for implementation.

The County of Los Angeles is complying with WLAs through the installation of full capture systems. The County has completed the installation of full capture devices (connector pipe screens) in all County-owned catch basins within the Santa Clara River Lakes subwatershed (USCRWVG, 2018) (County of Los Angeles, 2018a).

2. Nonpoint sources

The TMDL assigned an LA to the National Forest Service and land owners in the vicinity of Elizabeth Lake and Lake Hughes. Pursuant to Water Code section 13269, waste discharge requirements (WDRs) were waived for any responsible jurisdiction that

implemented an MFAC/BMP Program that, to the satisfaction of the Executive Officer, met several criteria, including:

- The MFAC/BMP Program included an initial frequency of trash assessment and collection and suite of structural and/or nonstructural BMPs.
- The MFAC/BMP Program included collection and disposal of all trash found in the water and on the shoreline.

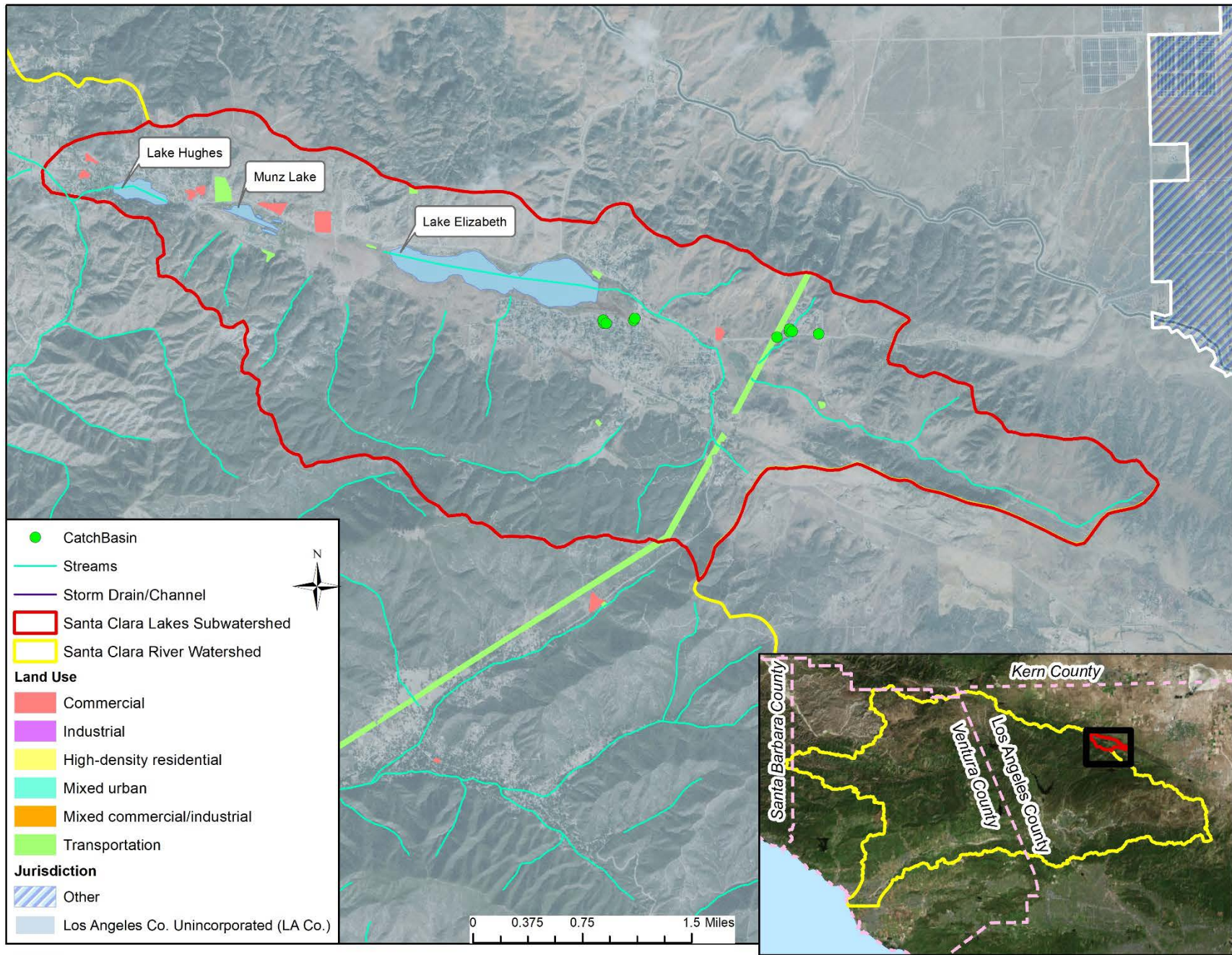
The initial frequency of assessment and collection was prescribed in the Santa Clara River Lakes Trash TMDL; however, the TMDL allowed for revisions to the MFAC/BMP Program in the TMRP to reflect the results of trash assessment and collection and to prevent trash from accumulating in deleterious amounts.

Other than complying with nonpoint source requirements of the Santa Clara River Lakes Trash TMDL through a conditional waiver and an MFAC/BMP Program, responsible jurisdictions also had the option of proposing, or the Los Angeles Water Board could impose, an alternative program implemented through WDRs, an individual waiver, a cleanup and abatement order, or any other appropriate order or orders consistent with the assumptions and requirements of the nonpoint source LA and implementation schedule.

Currently, there is no MFAC/BMP Program being implemented by the National Forest Service or local landowners.

B. Criteria for Reconsideration

Figure 1 illustrates priority land uses and catch basins in the subwatershed area in the vicinity of the Santa Clara River Lakes. Land uses shown in this map represent the SCAG land use codes which correlate to the priority land uses described in the statewide Trash Amendments (Table 1). Catch basins in Figure 1 may include rural drainage inlets.



SCAG-2005

Figure 1. Priority land use areas and catch basins in the Santa Clara River Lakes subwatershed.

Los Angeles Water Board staff analyzed the map in Figure 1 and evaluated the criteria described previously to determine whether to revise the TMDL to align it with the scope of the statewide Trash Amendments.

1. *Is there a potential for non-priority land use areas to discharge significant amounts of trash to impaired waterbodies?*

Since there are no MFAC programs being implemented at Elizabeth Lake or Lake Hughes, there are no data to suggest whether non-priority land use areas are discharging significant amounts of trash. Although there are no MFAC programs quantifying trash at the lakes, Los Angeles Water Board staff has conducted multiple site visits to Elizabeth Lake and Lake Hughes between 2014 and 2019 and has not observed trash. In addition, since the County of Los Angeles finished retrofitting 100% of the catch basins draining to Elizabeth Lake in 2015, any trash observed at the lake would not have been representative of non-priority land use areas; it would have been representative of nonpoint source trash from lake visitors. Since catch basins in non-priority land use areas are already addressed with full capture devices, it is not possible to determine whether these land use areas have the potential to contribute trash. However, it has been found in other Los Angeles Water Board Trash TMDLs that generally, non-priority land use areas do have the potential to discharge significant amounts of trash to impaired waterbodies.

Catch Basins

Los Angeles Water Board staff analyzed Los Angeles County Flood Control District (LACFCD) GIS storm drain data and determined that there are approximately 6 catch basins in the Santa Clara River Lakes subwatershed, and all of them are in non-priority land use areas (Table 2). All of these catch basins are located on the south and southeast side of Elizabeth Lake. As previously mentioned, all of these catch basins have been retrofitted with full capture devices.

Table 2. Total number of catch basins per jurisdiction and number (and percentage) of catch basins in non-priority land use areas.

Permittee	Total No. Catch Basins	No. (%) Catch Basins within Non-Priority Areas
County of Los Angeles	6	6 (100%)

2. *Are there priority land use areas upstream of and/or in near proximity to non-priority land uses, such that trash from priority land uses may enter the MS4 in nearby non-priority land use areas?*

The Santa Clara River Lakes subwatershed is comprised of primarily non-priority land use areas (Figure 1). The County-owned catch basins discharging to Elizabeth Lake are located in, and surrounded by, non-priority land use areas. Therefore, there are no priority land use areas intermixed with non-priority land use areas such that trash from priority land use areas could enter the MS4 in nearby non-priority land use areas.

3. *Is there an effective MFAC program downstream of the non-priority land use areas that will serve as a back stop in the event that trash is discharged from non-priority land use areas?*

As mentioned previously, there are no MFAC programs being implemented at Elizabeth Lake or Lake Hughes. The County of Los Angeles has already retrofitted all County-owned catch basins within the Santa Clara River Lakes subwatershed with full capture devices, so the MFAC programs will not need to serve as a backstop for trash from non-priority land use areas. Instead, the MFAC program at Elizabeth Lake and Lake Hughes will address nonpoint sources of trash around the lakes, such as litter or windblown trash. Although Los Angeles Water Board staff did not observe trash during site visits to Elizabeth Lake and Lake Hughes, these visits occurred between 2014 and early 2019 when there was little to no water in the lakes, and therefore very few visitors. When the lakes contain a significant amount of water and attract more visitors, the Los Angeles Water Board will follow up with additional site visits and may require MFAC implementation.

C. Amendment to the Santa Clara River Lakes Trash TMDL

There is not an MFAC program being implemented at Elizabeth Lake, and the catch basins draining to Elizabeth Lake have already been retrofitted with full capture devices. Therefore, there is no need to revise the Santa Clara River Lakes Trash TMDL to limit the requirement to install full capture devices in priority land use areas.

The conditional waiver for nonpoint source discharges of trash will be removed from this Trash TMDL and replaced with language referencing the Statewide Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program. The new language will state that load allocations for nonpoint sources shall be implemented in a manner consistent with the Statewide Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program through a general waiver of WDRs, individual waivers, general WDRs, individual WDRs, an MOU, a cleanup and abatement order, or any other appropriate order or orders, provided the program is consistent with the assumptions and requirements of the load reductions and associated schedule in the MFAC program. The waiver implementing the LAs will be issued in a separate Board action from the action to revise the TMDL so that the waiver may be renewed every five years without having to reconsider the TMDL. In the future, the Los Angeles Water Board may consider WDRs instead of a waiver so that the regulatory mechanism implementing the LAs will not have to be renewed every five years.

V. Legg Lake Trash TMDL

A. Background and Compliance Approach

On June 7, 2007, the Los Angeles Water Board adopted the Legg Lake Trash TMDL through Resolution No. R4-2007-010. Subsequently, the State Water Board, Office of Administrative Law, and U.S. EPA approved the TMDL. The Legg Lake Trash TMDL became effective on March 6, 2008.

The Legg Lake Trash TMDL established a numeric target of zero trash based on the narrative water quality objectives for *Floating Material* and *Solid, Suspended, or Settleable Materials*, specified in the Water Quality Control Plan for the Los Angeles Region (Basin Plan). The TMDL defined zero trash for nonpoint sources as no trash immediately following each assessment and collection event consistent with an established MFAC Program. The MFAC Program was established at an interval that prevents trash from accumulating in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections. The TMDL defined zero trash for point sources as zero trash discharged into and on the shorelines of Legg Lake.

1. Point Sources

The TMDL assigned WLAs for trash to Caltrans and the Permittees of the Los Angeles County MS4 Permit (Los Angeles County Flood Control District, County of Los Angeles, and the Cities of El Monte and South El Monte) within the area subject to the Legg Lake Trash TMDL. The TMDL allows responsible entities for point sources to comply with WLAs in any lawful manner, including the installation of full capture systems and the implementation of MFAC Programs in conjunction with BMPs. Responsible entities for point sources that chose to comply with WLAs via the installation of full capture systems were required to demonstrate a phased implementation of full capture devices over an 8-year period until 100% of the stormwater conveyances were addressed by full capture systems by March 6, 2016. The TMDL required responsible jurisdictions to submit a TMRP that described the methodologies used to assess trash, defined a trash baseline WLA, and prioritized of areas for implementation.

The County of Los Angeles is complying with their WLA through the installation of full capture devices. According to the 2018 annual report, the County has installed full capture devices in all catch basins that are technically feasible to retrofit in the County unincorporated areas of the Los Angeles River watershed, which is inclusive of the County's jurisdiction within the area subject to the Legg Lake Trash TMDL (County of Los Angeles, 2018a).

The City of El Monte is also complying with their WLA through the installation of full capture devices. According to the 2018 annual report, the City of El Monte has installed full capture devices (connector pipe screens) on all City-owned catch basins in the area subject to the Legg Lake Trash TMDL. In addition, the City of El Monte has installed full capture devices on all of their catch basins in the Los Angeles River watershed and in the portion of the City that is also within the San Gabriel River watershed. The City is working with LACFCD to finalize the required permits for retrofitting LACFCD-owned catch basins within the City (City of El Monte, 2018).

The City of South El Monte is complying with their WLAs through a combination of the installation of full and partial capture systems, and implementation of institutional controls, consistent with the revisions to the Los Angeles River Trash TMDL (Resolution No. R15-006). The City of South El Monte has installed full capture devices on all catch basins in open space areas, and has calculated a trash daily generation rate (DGR) from street sweeping data in representative areas throughout the City. According to the 2018 annual report, the City of South El Monte is reaching a combined compliance of 99% in the Los Angeles River Watershed Trash TMDL through full capture, partial capture, and institutional controls (ULARWMA, 2018a, b). A small part of the City of South El Monte is located outside of the Los Angeles River watershed (in the San Gabriel River watershed), but still within the area subject to the Legg Lake Trash TMDL. It is unclear whether MS4 infrastructure in this small portion of the San Gabriel River watershed is being addressed through the combined approach stated in the 2018 annual report.

2. Nonpoint Sources

The TMDL assigns an LA to the County of Los Angeles because they are responsible for the day-to-day operation of the park and maintenance of the grounds and recreational facilities. Pursuant to Water Code section 13269, WDRs were waived for any responsible jurisdiction that implemented an MFAC/BMP Program that, to the satisfaction of the Executive Officer, met several criteria, including:

- The MFAC/BMP Program included an initial frequency of trash assessment and collection and suite of structural and/or nonstructural BMPs.

- The MFAC/BMP Program included collection and disposal of all trash found in the water and on the shoreline.

The initial frequency of assessment and collection was prescribed in the Legg Lake Trash TMDL; however, the TMDL allowed for revisions to the MFAC/BMP Program in the TMRP to reflect the results of trash assessment and collection and to prevent trash from accumulating in deleterious amounts.

Other than complying with nonpoint source requirements of the Legg Lake Trash TMDL through a conditional waiver and an MFAC/BMP Program, responsible jurisdictions also had the option of proposing, or the Los Angeles Water Board could impose, an alternative program implemented through WDRs, an individual waiver, a cleanup and abatement order, or any other appropriate order or orders consistent with the assumptions and requirements of the nonpoint source LA and implementation schedule.

The County of Los Angeles is implementing an MFAC/BMP program at Legg Lake that includes the collection and weighing of trash in the water and along the shoreline and area surrounding the lake. The MFAC/BMP program also includes photo evaluations after MFAC clean up events. According to the 2018 MFAC annual report, approximately 0.72 tons of trash were collected, compared to approximately 2.1 tons of trash collected in the previous year (County of Los Angeles, 2018b). This data shows a decreasing trend, and therefore it is not necessary to increase the collection frequency. In addition, photo evaluations confirmed zero trash remaining after clean up events.

B. Criteria for Reconsideration

Figure 2 illustrates the Legg Lake Trash TMDL area, including priority land uses, city boundaries, and catch basins within the subwatershed. Land uses shown in this map represent the SCAG land use codes that correlate to the priority land uses described in the statewide Trash Amendments (Table 1).

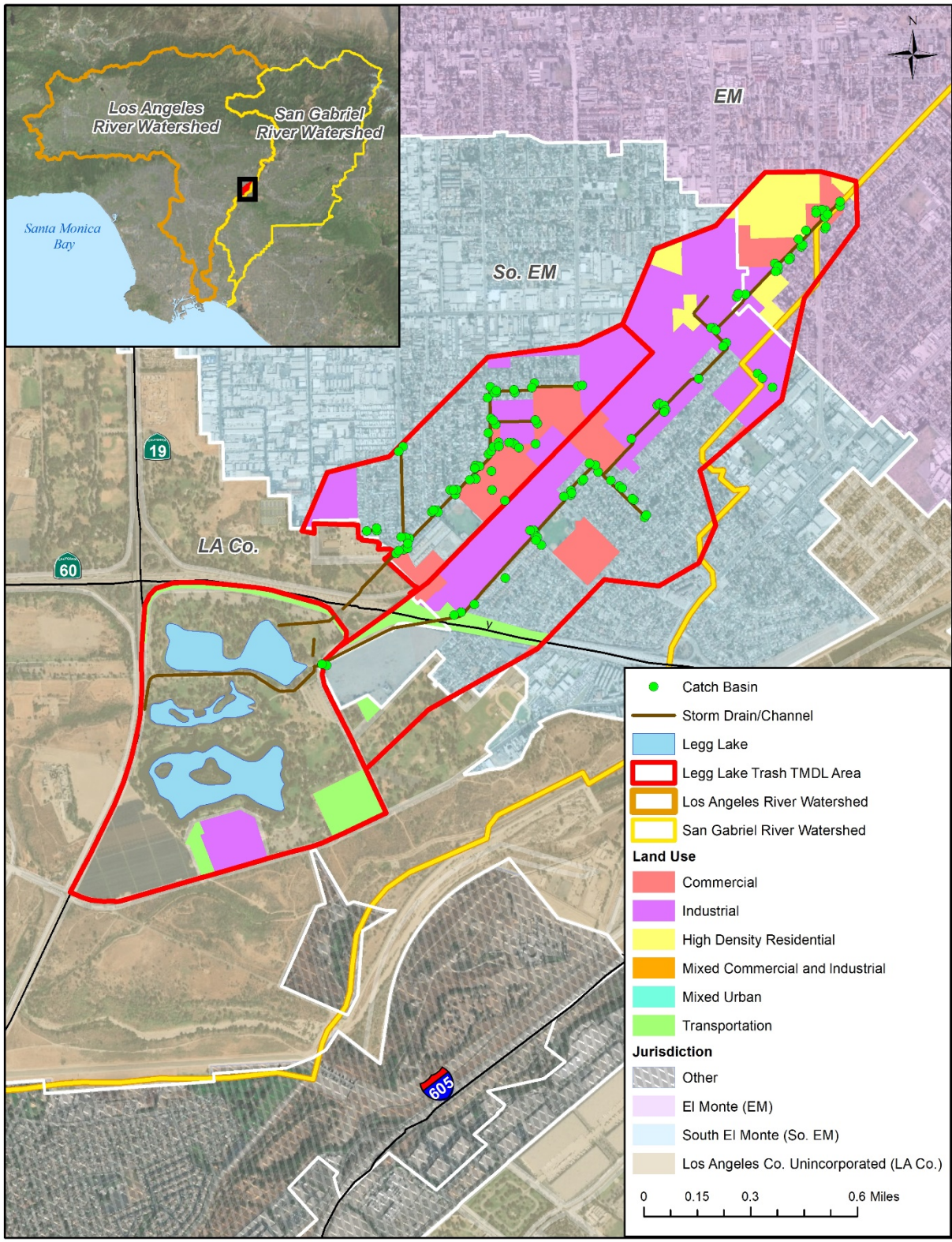


Figure 2. Priority land use areas and catch basins in the Legg Lake Trash TMDL.

Los Angeles Water Board staff analyzed the map in Figure 2 and evaluated the criteria described previously to determine whether to revise the TMDL to align it with the scope of the statewide Trash Amendments.

1. *Is there a potential for non-priority land use areas to discharge significant amounts of trash to impaired waterbodies?*

To evaluate this criterion, this section describes the number and locations of catch basins in non-priority land use areas in each jurisdiction within the area subject to the Legg Lake Trash TMDL. This section then describes the trash data collected to determine how much trash may be originating from upstream non-priority land use areas.

Catch Basins

There are approximately 130 catch basins in the area subject to the Legg Lake Trash TMDL, and approximately 70 of them are in non-priority land use areas. Table 3 shows an approximation of the total number of catch basins within each jurisdiction based on LACFCD GIS storm drain data, and the number (and percentage) of those catch basins in non-priority land use areas. The number of catch basins reflected in the breakdown in Table 3 includes city owned, LACFCD owned, and privately-owned catch basins within each city’s jurisdiction, and therefore may differ from the number of catch basins reported in MS4 annual reports. Caltrans was not included in this table, since transportation land use is a priority land use area according to the Trash Amendments.

Table 3. Total number of catch basins per jurisdiction and number (and percentage) of catch basins in non-priority land use areas.

Permittee	Total Number of Catch Basins	Number (and Percentage) of Catch Basins within Non-Priority Areas
Unincorporated County of Los Angeles	0	0 (0%)
City of El Monte	20	10 (50%)
City of South El Monte	110	60 (55%)

Based on LACFCD GIS storm drain data, there are no catch basins in the County of Los Angeles unincorporated area within the area subject to the Legg Lake Trash TMDL. As previously mentioned, however, all catch basins (that are technically feasible to retrofit) in the Los Angeles County unincorporated area within the Los Angeles River watershed have been retrofitted with full capture devices. The County's jurisdiction in the area subject to the Legg Lake Trash TMDL is completely located within the Los Angeles River watershed.

There are approximately 20 catch basins in the City of El Monte within the area subject to the Legg Lake Trash TMDL and about 10 of them are located in non-priority land use areas. The City of El Monte is located in the north-eastern part of the area subject to the Legg Lake Trash TMDL. The non-priority land use areas occur near the border with South El Monte, on the east side. As stated earlier, the City of El Monte has installed full capture devices on all of the catch basins in its jurisdiction. Since catch basins in non-priority land use areas are already addressed with full capture devices, it is not possible to determine whether these non-priority land use areas within the City of El Monte have the potential to contribute trash absent these controls. Furthermore, the MFAC program is located at Legg Lake and the area directly surrounding it, and any trash collected from MFAC events would reflect trash originating further upstream where there are a mixture of priority and non-priority land uses.

There are approximately 110 catch basins in the City of South El Monte within the area subject to the Legg Lake Trash TMDL and about 60 of them are located in non-priority land use areas. The City of South El Monte is located between the City of El Monte, and Los Angeles County unincorporated area. The non-priority land use areas are interspersed throughout the City. Data in the City's 2018 annual report show that while the highest amount of trash was generated in industrial, high-density, and commercial land use areas, there was also trash generated in non-priority areas such as low density and public facilities/educational institution land use areas (ULARWMA, 2018b). These data suggest that there is a potential for non-priority land use areas to contribute trash to Legg Lake.

2. *Are there priority land use areas upstream of and/or in near proximity to non-priority land use areas, such that trash from the priority land use areas may enter the MS4 in nearby non-priority land use areas?*

There are priority land use areas upstream of and in near proximity to non-priority land uses throughout the area subject to the Legg Lake Trash TMDL, such that trash from priority land use areas may enter the MS4 in nearby non-priority land use areas (Figure 2). The priority land use areas are generally denser along the two major storm drains that drain to the lake (Bond Issue Drains 1213 and 529), although there are mixed areas of priority and non-priority land use areas throughout the entire area subject to the Legg Lake Trash TMDL. There are major roads running through and adjacent to the non-priority land use areas in the area subject to the Legg Lake Trash TMDL. Since there are priority land use areas upstream of and in near proximity to non-priority land use areas in all jurisdictions within the area subject to the Legg Lake Trash TMDL, and there are major roads running through and along these jurisdictions, trash from priority land use areas have the potential to enter the MS4 in catch basins downstream of or in nearby non-priority land use areas.

3. *Is there an effective MFAC program downstream of the non-priority land use areas that will serve as a back stop in the event that trash is discharged from non-priority land use areas?*

As discussed previously, the Legg Lake Trash TMDL includes an MFAC program at Legg Lake. The Los Angeles County Department of Parks and Recreation is implementing the program in the lake and along the shoreline of the lake. The TMDL requires the MFAC program to include assessments and collections at various locations and frequencies. The County of Los Angeles is performing clean ups on the water and along the shoreline in accordance with their TMRP. According to the 2018 annual report, the amount of trash collected decreased from approximately 1.38 tons in 2017 to approximately 0.72 tons in 2018. The MFAC program shows a decreasing trend and zero trash after collection events and appears to be effective in addressing trash discharged to the lake. Although the MFAC program appears to be effective in

collecting trash, currently all catch basins in every land use area within the entire area subject to the Legg Lake Trash are already being addressed via full capture systems, partial capture systems, or institutional controls. It is not clear whether the MFAC program would be effective in addressing trash if catch basins in non-priority land use areas were to be removed from the requirement to install full capture systems (or other lawful measures to comply with WLAs).

C. Amendment to the Legg Lake Trash TMDL

The requirements for Caltrans will be amended in the Legg Lake Trash TMDL. Caltrans will not be included with Los Angeles County MS4 permittees, as they will have their own requirements consistent with the statewide Trash Amendments. According to the statewide Trash Amendments, Caltrans may comply with WLAs by installing, operating, and maintaining any combination of full capture systems, multi-benefit projects, other treatment controls, and/or institutional controls for all storm drains that capture runoff from significant trash generating areas to achieve full capture equivalency as defined by the Trash Amendments.

The conditional waiver for nonpoint source discharges of trash will be removed from the Legg Lake Trash TMDL and replaced with language referencing the Statewide Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program. The new language will state that load allocations for nonpoint sources shall be implemented in a manner consistent with the Statewide Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program through a general waiver of WDRs, individual waivers, general WDRs, individual WDRs, an MOU, a cleanup and abatement order, or any other appropriate order or orders, provided the program is consistent with the assumptions and requirements of the load reductions and associated schedule in the MFAC program. The waiver implementing the LAs will be issued in a separate Board action from the action to revise the TMDL so that the waiver may be renewed every five years without having to reconsider the TMDL. In the future, the Los Angeles Water Board may consider WDRs instead of a waiver so that the

regulatory mechanism implementing the LAs will not have to be renewed every five years.

The revised Legg Lake Trash TMDL will also include an amendment for clarification and specify that compliance with WLAs may be met via the installation of full capture systems, implementation of an Executive Officer approved MFAC/BMP program, or any lawful manner, including the alternative compliance approaches as adopted in the revised Los Angeles River Watershed Trash TMDL (Resolution No. R15-006) (LARWQCB, 2015).

VI. Ventura River Estuary Trash TMDL

A. Background and Compliance Approach

On June 7, 2007, the Los Angeles Water Board adopted the Ventura River Estuary Trash TMDL through Resolution No. R4-2007-008. Subsequently, the State Water Board, Office of Administrative Law, and U.S. EPA approved the TMDL. The Ventura River Estuary Trash TMDL became effective on March 6, 2008.

The Ventura River Estuary Trash TMDL established a numeric target of zero trash based on the narrative water quality objectives for *Floating Material* and *Solid, Suspended, or Settleable Materials*, specified in the Water Quality Control Plan for the Los Angeles Region (Basin Plan). The TMDL defined zero trash for nonpoint sources as no trash immediately following each assessment and collection event consistent with an established MFAC Program. The MFAC Program was established at an interval that prevents trash from accumulating in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections. The TMDL defined zero trash for point sources as zero trash discharged into the Ventura River Estuary.

1. Point Sources

The TMDL assigned WLAs for trash to Caltrans, the City of San Buenaventura (Ventura), Ventura County, Ventura County Watershed Protection District (VCWPD),

the California Department of Food and Agriculture (CDFA) and Caltrans for their jurisdictional areas within the Ventura River Estuary subwatershed. The TMDL allows responsible entities for point sources to comply with WLAs in any lawful manner, including the installation of full capture systems and the implementation of MFAC Programs in conjunction with BMPs. Responsible entities for point sources that chose to comply with WLAs via the installation of full capture systems were required to demonstrate a phased implementation of full capture devices over an 8-year period until 100% of the stormwater conveyances were addressed by full capture systems by March 6, 2016. The TMDL required responsible jurisdictions to submit a TMRP that described the methodologies used to assess trash, defined a trash baseline WLA, and prioritized of areas for implementation.

The City of Ventura and Ventura County are complying with their WLAs through the installation of full capture devices. Both the City and County completed the installation of full capture devices (connector pipe screens) in all of their respective catch basins within the Ventura River Estuary subwatershed in 2014 (Ventura Land Trust, 2019).

CDFA is assigned a WLA because a portion of the Ventura County Fairgrounds is within the Ventura River Estuary subwatershed. The portion of the fairgrounds that is in the subwatershed contains MS4 infrastructure, but not catch basins. Therefore, CDFA employs litter management BMPs, including trash collection on the fairgrounds, parking lots, and areas surrounding the fairgrounds.

2. Nonpoint Sources

The TMDL assigns LAs to the City of Ventura, Ventura County, VCWPD, California Department Parks and Recreation, CDFA, and agricultural dischargers. Pursuant to Water Code section 13269, waste discharge requirements were waived for any responsible jurisdiction that implemented an MFAC/BMP Program that, to the satisfaction of the Executive Officer, met several criteria, including:

- The MFAC/BMP Program included an initial frequency of trash assessment and collection and suite of structural and/or nonstructural BMPs.

- The MFAC/BMP Program included collection and disposal of all trash found in the water and on the shoreline.

The initial frequency of assessment and collection was prescribed in the Ventura River Estuary Trash TMDL; however, the TMDL allowed for revisions to the MFAC/BMP Program in the TMRP to reflect the results of trash assessment and collection and to prevent trash from accumulating in deleterious amounts.

Other than complying with nonpoint source requirements of the Ventura River Estuary Trash TMDL through a conditional waiver and an MFAC/BMP Program, responsible jurisdictions also had the option of proposing, or the Los Angeles Water Board could impose, an alternative program implemented through WDRs, an individual waiver, a cleanup and abatement order, or any other appropriate order or orders consistent with the assumptions and requirements of the nonpoint source LA and implementation schedule.

The City of Ventura, Ventura County, VCWPD, CDFA, California Department of Parks and Recreation, Caltrans, and participants in the Ventura County Agricultural Irrigated Lands Group (VCAILG) are implementing an MFAC/BMP program in the Ventura River Estuary subwatershed that includes the collection of trash in various parcels covering the entire Ventura River Estuary subwatershed. The MFAC program also includes visual assessments categorizing levels of trash observed. Visual assessments may trigger an increase of BMPs or more frequent clean up events. The visual assessment categories are similar to the Surface Water Ambient Monitoring Program Rapid Trash Assessment (SWAMP RTA) categories: Category 1 represents SWAMP RTA Category “Optimal”; Category 2 represents SWAMP RTA Category “Suboptimal”; and Category 3 represents SWAMP RTA Category “Poor.” In order to ensure that trash does not accumulate in deleterious amounts between clean up events, the MFAC/BMP program requires that visual assessments considered as Category 3 for two consecutive quarters trigger more frequent patrols and/or clean up events until the level of trash reaches Category 1.

According to the 2018 annual report the MFAC/BMP program resulted in zero trash after MFAC events. There were 152 additional clean-up events conducted in the Estuary to address high trash accumulation areas and prevent trash from accumulating in deleterious amounts (Ventura Land Trust, 2019).

B. Criteria for Reconsideration

Figure 3 illustrates the Ventura River Estuary subwatershed, including priority land uses, jurisdictional boundaries, and catch basins within the subwatershed. Land uses shown in this map represent the SCAG land use codes that correlate to the priority land uses described in the statewide Trash Amendments (Table 1).

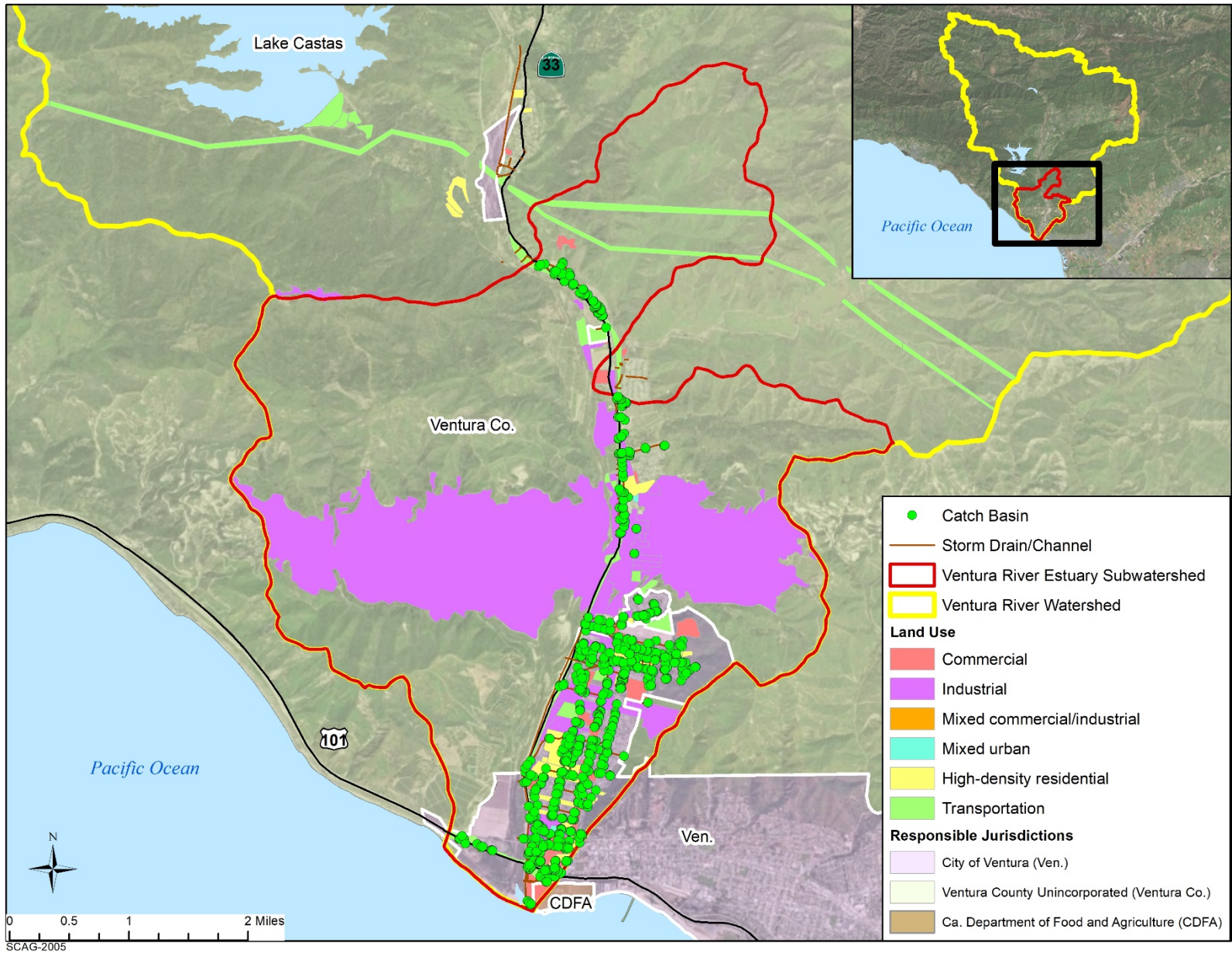


Figure 3. Priority land use areas and catch basins in the Ventura River Estuary Trash TMDL.

Los Angeles Water Board staff analyzed the map in Figure 3 and evaluated the criteria described previously to determine whether to revise the TMDL to align it with the scope of the statewide Trash Amendments.

1. *Is there a potential for non-priority land use areas to discharge significant amounts of trash to impaired waterbodies?*

To evaluate this criterion, this section describes the number and locations of catch basins in non-priority land use areas in each jurisdiction within the Ventura River Estuary subwatershed. This section then describes the trash data collected to determine how much trash may be originating from upstream non-priority land use areas.

Catch Basins

There are approximately 960 catch basins in the Ventura River Estuary subwatershed, and approximately 380 of them are in non-priority land use areas. Table 3 shows an approximation of the total number of catch basins within each jurisdiction based on VCWPD GIS storm drain data, and the number (and percentage) of those catch basins in non-priority land use areas. The number of catch basins reflected in the breakdown in Table 3 includes city owned, VCWPD owned, and privately-owned catch basins within each city's jurisdiction, and therefore may differ from the number of catch basins reported in MS4 annual reports. Caltrans was not included in this table, since transportation land use is a priority land use area per the Trash Amendments.

Table 3. Total number of catch basins per jurisdiction and number (and percentage) of catch basins in non-priority land use areas.

Permittee	Total Number of Catch Basins	Number (and Percentage) of Catch Basins within Non-Priority Areas
Unincorporated Ventura County	230	80 (35%)
City of Ventura	730	300 (41%)

Permittee	Total Number of Catch Basins	Number (and Percentage) of Catch Basins within Non-Priority Areas
CDFA	0	0 (0%)

Based on VCWPD GIS storm drain data, there are approximately 230 catch basins in the unincorporated area of Ventura County in the Ventura River Estuary subwatershed, and about 80 of them are located in non-priority land use areas. Most of the Ventura River Estuary subwatershed is in the unincorporated area of Ventura County, which is north of Ventura River Estuary. With the exception of scattered priority land use areas along State Route 33 and a strip of industrial land use area near the middle of the subwatershed, a majority of the Ventura County unincorporated area is comprised of non-priority land use areas (Figure 3). However, Ventura County has already installed full capture devices on all of their catch basins within the Ventura River Estuary subwatershed.

There are approximately 730 catch basins in the City of Ventura within the Ventura River Estuary subwatershed, and about 300 of them are located in non-priority land use areas. The City of Ventura is primarily located in the southern part of the Ventura River Estuary subwatershed, where the Ventura River Estuary is located. The non-priority land use areas are interspersed throughout the City within the Ventura River Estuary subwatershed, with a large portion of non-priority land use on the west side of State Route 33 (Figure 3). Like Ventura County, the City of Ventura has also installed full capture devices on all of their catch basins within the Ventura River Estuary subwatershed.

As mentioned previously, the California Department of Food and Agriculture is responsible for the portion of the Ventura County Fairgrounds that is in the Ventura River Estuary subwatershed. There are no non-priority land use areas in the small portion of the fairgrounds that are in the Ventura River Estuary subwatershed. Although there is MS4 infrastructure in this portion of the fairgrounds, there are no catch basins.

In addition, trash at and surrounding the fairgrounds is collected on a regular basis, and BMPs are being implemented in a manner consistent with the TMRP.

The City of Ventura and Ventura County have installed full capture devices on all catch basins in their respective jurisdictions within the Ventura River Estuary subwatershed, including catch basins in non-priority land use areas. Therefore, it is not possible to determine whether these non-priority land use areas within the Ventura River Estuary subwatershed have the potential to contribute trash absent this level of trash control. However, it has been found in other Los Angeles Water Board Trash TMDLs that generally, non-priority land use areas do have the potential to discharge significant amounts of trash to impaired waterbodies.

2. *Are there priority land use areas upstream of and/or in near proximity to non-priority land use areas, such that trash from the priority land use areas may enter the MS4 in nearby non-priority land use areas?*

There are priority land use areas upstream of and in near proximity to non-priority land uses throughout the Ventura River Estuary subwatershed, such that trash from priority land use areas may enter the MS4 in nearby non-priority land use areas (Figure 3). The priority land use areas are generally denser at the base of the watershed near the estuary, and across a horizontal band near the middle of the subwatershed; there are mixed areas of priority and non-priority land uses mainly along State Route 33, through the length of the subwatershed. State Route 33 and US Route 101 run through and are adjacent to the non-priority land use areas in the Ventura River Estuary subwatershed. Since there are priority land use areas upstream of and in near proximity to non-priority land use areas in the Ventura River Estuary subwatershed, and there are major thoroughfares running through and along the subwatershed, trash from priority land use areas would have the potential to enter the MS4 in catch basins downstream of or in nearby non-priority land use areas if catch basins in non-priority land use areas were not covered with full capture devices.

3. *Is there an effective MFAC program downstream of the non-priority land use areas that will serve as a back stop in the event that trash is discharged from non-priority land use areas?*

As discussed previously, the Ventura River Estuary Trash TMDL includes an MFAC program that includes the collection of trash in various parcels covering the entire Ventura River Estuary subwatershed. The MFAC program also includes visual assessments that categorize levels of trash observed, and these assessments may trigger an increase in BMPs or more frequent clean up events. The visual assessments ensure that trash does not accumulate in deleterious amounts between clean up events by requiring more frequent patrols and/or clean up events when assessments are not in the “optimal” category. According to the 2018 annual report the MFAC/BMP program resulted in zero trash after MFAC events. Furthermore, there were 152 additional clean-up events conducted in the Estuary to address high trash accumulation areas and prevent trash from accumulating in deleterious amounts (Ventura Land Trust, 2019).

The MFAC program shows zero trash after collection events and appears to be effective in addressing trash discharged to the estuary. Although the MFAC program appears to be effective in collecting trash, currently all catch basins in every land use area within the Ventura River Estuary subwatershed are already being addressed via full capture systems. It is not clear whether the MFAC program would be as effective in addressing trash if the requirement to install full capture systems (or other lawful measures to comply with WLAs) was removed for non-priority land use areas.

C. Amendment to the Ventura River Estuary Trash TMDL

The requirements for Caltrans will be amended in the Ventura River Estuary Trash TMDL. Caltrans will not be included with Los Angeles County MS4 permittees, as they will have their own requirements consistent with the statewide Trash Amendments. According to the statewide Trash Amendments, Caltrans may comply with WLAs by installing, operating, and maintaining any combination of full capture systems, multi-benefit projects, other treatment controls, and/or institutional controls for all storm drains

that capture runoff from significant trash generating areas to achieve full capture equivalency as defined by the Trash Amendments.

The conditional waiver for nonpoint source discharges of trash will be removed from the Ventura River Estuary Trash TMDL and replaced with language referencing the Statewide Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program. The new language will state that load allocations for nonpoint sources shall be implemented consistent with the Statewide Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program through a general waiver of WDRs, individual waivers, general WDRs, individual WDRs, an MOU, a cleanup and abatement order, or any other appropriate order or orders, provided the program is consistent with the assumptions and requirements of the load reductions and associated schedule in the MFAC program. The waiver implementing the LAs will be issued in a separate Board action from the action to revise the TMDL so that the waiver may be renewed every five years without having to reconsider the TMDL. In the future, the Los Angeles Water Board may consider WDRs instead of a waiver so that the regulatory mechanism implementing the LAs will not have to be renewed every five years.

VII. Conclusion

After analyzing maps (including priority and non-priority land use areas, catch basins, and storm drains) and trash data from MFAC programs submitted with responsible entities' annual reports, the three criteria discussed in section I.C. were used to determine whether the Los Angeles Water Board could revise the implementation requirements to achieve the WLAs in the Santa Clara River Lakes Trash TMDL, Legg Lake Trash TMDL, and Ventura River Estuary Trash TMDL to align with the more limited scope of the statewide Trash Amendments.

Analysis for the Santa Clara River Lakes Trash TMDL showed that it is not known whether non-priority land use areas have the potential to contribute significant amounts of trash, and there are not MFAC programs downstream that can effectively collect any

trash from non-priority land use areas. However, the County of Los Angeles finished retrofitting 100% of the catch basins draining to Elizabeth Lake in 2015, so any trash at the lake would be from nonpoint sources, such as litter or windblown trash from lake visitors.

Analysis for the Legg Lake Trash TMDL indicated that there is a potential for some non-priority land use areas to discharge significant amounts of trash, and there is an effective MFAC program at the lake. However, although the MFAC program appears to be effective in reducing the annual yield of trash, currently all catch basins in every land use area within the entire area subject to the Legg Lake Trash TMDL are being addressed via full capture systems, partial capture systems, or institutional controls. Therefore, it is not clear whether the MFAC program would be as effective in addressing trash if the requirement to install full capture systems (or other lawful measures to comply with WLAs) was removed for non-priority land use areas.

Analysis for the Ventura River Estuary Trash TMDL indicated that it is not known whether non-priority land use areas have the potential to contribute significant amounts of trash, and there is an effective MFAC program in the estuary. Currently all catch basins in every land use area within the entire Ventura River Estuary subwatershed are being addressed via full capture systems, so it is not clear whether the MFAC program would be as effective in addressing trash if the requirement to install full capture systems (or other lawful measures to comply with WLAs) was removed for non-priority land use areas.

The Los Angeles Water Board concludes that in order to ensure that water quality standards are still attained, full capture devices or equivalent controls must be installed and maintained in both priority and non-priority land use areas in the Santa Clara River Lakes subwatershed, Ventura River Estuary subwatershed, and the area subject to the Legg Lake Trash TMDL. Therefore, MS4 permittees assigned WLAs in these TMDLs will still be required to address point sources of trash in all land use areas. The Santa Clara River Lakes Trash TMDL, Legg Lake Trash TMDL, and Ventura River Estuary Trash TMDL will be amended to separate Caltrans from the Los Angeles and Ventura

County MS4 permittee requirements and to remove the conditional waiver for nonpoint sources of trash. In addition, the Legg Lake Trash TMDL will include an amendment for clarification to specify that compliance with WLAs may be met via the installation of full capture systems, implementation of an Executive Officer approved MFAC/BMP program, or any lawful manner including the alternative compliance approaches as adopted in the revised Los Angeles River Watershed Trash TMDL (Resolution No. R15-006).

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