

Los Angeles Regional Water Quality Control Board

**NOTICE OF PUBLIC HEARING
AND OPPORTUNITY TO COMMENT**

TO: Interested Persons

FROM: Renee Purdy *RAP*
Section Chief, Regional Programs

DATE: August 29, 2016

SUBJECT: Notice of Public Hearing for a proposed amendment to the Water Quality Control Plan for the Los Angeles Region to incorporate an Implementation Plan for the Total Maximum Daily Loads for Nutrients in the Malibu Creek Watershed and for Nutrients and Sedimentation in Malibu Creek and Lagoon to Address Benthic Impairments

The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) will consider a proposed amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate an Implementation Plan for the Total Maximum Daily Load (TMDL) for Nutrients in the Malibu Creek Watershed and the TMDL for Nutrients and Sedimentation in Malibu Creek and Lagoon to Address Benthic Impairments. Additional regulations or policies, consistent with the general purpose of the proposed amendment and complementary to the proposal may be developed at the hearing as a logical outgrowth of discussions.

I. HEARING DATE AND LOCATION

The Los Angeles Water Board will hold a public hearing to consider amending the Basin Plan to incorporate an implementation plan for the TMDL for Nutrients in the Malibu Creek Watershed and the TMDL for Nutrients and Sedimentation in Malibu Creek and Lagoon to Address Benthic Impairments. After hearing Los Angeles Water Board staff's presentation and public comments, the Los Angeles Water Board is expected to take formal action. The Los Angeles Water Board is scheduled to consider this matter at its regularly scheduled board meeting on:

Date: November 10, 2016
Time: 9:00 a.m.
Place: Metropolitan Water District of Southern California
Board Room
700 North Alameda Street
Los Angeles, CA 90012

Please check the Los Angeles Water Board's website (<http://www.waterboards.ca.gov/losangeles/>) for the most up-to-date public hearing location as it is subject to change.

Please notify any other persons who you feel would be interested in the subject item.

II. AVAILABILITY OF DOCUMENTS

The substitute environmental documents (SED), consisting of the tentative resolution, proposed Basin Plan amendment, staff report, and CEQA checklist are available on the Los Angeles Water Board's website at: http://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/tmdl_list.shtml

These documents are also available for inspection and copying between the hours of 8:00 a.m. and 4:30 p.m. at the following address:

California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Arrangements for file review and/or obtaining copies of documents in the Administrative Record may be made by calling the Los Angeles Water Board at (213) 576-6600. Comments and responses to comments and other subsequent relevant documents will be available online as they are generated.

III. PUBLIC COMMENTS AND SUBMITTAL OF EVIDENCE

Persons wishing to comment on the SED, including the tentative resolution, proposed Basin Plan amendment, staff report, and CEQA checklist for the Los Angeles Water Board to consider, are invited to submit them in writing. Oral presentations should be summarized in writing to the extent possible. To be evaluated and responded to by Los Angeles Water Board staff, included in the Los Angeles Water Board's agenda binder, and fully considered by the Los Angeles Water Board members in advance of the hearing, all written comments must be *received* by the Los Angeles Water Board no later than **5:00 p.m. on October 13, 2016**. Untimely submittal of written comments will not be accepted or responded to. Failure to comply with these requirements is grounds for the Los Angeles Water Board to refuse to admit the proposed written comment or evidence into the administrative record.

Interested persons are encouraged to submit comments electronically. Send comments by email to: losangeles@waterboards.ca.gov. Please indicate in the subject line, "**Comment Letter – Malibu Creek Watershed Nutrients and Sedimentation Implementation Plan.**" Written comments submitted through email are requested to be transmitted in Microsoft Word format. Written comments sent by mail should be addressed to:

California Regional Water Quality Control Board
Los Angeles Region
ATTN: Jessica Pearson
320 West Fourth Street, Suite 200
Los Angeles, California 90013

Interested persons are also invited to attend the hearing and present oral comments. Oral comments may be limited to 3 minutes each, at the discretion of the Chair, depending on the number of persons wishing to be heard. If necessary, time limitations on presentations may be imposed. Interested persons should contact Los Angeles Water Board staff, as provided in Section V. below, no later than **5:00 pm on October 31, 2016** to state how much time they believe is necessary for their presentations. All exhibits including charts, graphs and other testimony presented at the public hearing must be left with the Los Angeles Water Board for inclusion in the Administrative Record.

The State Water Resources Control Board (State Water Board), when considering approval of the Los Angeles Water Board's adoption of a Basin Plan amendment, may refuse to accept any comments that were not timely raised before the Los Angeles Water Board. Therefore, interested persons are strongly encouraged to make all comments on this proposed action to the Los Angeles Water Board before or during the public hearing.

IV. FUTURE NOTIFICATIONS FROM STATE WATER BOARD

Any person desiring to receive future notices from the State Water Board regarding its approval process for the proposed amendments must sign up for the State Water Board's Lyris list at http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml

V. REGIONAL WATER BOARD STAFF CONTACTS

For additional information regarding the Malibu Creek Watershed Nutrients and Sedimentation Implementation Plan adoption, contact Jessica Pearson at (213) 576-6786.

VI. BACKGROUND

The United States Environmental Protection Agency (U.S. EPA) established the "Malibu Creek Watershed Nutrients TMDL" (2003 TMDL) on March 21, 2003 to address impairments due to ammonia, nutrients, dissolved oxygen, algae, scum, and odor in Malibu Lagoon, Malibu Creek and its tributaries, and four lakes in the watershed. U.S. EPA established the "Malibu Creek and Lagoon Sedimentation and Nutrients TMDL to Address Benthic Community Impairments" (2013 TMDL) on July 2, 2013 to address impairments of Malibu Creek and Las Virgenes Creek related to impacted benthic macroinvertebrates and sedimentation/siltation and impairments of Malibu Lagoon related to adverse benthic community effects. The U.S. EPA-established TMDLs include a problem statement, numeric targets, source analysis, loading capacity, load allocations (LAs), waste load allocations (WLAs), and a margin of safety as required by 40 CFR 130.2 and 130.7 and section 303(d)(1)(c) and (d) of the CWA. An implementation plan is not a required element of a TMDL established by U.S. EPA; therefore, these TMDLs do not include implementation plans or schedules for implementation. The proposed Basin Plan amendment incorporates an Implementation Plan for these previously U.S. EPA-established TMDLs.

The proposed Implementation Plan describes how the WLAs and LAs for nutrients and/or sediment assigned to the Tapia water reclamation facility (WRF), discharges from storm drains regulated under municipal separate storm sewer system (MS4) permits, and landowners with management jurisdiction over nonpoint source runoff will be implemented. The Implementation Plan identifies the regulatory mechanisms that will be used to implement the TMDLs, how compliance with the TMDLs will be determined, a schedule for implementing the TMDLs, and a description of monitoring to be undertaken to determine compliance with the TMDLs. The staff report supporting the proposed Implementation Plan includes a description of the implementation measures that could be used to attain the TMDLs and a cost assessment for reasonably foreseeable means of compliance. The goal of the proposed Implementation Plan is to restore the multiple beneficial uses of the waterbodies within the Malibu Creek Watershed by reducing nutrient and sediment discharges.

The proposed Implementation Plan requires the nutrient WLAs assigned to the Tapia WRF and the nutrient LAs assigned to owners and/or operators of horse/livestock facilities and grazing operations to be achieved within 5-10 years of the effective date of the Implementation Plan. The proposed Implementation Plan requires the nutrient WLAs assigned to MS4 discharges within Los Angeles County to be achieved by December 2021 and MS4 discharges within Ventura County to be achieved by 5 years

from the date of the Ventura County MS4 Permit adoption, renewal, or modification. The nutrient WLAs assigned to Caltrans shall be met by incorporating the TMDL reaches into the Caltrans statewide stormwater permit and revising the TMDL Reach Prioritization schedule to include the new reaches to attain the WLAs as soon as possible, but no later than 2032. The proposed Implementation Plan requires the LAs assigned to owners and/or operators of irrigated agricultural land to be achieved by October 2022. Finally, the proposed Implementation Plan includes a 15-year schedule for the LAs assigned to onsite wastewater treatment systems.

The proposed Implementation Plan also sets a schedule for the sediment WLAs and LAs to either be attained by individual compliance or by a watershed-wide approach. If an individual compliance approach is chosen, the Implementation Plan requires the WLAs and LAs to be achieved by December 2025. If a watershed-wide compliance approach is chosen, a 15-year schedule is allowed.