


State Water Resources Control Board

REVISED NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT—CORRECTED BOARD HEARING DATE

TO: Interested Persons

FROM: Jenny Newman 
Section Chief, Regional Programs

DATE: January 8, 2019

SUBJECT: Notice of Public Hearing and Opportunity to Comment for proposed amendments to the *Water Quality Control Plan for the Los Angeles Region (Basin Plan)* to revise the Total Maximum Daily Loads (TMDLs) for debris in nearshore/offshore Santa Monica Bay and Trash in Machado Lake

The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) will consider proposed amendments to Chapter 7 of the Basin Plan to revise the TMDLs for debris in nearshore/offshore Santa Monica Bay and trash in Machado Lake.

The Santa Monica Bay Debris TMDL and Machado Lake Trash TMDL have been in effect since March 20, 2012 and March 6, 2008, respectively. The currently effective TMDLs assign waste load allocations (WLAs) to discharges from municipal separate storm sewer systems (MS4s) within the respective watersheds. The TMDLs allow MS4 permittees to comply with WLAs using several approaches. If MS4 permittees choose to comply with WLAs via the full capture system¹ approach, then they are required to install full capture devices addressing *all storm drains* that capture runoff from their jurisdictions. In 2015, the State Water Resources Control Board established statewide Trash Amendments to the Water Quality Control Plans for the Ocean Waters of California and the Inland Surface Waters, Enclosed Bays, and Estuaries of California. The statewide Trash Amendments require MS4 permittees to comply via one of two tracks. If MS4 permittees choose the full capture system track, then they are required to install full capture systems addressing *all storm drains that capture runoff from the priority land uses* in their jurisdictions. The statewide Trash Amendments define priority land uses as high density residential, industrial, commercial, mixed urban, and public transportation station land uses.

¹ A full capture system consists of any device or series of devices that traps all particles that are 5 mm or greater 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 currently effective TMDLs also assign load allocations (LAs) to nonpoint source discharges of trash. Nonpoint source responsible entities can comply with LAs by implementing a Minimum Frequency of Assessment and Collection/Best Management Practice (MFAC/BMP) Program in the waterbodies impaired for trash. The TMDLs require that the MFAC/BMP Program include an initial minimum frequency of trash assessment and collection and suite of structural and/or nonstructural BMPs to progressively reduce trash from accumulating between collection events.

This proposed action does not revise the TMDLs to align the MS4 requirements with the scope of the statewide Trash Amendments, as the Los Angeles Water Board finds that there are not MFAC programs downstream that can effectively address trash from all non-priority land use areas, and it cannot be determined whether existing MFAC programs are effectively addressing trash from non-priority areas. Therefore, MS4 permittees assigned WLAs in the Santa Monica Bay Debris TMDL and Machado Lake Trash TMDL will still be required to address point sources of trash in all land use areas.

This proposed action revises the Machado Lake Trash TMDL to remove the conditional waiver to implement the LAs for nonpoint source discharges, which is currently embedded in the Machado Lake Trash TMDL. This waiver expired five years from the effective date of the TMDL. The conditional waiver implementing the LAs will be considered by the Los Angeles Water Board as a separate action so that the waivers may be renewed every five years separate from the Basin Plan amendment administrative process associated with reconsidering a TMDL.

In addition to the proposed change to remove the conditional waiver from the Machado Lake Trash TMDL, the Los Angeles Water Board is also proposing minor changes to both TMDLs for clarity and consistency.

I. HEARING DATE AND LOCATION

The Los Angeles Water Board will hold a public hearing to consider amending the Basin Plan to revise the TMDLs for debris in Santa Monica Bay and trash in Machado Lake. 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: March 14, 2019
Time: 9:00 a.m.
Place: Port of Long Beach (Board Room)
4801 Airport Plaza Drive
Long Beach, CA 90815

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

II. AVAILABILITY OF DOCUMENTS

The tentative resolutions, proposed Basin Plan amendments, Staff Report, and CEQA substitute environmental documentation (SED) 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 tentative resolutions, proposed Basin Plan amendments, Staff Reports, and CEQA substitute environmental documentation or submit evidence for the Los Angeles Water Board to consider, are invited to submit them in writing. Please be advised that oral and written comments on the proposed Basin Plan amendments are limited to the proposed changes to the TMDLs currently in effect. 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 and evidence must be *received* by the Los Angeles Water Board no later than **5:00 p.m. on February 22, 2019**. 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. (California Code of Regulations, Title 23, Section 649.4).

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 –Trash TMDL Revisions.**" 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: Stefanie Hada
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 should, to the extent possible, summarize written comments. Time limitations on oral comments will be imposed. At the discretion of the Los Angeles Water Board Chair, oral comments may be limited to three minutes each, depending on the number of persons wishing to be heard. Interested persons requesting more than three minutes should contact Los Angeles Water Board staff, as provided in Section V. below, no later than **5:00 p.m. on March 4, 2019** to state how much time they believe is necessary for their oral comments.

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. LOS ANGELES WATER BOARD STAFF CONTACT

For additional information regarding the Santa Monica Bay Debris TMDL and Machado Lake Trash TMDL revisions, contact Stefanie Hada at (213) 576-6804 or Stefanie.Hada@waterboards.ca.gov.