

**State of California
California Regional Water Quality Control Board, Los Angeles Region**

**RESOLUTION NO. R19-XXX
March 14, 2019**

Amendment to the Water Quality Control Plan for the Los Angeles Region to Revise the Total Maximum Daily Load for Trash in Machado Lake and the Total Maximum Daily Load for Debris in Nearshore/Offshore Santa Monica Bay

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board), finds that:

1. On June 7, 2007, the Los Angeles Water Board adopted, by Resolution No. R07-006, an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) establishing a TMDL for trash in Machado Lake (hereinafter “2007 Machado Lake TMDL”). The 2007 Machado Lake TMDL was subsequently approved by the State Water Resources Control Board (State Water Board) on December 4, 2007, the Office of Administrative Law (OAL) on February 8, 2008, and the United States Environmental Protection Agency (USEPA) on February 27, 2008.
2. On November 4, 2010, the Los Angeles Water Board adopted, by Resolution No. R10-010, an amendment to the Basin Plan establishing a TMDL for debris in nearshore/offshore Santa Monica Bay (hereinafter “2010 Santa Monica Bay TMDL”). The 2010 Santa Monica Bay TMDL was subsequently approved by the State Water Board on December 6, 2011, OAL on March 15, 2012, and USEPA on March 20, 2012.
3. Machado Lake is located within the Dominguez Channel watershed, bordered by Rosecrans and Dominguez Hills to the northeast, by the Palos Verdes Hills to the southwest, and by the Port of Los Angeles and Port of Long Beach to the south. The Machado Lake subwatershed receives runoff from an area of approximately 20 square miles within the larger Dominguez Channel watershed. Wilmington Drain discharges over 50 percent of the water to Machado Lake at the northeast corner of the lake. The rest of the water enters the lake through other storm drains, including Project No. 77 and Project No. 510 located on the west side of the lake, other local City of Los Angeles drains, and runoff from the Harbor Park Municipal Golf Course. Land uses in the Machado Lake subwatershed include high density residential, open space, and recreational uses. The 1998 Clean Water Act section 303(d) list of water quality limited segments identified Machado Lake as impaired for trash. The 2007 Machado Lake TMDL addressed impairments of water quality caused by trash in Machado Lake.
4. The Santa Monica Bay is part of the Southern California Bight. It is bordered offshore by the Santa Monica Basin, to the north by Point Dume, and to the south by the Palos Verdes Peninsula. The Santa Monica Bay watershed is 414 square miles. The watershed is bordered on the north by the Santa Monica Mountains from the Ventura-Los Angeles County line to Griffith Park and extends southwest across the Los Angeles coastal plain to the Palos Verdes Peninsula. The Santa Monica Bay watershed includes

the Malibu Creek and Ballona Creek watersheds. The 1998 Clean Water Act section 303(d) list of water quality limited segments identified nearshore/offshore Santa Monica Bay as impaired for debris. The 2010 Santa Monica Bay TMDL addressed impairments of water quality caused by debris in nearshore/offshore Santa Monica Bay.

5. The 2007 Machado Lake TMDL and the 2010 Santa Monica Bay 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 Basin Plan. The 2007 Machado Lake TMDL and the 2010 Santa Monica Bay TMDL assigned waste load allocations (WLAs) to discharges from the municipal separate storm sewer system (MS4) within the Machado Lake subwatershed and the Santa Monica Bay WMA, respectively. The TMDLs allowed MS4 permittees to comply with WLAs through several approaches. If MS4 permittees chose to comply with WLAs via the full capture system approach, then they were required to install full capture devices addressing all storm drains that capture runoff from their jurisdictions over an eight-year period. The TMDLs assigned load allocations (LAs) to nonpoint source discharges, which were to be complied with by implementing Minimum Frequency of Assessment and Collection/Best Management Practice (MFAC/BMP) Programs. The MFAC/BMP Programs were established at an interval that prevents trash from accumulating in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections.
6. The Los Angeles Water Board’s purpose in establishing the 2007 Machado Lake TMDL was to protect the Water Contact Recreation (REC-1), Non-contact Water Recreation (REC-2), Warm Freshwater Habitat (WARM), Wildlife Habitat (WILD), Wetland Habitat (WET), and Rare, Threatened, or Endangered Species (RARE) beneficial uses and to achieve the narrative water quality objectives established to protect those uses.
7. The Los Angeles Water Board’s goal in establishing the 2010 Santa Monica Bay TMDL was to protect the beneficial uses of Industrial Service Supply (IND), Navigation (NAV), Water Contact Recreation (REC-1), Non-contact Water Recreation (REC-2), Commercial and Sport Fishing (COMM), Estuarine Habitat (EST), Marine Habitat (MAR), Preservation of Biological Habitats (BIOL), Migration of Aquatic Organisms (MIGR), Wildlife Habitat (WILD), Rare, Threatened, or Endangered Species (RARE), Spawning, Reproduction, and or Early Development (SPWN), Shellfish Harvesting (SHELL), and Wetland Habitat (WET) in Santa Monica Bay and to achieve the narrative water quality objectives established to protect those uses.
8. The implementation schedules for the 2007 Machado Lake TMDL and the 2010 Santa Monica Bay TMDL include scheduled reconsiderations. Specifically, according to the Basin Plan Tables 7-26.2a and 7-34.2, the Los Angeles Water Board will review and reconsider the final WLAs five years from the effective dates of the 2007 Machado Lake TMDL and the 2010 Santa Monica Bay TMDL, respectively. This action by the Los Angeles Water Board satisfies the scheduled reconsiderations specified in the 2007 Machado Lake and 2010 Santa Monica Bay TMDLs.

9. On April 7, 2015, the State Water Board adopted Resolution 2015-0019, which 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). The State Water Board developed the Trash Amendments to provide statewide consistency for the regional water boards’ regulatory approaches to reduce trash and protect aquatic life and public health beneficial uses in state waters across California not previously addressed by trash TMDLs, while focusing resources on high-trash generating areas. The Trash Amendments became effective on January 12, 2016 and 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 Trash Amendments directed the Los Angeles Water Board to convene a public meeting within a year of the effective date of the Trash Amendments to reconsider the scope of its trash TMDLs, with the exception of those TMDLs 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.
10. On November 28, 2016, the Los Angeles Water Board convened a public meeting to accept comments from the public and consult with public agencies about reconsidering the scope of certain Board-adopted trash TMDLs, including the 2007 Machado Lake Trash TMDL and the 2010 Santa Monica Bay Debris TMDL, to potentially focus MS4 permittees trash control efforts in high-trash generation areas within their jurisdictions.
11. These reconsiderations are not general reconsiderations of each and every element of the 2007 Machado Lake TMDL and the 2010 Santa Monica Bay TMDL; in these reconsiderations the fundamental technical elements including the Numeric Targets, Loading Capacities, WLAs and LAs, Margins of Safety, and Critical Conditions and Seasonal Variations have not been significantly changed. Nor are there significant changes proposed to the overarching compliance options identified in the TMDL, namely the use of full capture systems, partial capture devices, and institutional controls and Minimum Frequency of Assessment and Collection (MFAC) programs.
12. Los Angeles Water Board staff has prepared a detailed technical document entitled “Reconsideration of the Santa Monica Bay Nearshore and Offshore Debris TMDL and the Machado Lake Trash TMDL” that analyzes and describes the specific necessity and rationale for modifying some minor parts of the TMDLs, while not amending the compliance requirements for MS4 permittees in the 2007 Machado Lake TMDL and the 2010 Santa Monica Bay TMDL. This document is an integral part of this Los Angeles Water Board action and was reviewed, considered, and accepted by the Los Angeles Water Board before acting.
13. On March 14, 2019, prior to the Los Angeles Water Board’s action on this resolution, a public hearing was conducted on the revisions to the TMDLs. Notice of the hearing for the revision of the 2007 Machado Lake TMDL and the 2010 Santa Monica Bay

TMDL was published in accordance with the requirements of Water Code section 13244. This notice was published in the Los Angeles Times and Ventura County Star on January 8, 2019.

14. The public has had reasonable opportunity to participate in review of the amendments to the Basin Plan. Draft revisions to the 2007 Machado Lake TMDL and the 2010 Santa Monica Bay TMDL and other supporting documents were released for public comment on January 8, 2019; a Notice of Hearing and Opportunity to Comment was published and circulated 45 days preceding Los Angeles Water Board action; Los Angeles Water Board staff responded to oral and written comments received from the public; and the Los Angeles Water Board held a public hearing on March 14, 2019 to consider adoption of the revised TMDLs.
15. In amending the Basin Plan, the Los Angeles Water Board considered sections 13240 and 13242 of the California Water Code. These amendments conform to applicable state policies and the Los Angeles Water Board consulted with and considered the recommendations of affected state and local agencies. The existing TMDLs contain an implementation program that has not been significantly revised by these amendments.
16. Neither the TMDLs nor the numeric targets or other components of the TMDLs are water quality objectives, and thus their establishment or revision does not implicate California Water Code section 13241.
17. This amendment is consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16), and the federal Antidegradation Policy (40 CFR § 131.12), in that it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards. Considering the record as a whole, this Basin Plan amendment will result in no adverse effect, either individually or cumulatively, on wildlife resources.
18. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Regional Water Boards' basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) requirements for preparing environmental documents. (14 Cal. Code Regs. § 15251(g); 23 Cal. Code Regs. § 3782.)
19. The Los Angeles Water Board previously prepared "substitute environmental documentation" for the establishment of the 2007 Machado Lake Trash TMDL (Resolution No. R07-006) and the 2010 Santa Monica Bay Debris TMDL (Resolution No. R10-010) pursuant to California Code of Regulations, title, 23, sections 3775 et seq., and Public Resources Code section 21159. That documentation contained the required environmental documentation as required by the State Water Board's CEQA regulations. (23 Cal. Code Regs. §§ 3777, 3779.5.). In preparing the previous substitute environmental documentation, the Los Angeles Water Board considered the requirements of Public Resources Code section 21159 and California Code of

Regulations, title 14, section 15187, and intended those documents to serve as a tier 1 environmental review. The previous substitute environmental documentation contained significant environmental analysis and numerous findings related to the reasonably foreseeable methods of compliance, the impacts of the methods of compliance, feasible mitigation measures, and alternative means of compliance.

20. These TMDL revisions do not alter the environmental analysis that was previously prepared for the establishment of the 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, these TMDL revisions are consistent with the prior CEQA documentation.
21. Further, consistent with California Code of Regulations, title 14, section 15162, the Regional Water Board has determined that no subsequent environmental documents shall be prepared because these TMDL revisions do not involve new significant environmental effects, a substantial increase in the severity of previously identified significant effects, or mitigation measures or alternatives that are considerably different from those analyzed in the previous substitute environmental documentation.
22. The regulatory action meets the “Necessity” standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b). Federal regulations require that TMDLs be incorporated into the state’s water quality management plan. The Los Angeles Water Board’s Basin Plan is the water quality management plan for the Los Angeles Region along with statewide water quality management plans. Amendments to the Basin Plan are the mechanism by which the Los Angeles Water Board takes quasi-legislative actions. Moreover, TMDLs are a program of implementation for existing water quality objectives, and are, therefore, appropriately a component of the Basin Plan under Water Code section 13242. The necessity of revising the 2007 Machado Lake TMDL and the 2010 Santa Monica Bay TMDL is established in the supporting documents to the TMDLs, and in Basin Plan Tables 7-26.1 through 7-26.2b and 7-34.1 through 7-34.3, respectively.
23. The Basin Plan amendments revising the 2007 Machado Lake Trash TMDL and the 2010 Santa Monica Bay Debris TMDL must be submitted for review and approval by the State Water Board and OAL. Portions of the Basin Plan amendments that revise technical elements of TMDLs, if any, are also subject to review and approval by the USEPA. The Basin Plan amendment will become effective upon approval by OAL and USEPA, if required. Once effective, a Notice of Decision will be filed with the California Natural Resources Agency.
24. Occasionally during its approval process, Los Angeles Water Board staff, the State Water Board or State Water Board staff, or OAL determine that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency.

Under such circumstances, the Executive Officer should be authorized to make such changes, provided she informs the Los Angeles Water Board of any such changes.

THEREFORE, be it resolved that pursuant to sections 13240 and 13242 of the Water Code, the Los Angeles Water Board hereby amends the Basin Plan as follows:

1. Pursuant to sections 13240 and 13242 of the California Water Code, the Los Angeles Water Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to Chapter 7 of the Basin Plan, as set forth in Attachment A hereto, to revise the Machado Lake Trash TMDL and the Santa Monica Bay Nearshore and Offshore Debris TMDL.
2. The Executive Officer is directed to forward copies of these Basin Plan amendments to the State Water Board in accordance with the requirements of section 13245 of the California Water Code.
3. The Los Angeles Water Board requests that the State Water Board approve the Basin Plan amendments in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward the approved amendment and record to OAL and to the USEPA, if required.
4. If during its approval process, Los Angeles Water Board staff, the State Water Board or State Water Board staff, or OAL determine that minor, non-substantive corrections to the language of the amendments are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Los Angeles Water Board of any such changes.
5. The Executive Officer is authorized to request a "No Effect Determination" for the Machado Lake Trash TMDL and the Santa Monica Bay Nearshore and Offshore Debris TMDL from the California Department of Fish and Wildlife, and/or transmit payment of the applicable fee as may be required to the California Department of Fish and Wildlife.

I, Deborah J. Smith, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on March 14, 2019.

Deborah J. Smith
Executive Officer