
Los Angeles Regional Water Quality Control Board

NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

TO: Interested Persons

FROM: LB Nye, Ph.D.
Section Chief
Regional Programs

DATE: December 3, 2021

SUBJECT: Notice of Public Hearing for a Proposed Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate a Total Maximum Daily Load for Indicator Bacteria in Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon, and to Suspend the Recreational Beneficial Uses in Los Cerritos Channel during Unsafe Wet Weather Conditions

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 a Total Maximum Daily Load (TMDL) to establish waste load and load allocations, as well as an implementation plan to attain water quality objectives for indicator bacteria in Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon. In addition, the Los Angeles Water Board will consider a proposed amendment to Table 2-1a of the Basin Plan to suspend the recreational beneficial uses in Los Cerritos Channel during unsafe wet weather conditions (i.e. High Flow Suspension). 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. BACKGROUND

The Basin Plan is the Los Angeles Water Board's water quality control plan for the coastal watersheds of Los Angeles and Ventura Counties. The Basin Plan contains the region's water quality standards, which consist of beneficial uses, water quality objectives to protect those uses, and an anti-degradation policy, along with a program of implementation, and non-regulatory descriptions of the region covered by the Basin Plan. Chapter 3 of the Basin Plan "Water Quality Objectives" contains water quality objectives to protect the beneficial uses of surface and ground waters in the region.

The bacteria water quality objectives (WQOs) for waters designated for water contact recreation (REC-1) were adopted in 2001 are based on the California Code of Regulations, title 17, section 7958 "Bacteriological Standards" (Assembly Bill 411, Statutes of 1997) and United States Environmental Protection Agency (U.S. EPA)

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recommended criteria pursuant to Clean Water Act section 304(a), published in “Ambient Water Quality Criteria for Bacteria – 1986” (U.S. EPA, 1986), which recommends the use of *E. coli* and fecal coliform criteria for freshwaters and total coliform, fecal coliform and *Enterococcus* criteria for marine waters (Los Angeles Water Board Resolution No. R01-018). In 2010, the Los Angeles Water Board updated the bacteria objectives for freshwaters designated as REC-1 to remove the fecal coliform objectives and uses *E. coli* objectives as the sole objectives for freshwaters designated with the REC-1 beneficial use (Resolution No. R10-005).

On August 7, 2018, the State Water Resources Control Board (State Water Board) adopted statewide bacteria provisions containing updated bacteria water quality objectives for REC-1 in fresh, estuarine, and marine (ocean) waters (Resolution No. 2018-0038). These objectives are based on the 2012 U.S. EPA’s recreational water quality criteria for bacteria to protect primary contact recreation in coastal and non-coastal waters. These provisions were developed to establish consistent water quality objectives for California’s waters, and to provide Regional Water Boards with tools and direction in addressing specific issues related to applying the statewide numeric bacteria water quality objectives. The statewide provisions supersede all existing numeric bacteria objectives for REC-1 in the nine Regional Water Boards’ Basin Plans. They were approved by the Office of Administrative Law on February 4, 2019 and by U.S. EPA on March 22, 2019. The Statewide Bacteria Provisions became effective on March 22, 2019.

On February 13, 2020, the Los Angeles Water Board adopted Resolution R20-001, amending Chapter 3 of the Basin Plan to reflect WQOs contained in the State Water Board’s Bacteria Provisions. The amendment incorporated the revised bacteria objectives for water contact recreation and removed the existing 2001 and 2010 numeric Bacteria Objectives.

The goal of the proposed TMDL is to protect the beneficial uses of Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon, which include Water Contact (REC-1) and Non-Contact (REC-2) recreational uses, and to restore the overall water quality in Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon. The Los Angeles Water Board has prepared this TMDL to address the impairments by indicator bacteria in Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon.

One of the ways in which the Los Angeles Water Board may implement the provisions of both the Porter Cologne Water Quality Control Act (California law) and the federal Clean Water Act (CWA) in the Los Angeles Region is through the development and implementation of water quality standards for all of the water bodies within the Region. Under the CWA, water quality standards consist of beneficial use designations of water bodies and numeric or narrative water quality objectives that are protective of those beneficial uses as well as the State’s anti-degradation policy. Section 303(d)(1)(A) of the CWA requires the State to identify those waters, which are impaired by pollution (not meeting water quality standards) and establish TMDLs for the pollutants causing the impairments. A TMDL specifies the maximum amount of a pollutant that a water body can receive and still meet water quality standards and allocates the acceptable pollutant load to point and nonpoint sources.

The proposed TMDL sets numeric water quality targets for indicator bacteria based on the statewide bacteria provisions. Permitted stormwater dischargers, other NPDES

dischargers, and nonpoint source dischargers are assigned allocations for this TMDL. The TMDL also 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, a description of the implementation measures that could be used to attain assigned allocations, a description of monitoring to be undertaken to determine compliance with the TMDLs, and a cost assessment for reasonably foreseeable means of compliance.

The proposed TMDL would require the responsible entities to achieve the final waste load allocations (WLAs) and load allocations (LAs) within 15 years after the effective date of this TMDL. WLAs are assigned to point sources. LAs are assigned to nonpoint sources. The goal of the TMDL implementation is to attain the final TMDL allocations, demonstrate attainment of the TMDL numeric targets, and restore the beneficial uses of the Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon.

Based on the results of a categorical Use Attainability Analysis (UAA) of the recreational uses of engineered channels during wet weather conditions conducted by Los Angeles Water Board in 2003, the Los Angeles Water Board has determined that the Los Cerritos Channel as listed in Table 2-1a of the Basin Plan, for its entire length above Atherton Street, meets the definition of an engineered channel, and the criteria for the High Flow Suspension.

Engineered channels are defined as inland, flowing surface water bodies with a box, V-shaped or trapezoidal configuration that have been lined on the sides and/or bottom with concrete. The engineered flood control channels are constructed to reduce the incidence of flooding in urbanized areas by conveying stormwater runoff to the ocean or other discharge point as efficiently as possible. These modifications create life-threatening "swift water" conditions during and immediately following significant storm events. As a result, the REC-1 and REC-2 uses are not fully attainable during and immediately following these storm events.

II. PUBLIC HEARING DATE AND LOCATION

The Los Angeles Water Board will hold a public hearing to consider amending the Basin Plan to incorporate a TMDL for Indicator Bacteria in Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon, and amend Table 2-1a of the Basin Plan to suspend the recreational beneficial uses in Los Cerritos Channel during unsafe wet weather conditions, after hearing Board staff's presentation and public comments. The Los Angeles Water Board is expected to take formal action on the proposed amendments to update the Basin Plan. The Board is scheduled to consider this matter at its regularly scheduled board meeting on:

Date: Thursday, February 10, 2022

Time: 9:00 AM

Place: Please check the Los Angeles Water Board's website for place.

Please check the Los Angeles Water Board's website at:

[Los Angeles Water Board's website](#) for the most up-to-date public hearing date and notification as they are subject to change. If there is not a quorum on the scheduled date of the public hearing, all items will be automatically continued to the next scheduled meeting.

III. SCOPE OF HEARING

Interested persons may present relevant written and oral comments and evidence on the proposed Basin Plan amendment. Please be advised that comments or evidence concerning the appropriateness of any previously adopted Basin Plan amendment are not relevant to this action and will not be accepted or responded to. Comments shall be limited to the proposed TMDL for Indicator Bacteria in Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon, as well as the suspension of the recreational beneficial uses in Los Cerritos Channel during unsafe wet weather conditions.

IV. AVAILABILITY OF DOCUMENTS

The draft tentative resolution, proposed Basin Plan Amendment, substitute environmental documents (SED), and staff report are available on the Los Angeles Water Board's website at:

[Los Angeles Waterboard TMDL website](#)

These documents are also available for inspection and copying between the hours of 8:00 AM and 4:30 PM at the following address:

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

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

V. 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. To be evaluated and responded to by Board staff, included in the Board's agenda binder, and fully considered by the Board members in advance of the hearing, all written comments and evidence must be received by the Board no later than 5:00 PM on January 18, 2022. Untimely submittal of written comments will not be accepted or responded to by the Los Angeles Water Board.

Interested persons are encouraged to submit comments electronically to losangeles@waterboards.ca.gov with the subject line "**Comment Letter – Los Cerritos**

Channel Watershed Bacteria TMDL", with a copy to kangshi.wang@waterboards.ca.gov. Written comments submitted through email are requested to be transmitted in Microsoft Word format. Where electronic submittal is not feasible, comments should be submitted to:

California Regional Water Quality Control Board
Los Angeles Region
Attn: Kangshi Wang
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Failure to comply with these requirements is grounds for the Los Angeles Water Board to refuse to admit the proposed written comment or exhibit into evidence pursuant to the California Code of Regulations, title 23, section 649.4of.

Interested persons are also invited to attend the virtual hearing and present oral comments to the Board. To the extent possible, oral presentations should summarize any submitted written comments and evidence. Oral comments are generally limited to 3 minutes each, but time limitations may be adjusted at the discretion of the Chair, depending on the number of persons wishing to be heard and other items before the Board. Interested persons seeking more than 3 minutes to present oral comments at the hearing must contact the Los Angeles Water Board staff contact identified below by January 31, 2022 to request additional time.

The State Water Board when considering approval of a regional water board's adoption of Basin Plan amendments may refuse to accept any comments that were not timely raised before the Regional 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.

VI. 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](#)

VII LOS ANGELES WATER BOARD STAFF CONTACTS

For additional information regarding the proposed TMDL Basin Plan amendment, please contact Dr. Kangshi Wang at kangshi.wang@waterboards.ca.gov.