



California Regional Water Quality Control Board

Los Angeles Region



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NOTICE OF FILING / NOTICE OF HEARING

TO: Any Interested Person

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

DATE: October 24, 2002

SUBJECT: Notice of Filing Submitted Under section 21080.5 of the Public Resources Code

PROPONENT: California Regional Water Quality Control Board, Los Angeles Region

TITLE: Amendment to the Water Quality Control Plan for the Los Angeles Region

CONTACT: Renee DeShazo, (213) 576-6783 Jonathan Bishop, (213) 576-6622
Environmental Scientist Section Chief
Standards & TMDL Unit Regional Programs

LOCATION: Los Angeles Region and Santa Monica Bay Watershed

DESCRIPTION: Proposed Basin Plan Amendment to incorporate Implementation Provisions for the Region's Bacteria Objectives and to incorporate a Total Maximum Daily Load Plan to reduce bacteria at Santa Monica Bay Beaches during wet weather

This notice is to advise any interested person that the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) will continue the public hearing held on September 26, 2002 to consider adoption of an amendment to the Water Quality Control Plan (Basin Plan) to incorporate a Total Maximum Daily Load (TMDL) Plan to reduce bacteria at Santa Monica Bay Beaches during wet weather. The Regional Board's consideration of the TMDL was originally noticed in a Notice of Filing dated August 1, 2002. As an outgrowth of the initial notice, the Regional Board will also consider adoption of an amendment to the Basin Plan to incorporate implementation provisions for the Region's bacteria objectives set to protect the water contact recreation or REC1 beneficial use.

Copies of the tentative resolution, proposed amendment, staff report, and updated CEQA checklist are available on the website of the Los Angeles Regional Water Quality Control Board at: <http://www.swrcb.ca.gov/~rwqcb4/html/meetings/tmdl/tmdl.html>. If you would like these documents sent in hard copy, please call Sandra Kelley at (213) 576-6619 or fax your request to her attention at (213) 576-6686.

Consideration of the proposed resolution will be at a public hearing to be held on December 12, 2002 at 9:00 a.m. at the City of Los Angeles, Board of Public Works, Hearing Room, 200 North Spring Street, Los Angeles, California. Actions to amend the Basin Plan will be taken in accordance with a regulatory program exempt under section 21080.5 of the Public Resources Code from the requirement to prepare an

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environmental impact report under the California Environmental Quality Act (Public Resources Code section 21000 et seq.) and with other applicable law and regulations. 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. The Regional Board will take action on the proposed amendment after hearing staff's presentation and public comments.

The Regional Board is only soliciting comments on the revisions to the tentative resolution, proposed amendment and supporting documents that were presented at the previous public hearing and those made since the September 26, 2002 public hearing. In order to be fully considered by the Regional Board, written comments and exhibits must be submitted to the Regional Board no later than 5:00 p.m. on November 25, 2002. Failure to comply with these requirements is grounds for the Board to refuse to admit the proposed written comment or exhibit into evidence (California Code of Regulations, title 23, section 649.4).

Comments should be submitted to:

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

ATTN: Renee DeShazo

All exhibits including charts, graphs and other testimony presented at the public hearing must be left with the Regional Board for inclusion in the Administrative Record. Please note that the Regional Board may impose time limits on oral testimony at the public hearing. Please contact Renee DeShazo at (213) 576-6783 if you have any questions.

Background

A first draft of the TMDL for bacteria at Santa Monica Bay beaches was released for public comment on November 9, 2001. An interim draft TMDL covering wet weather only was released on June 21, 2002, for discussion at a public workshop, and a public workshop on the interim draft TMDL was held on June 27, 2002 at a regularly scheduled Regional Board meeting. A final draft of the Wet-Weather TMDL along with a Notice of Hearing and Notice of Filing were published and circulated 45 days preceding Board action. Regional Board staff responded to oral and written comments received, and the Regional Board held a public hearing on September 26, 2002 to consider adoption of the Wet-Weather TMDL.

The Regional Board continued the item from the September 26, 2002 Board meeting to the December 12, 2002 Board meeting to give staff time to make revisions based on public comments and Board discussion at the September 26, 2002 Board meeting. Continuing the item also permits interested persons to consider and to comment on proposed revisions to the TMDL and Basin Plan amendment. Specifically, the Board wanted an implementation program that was reasonable and as short as practicable given the testimony on impairments to the REC1 beneficial use. After considering testimony, the Regional Board directed staff to adjust the implementation provisions of the TMDL to recognize the longer 18-year timeframe only when the responsible jurisdictions and agencies undertake an integrated water resources approach. The longer time frame is reasonable for an integrated water resources approach because the beneficial re-use of storm water requires more complicated planning and implementation. In contrast,

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testimony indicated that a shorter 10-year timeframe is reasonable and practicable for non-integrated approaches because the level of planning and implementation is not as complicated.

In addition, in response to comments and as an outgrowth of the proposed amendment, staff is also proposing an amendment to the Basin Plan to incorporate additional implementation provisions for the Region's bacteria objectives set to protect water contact recreation. For certain circumstances and through the TMDL development process, the Regional Board proposes to implement the Region's bacteria objectives using either a 'reference system/anti-degradation approach' or a 'natural sources exclusion approach.' As required by the CWA and Porter-Cologne Water Quality Control Act, the Basin Plan includes beneficial uses of waters, water quality objectives to protect those uses, an anti-degradation policy, collectively referred to as water quality standards, and other plans and policies necessary to implement water quality standards. This TMDL and its associated waste load allocations, which will be incorporated into relevant permits, are the vehicles for implementation of the bacteria standards as required under Water Code section 13242.

Both the 'reference system/anti-degradation approach' and the 'natural sources exclusion approach' recognize that there are natural sources of bacteria that may cause or contribute to exceedances of the single sample objectives. The Regional Board's intent in implementing the bacteria objectives using a 'reference system/anti-degradation approach' is to ensure that bacteriological water quality is at least as good as that of a reference site and that no degradation of existing bacteriological water quality is permitted where existing bacteriological water quality is better than that of a reference site. The Regional Board's intent in implementing the bacteria objectives using a 'natural sources exclusion approach' is to ensure that all anthropogenic sources of bacteria are controlled. These approaches are consistent with state and federal anti-degradation policies (State Board Resolution No. 68-16 and 40 C.F.R. 131.12), while acknowledging that it is not the intent of the Regional Board to require treatment or diversion of natural coastal creeks or to require treatment of natural sources of bacteria from undeveloped areas. While treatment and diversion of natural sources may fully address the impairment of the water contact recreation beneficial use, such an approach may adversely affect valuable aquatic life and wildlife beneficial uses in the Region.

Original Signed By Renee DeShazo for

10/24/02

Jonathan Bishop
Chief, Regional Programs Section

Date

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