# California Regional Water Quality Control Board

## Los Angeles Region

**Over 51 Years Serving Coastal Los Angeles and Ventura Counties**

**Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful**

**Terry Tamminen**
*Secretary for Environmental Protection*

**Arnold Schwarzenegger**
*Governor*

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: http://www.swrcb.ca.gov/rwqcb4


## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS

The California Regional Water Quality Control Board, Los Angeles Region (hereinafter referred to as the Regional Board) is the Lead Agency for evaluating the environmental impacts of the proposed amendment to the *Water Quality Control Plan for the Los Angeles Region* (Basin Plan). The proposed amendment incorporates a Total Maximum Daily Load (TMDL) for metals in the Los Angeles River and its tributaries. The Secretary of Resources has certified the basin planning process as exempt from certain requirements of the California Environmental Quality Act (CEQA), including preparation of an initial study, negative declaration, and environmental impact report (California Code of Regulations, Title 14, Section 15251(g)). As the proposed amendment to the Basin Plan is part of the basin planning process, the environmental information developed for and included with the amendment is considered 'functionally equivalent' to an initial study, negative declaration, and/or environmental impact report.

Any regulatory program of the Regional Board certified as functionally equivalent, however, must satisfy the documentation requirements of California Code of Regulations, Title 23, Section 3777(a) which requires the following:

- A written report providing:
  - a description of the proposed activity;
  - reasonable alternatives to the proposed activity; and
  - mitigation measures to minimize any significant adverse impacts.
- A completed environmental checklist that includes:
  - a checklist of environmental impacts;
  - a discussion of the environmental evaluation; and
  - a determination with respect to significant environmental impacts.

The attached checklist and the staff report for the TMDL for metals in the Los Angeles River and tributaries fulfill the requirements of Section 3777, Subdivision (a).

## I. DESCRIPTION OF PROPOSED ACTIVITY

The Water Quality Control Plan for the Los Angeles Region (also know as a Basin Plan) designates beneficial uses of waterbodies, establishes water quality objectives for the protection of these beneficial uses, and outlines a plan of implementation for maintaining and enhancing water quality. The proposed amendment would incorporate into the Basin Plan a TMDL for metals in the Los Angeles River and its tributaries.

The Regional Board has identified the Los Angeles River and its tributaries as impaired due to copper, cadmium, lead, zinc, aluminum and selenium. However, the TMDL does not address aluminum or selenium. The beneficial uses most likely to be impaired by metals loading are those associated with aquatic life and wildlife, including wildlife habitat (WILD), rare, threatened or endangered species (RARE), warm freshwater habitat (WARM), and wetlands (WET).

The Regional Board's goal in incorporating the TMDL is to protect and restore the overall water quality in the Los Angeles River and its tributaries by controlling the loading of metals. The proposed TMDL sets numeric water quality targets based on standards established by the California Toxics Rule (CTR), which are dependent on the hardness of the receiving water. The CTR standards are expressed in terms of dissolved metals because the dissolved forms are most bioavailable to aquatic organisms, but the TMDL recognizes the potential for transformation between total metals measurement and the dissolved metals fraction. Separate numeric water quality targets are developed for dry and wet weather because conditions in the Los Angeles River and its tributaries vary dramatically between dry and wet weather. Dry-weather targets are based on chronic CTR criteria (except for zinc) and reach specific hardness values, where available. Wet-weather targets are based on acute CTR criteria and hardness values from stormwater data collected in the lowest reach of the Los Angeles River before the estuary.

There are significant differences in the sources of metals loadings during dry weather and wet weather. During dry weather, most of the metals loadings are in the dissolved form. The three major publicly owned treatment works (POTWs) that discharge to the river and discharges from the storm drain system contribute the majority of the metals loadings. During wet weather, most of the metals loadings in the Los Angeles River are in the particulate form and are associated with wet-weather stormwater flow. For dry-weather conditions, the TMDL develops mass-based waste load allocations for the three major POTWs and municipal stormwater discharges. For wet-weather conditions, the TMDL develops flow-weighted waste load allocations for the three major POTWs and municipal stormwater discharges. The TMDL develops concentration-based waste load allocations equal to appropriate numeric targets for the remaining major NPDES permittees, general NPDES permittees, minor NPDES permittees, construction stormwater permittees and industrial stormwater permittees for both wet- and dry- weather conditions.

The proposed TMDL establishes a 10-year implementation schedule for dry-weather compliance and a 15-year schedule for wet-weather compliance. The implementation plan includes an evaluation of a combination of non-structural and structural best management practices (BMPs) that could be used to achieve compliance with the municipal stormwater waste load allocations, including an economic analysis for the suggested measures. Non-structural BMPs may include increased storm drain catch basin cleanings, improved street cleaning and educating industries of good housekeeping practices. Structural BMPs may include the installation of stormwater treatment devices specifically designed to reduce metals loadings, such as infiltration trenches and sand or organic filters, at critical points in the stormwater conveyance system. Such devices may also incorporate surge control, such as underground storage vaults or detention basins. The proposed TMDL also consists of a monitoring program to assess compliance with the waste load allocations, to collect additional data in order to evaluate the uncertainties and assumptions made in development of the TMDL, and to collect data to evaluate potential management scenarios.

Environmental Impacts
YES MAYBE NO

| II. ENVIRONMENTAL CHECKLIST | | |
|---|---|---|
| **1.** | **Earth. Will the proposal result in:** | |
| | a. Unstable earth conditions or in changes in geologic substructures? | No |
| | b. Disruptions, displacements, compaction or overcoming of the soil? | Maybe |
| | c. Change in topography or ground surface relief features? | No |
| | d. The destruction, covering or modification of any unique geologic or physical features? | No |
| | e. Any increase in wind or water erosion of soils, either on or off the site? | No |
| | f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake? | No |
| | g. Exposure of people or property to geologic hazards, such as earthquakes, landslides, mudslides, ground failure, or similar hazards? | No |
| **2.** | **Air. Will the proposal result in:** | |
| | a. Substantial air emissions or deterioration of ambient air quality? | Maybe |
| | b. The creation of objectionable odors? | No |
| | c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? | No |
| **3.** | **Water. Will the proposal result in:** | |
| | a. Changes in currents, or the course of direction or water movements, in either marine or fresh waters? | Maybe |
| | b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff? | Yes |
| | c. Alterations to the course of flow of flood waters? | Maybe |
| | d. Change in the amount of surface water in any water body? | Maybe |
| | e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity? | No |
| | f. Alteration of the direction or rate of flow of ground waters? | Maybe |

Environmental Impacts
YES MAYBE NO

| II. ENVIRONMENTAL CHECKLIST | | |
|---|---|---|
| | g. Change in the quantity or quality of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? | Maybe |
| | h. Substantial reduction in the amount of water otherwise available for public water supplies? | No |
| | i. Exposure of people or property to water related hazards such as flooding or tidal waves? | Maybe |
| **4.** | **Plant Life. Will the proposal result in:** | |
| | a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)? | No |
| | b. Reduction of the numbers of any unique, rare or endangered species of plants? | No |
| | c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? | No |
| | d. Reduction in acreage of any agricultural crop? | No |
| **5.** | **Animal Life. Will the proposal result in:** | |
| | a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)? | No |
| | b. Reduction of the numbers of any unique, rare or endangered species of animals? | No |
| | c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? | No |
| | d. Deterioration to existing fish or wildlife habitat? | Maybe |
| **6.** | **Noise. Will the proposal result in:** | |
| | a. Increases in existing noise levels? | Maybe |
| | b. Exposure of people to severe noise levels? | No |
| **7.** | **Light and Glare. Will the proposal:** | |
| | a. Produce new light or glare? | No |

Environmental Impacts
YES MAYBE NO

| II. ENVIRONMENTAL CHECKLIST | | |
|---|---|---|
| **8.** | **Land Use. Will the proposal result in:**<br>a. Substantial alteration of the present or planned land use of an area? | Maybe |
| **9.** | **Natural Resources. Will the proposal result in:**<br>a. Increase in the rate of use of any natural resources?<br>b. Substantial depletion of any nonrenewable natural resource? | <br>No<br>No |
| **10.** | **Risk of Upset. Will the proposal involve:**<br>a. A risk of an explosion or the release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions? | No |
| **11.** | **Population. Will the proposal:**<br>a. Alter the location, distribution, density, or growth rate of the human population of an area? | No |
| **12.** | **Housing. Will the proposal:**<br>a. Affect existing housing, or create a demand for additional housing? | No |
| **13.** | **Transportation/Circulation. Will the proposal result in:**<br>a. Generation of substantial additional vehicular movement?<br>b. Effects on existing parking facilities, or demand for new parking?<br>c. Substantial impact upon existing transportation systems?<br>d. Alterations to present patterns of circulation or movement of people and/or goods?<br>e. Alterations to waterborne, rail or air traffic?<br>f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians? | <br>No<br>Maybe<br>No<br>Maybe<br>Maybe<br>No |
| **14.** | **Public Service. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:**<br>a. Fire protection?<br>b. Police protection?<br>c. Schools?<br>d. Parks or other recreational facilities? | <br>No<br>No<br>No<br>No |

Environmental Impacts
YES MAYBE NO

| II. ENVIRONMENTAL CHECKLIST | | |
|---|---|---|
| | e. Maintenance of public facilities, including roads? | Yes |
| | f. Other governmental services? | Yes |
| **15.** | **Energy. Will the proposal result in:** | |
| | a. Use of substantial amounts of fuel or energy? | No |
| | b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy? | No |
| **16.** | **Utilities and Service Systems. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:** | |
| | a. Power or natural gas? | No |
| | b. Communications systems? | No |
| | c. Water? | No |
| | d. Sewer or septic tanks? | No |
| | e. Storm water drainage? | Yes |
| | f. Solid waste and disposal? | No |
| **17.** | **Human Health. Will the proposal result in:** | |
| | a. Creation of any health hazard or potential health hazard (excluding mental health)? | Maybe |
| | b. Exposure of people to potential health hazards? | No |
| **18.** | **Aesthetics. Will the proposal result in:** | |
| | a. The obstruction of any scenic vista or view open to the public? | No |
| | b. The creation of an aesthetically offensive site open to public view? | Maybe |
| **19.** | **Recreation. Will the proposal result in:** | |
| | a. Impact upon the quality or quantity of existing recreational opportunities? | No |
| **20.** | **Archeological/Historical. Will the proposal:** | |
| | a. Result in the alteration of a significant archeological or historical site structure, object or building? | No |
| **21.** | **Mandatory Findings of Significance** | |
| | **Potential to degrade:** Does the project have the potential to degrade the | No |

Environmental Impacts
YES MAYBE NO

| II. ENVIRONMENTAL CHECKLIST | | |
|---|---|---|
| | quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | |
| | **Short-term:** Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.) | No |
| | **Cumulative:** Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.) | No |
| | **Substantial adverse:** Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | No |

## III. DISCUSSION OF ENVIRONMENTAL EVALUATION

Expand on all "YES" and "MAYBE" answers given to the preceding questions in regard to environmental impacts. The evaluation shall consider whether the environmental impact indicated will have a substantial, adverse change in any of the physical conditions within the area affected by the activity. In addition, the evaluation should discuss environmental effects in proportion to their severity and probability of occurrence. (Use additional pages if necessary.)

**1. Earth. b.** Will the proposal result in disruptions, displacements, compaction or overcoming of the soil?

Answer: Maybe

Depending on the implementation strategy chosen, the proposal may result in the use of infiltration devices or other structural BMPs to treat of a portion of stormwater, which could result in disruptions of the soil by increasing the rate at which water is discharged to the ground. This potential adverse impact could be mitigated if structural BMPs are properly designed and sited in areas where risks to soil disruption are minimal.

**2. Air. a.** Will the proposal result in substantial air emissions or deterioration of ambient air quality?

Answer: Maybe

Depending on the implementation strategy chosen, construction and operation of urban runoff treatment facilities, including temporary increased traffic during construction, could result in increased air emissions. However, any potential air emissions resulting from construction or operational activities would be subject to regulation by the applicable air pollution control agency. In addition, construction of treatment facilities would likely require a separate CEQA review process, wherein project specific environmental impacts would be addressed.

**3. Water. a.** Will the proposal result in changes in currents, or the course of direction or water movements, in either marine or fresh waters?

Answer: Maybe

A change in fresh water movement may occur if compliance with the TMDL is achieved in part through diversion of stormwater from open channels to wastewater or urban runoff treatment facilities. This is likely to have a positive effect, as it will reduce the potential for flooding during storm events. Potential impacts of reductions in dry weather flow would likely require a separate CEQA review process, wherein project specific environmental impacts would be addressed.

**3. Water. b.** Will the proposal result in changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?

Answer: Yes

**III. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)**

Changes in drainage patterns and the rate and amount of surface water runoff will occur if a portion of stormwater is diverted and/or captured and treated or structural BMPs are implemented to achieve compliance with the TMDL. Changes in surface water runoff resulting from the use of infiltration devices and other structural BMPs can be considered a positive environmental impact. Such devices address the effects of development and increased impervious surfaces in the watershed.

**3. Water. c.** Will the proposal result in alterations to the course of flow of flood waters?

Answer: Maybe

Depending on the implementation strategy chosen, the proposal may result in the diversion and storage of a portion of stormwater, altering its current course of flow in the river. However, if properly sited and designed, treatment strategies will not reduce the flood control function of the Los Angeles River and will likely reduce peak floodwater flows.

**3. Water. d.** Will the proposal result in change in the amount of surface water in any water body?

Answer: Maybe

A change in the amount of surface water in waterbodies may occur if compliance with the TMDL is achieved by infiltration of stormwater runoff or by diverting a portion of runoff to wastewater or urban runoff treatment facilities. Changes in surface water quantity resulting from the use of infiltration devices and other structural BMPs can be considered a positive environmental impact. Such devices address the effects of development and increased impervious surfaces in the watershed.

**3. Water. f.** Will the proposal result in alteration of the direction or rate of flow of ground waters?

Answer: Maybe

A change in the rate of flow of ground waters may occur if compliance with the TMDL is achieved through significant infiltration of stormwater. Increased groundwater recharge can be considered a positive impact by the proposal.

**3. Water. g.** Change in the quantity or quality of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

Answer: Maybe

A change in the quantity of ground waters may occur if compliance with the TMDL is achieved through significant infiltration of stormwater. Increased groundwater recharge can be considered a positive impact by the proposal. If infiltration devices are not properly sited and constructed, ground water quality could be adversely impacted. The potential for adverse impacts may be mitigated through proper design and siting of infiltration devices and through groundwater monitoring.

**III. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)**

**3. Water. i.** Will the proposal result in exposure of people or property to water related hazards such as flooding or tidal waves?

Answer: Maybe

Depending on the implementation strategy chosen, the proposal may result in flooding hazards if structural BMPs are not properly designed and constructed to allow for bypass of stormwater during storms that exceed design capacity. However, the proposal also may reduce flooding hazards by reducing the peak storm flows in the Los Angeles River and tributaries by diverting and retaining water on-site via infiltration.

**5. Animal Life. d.** Will the proposal result in deterioration to existing fish or wildlife habitat?

Answer: Maybe

A change in the amount of surface water may occur if compliance with the TMDL is achieved by diverting a portion of runoff to urban runoff treatment facilities which could have a potential adverse effect on aquatic life habitat. However, the Los Angeles River receives significant continual flow from groundwater discharge and POTW effluent and the critical flow needed for aquatic life habitat would likely be maintained despite a diversion of runoff. In addition, any diversion project would be required to assess and mitigate any potential impacts to aquatic life habitat.

**6. Noise. a.** Will the proposal result in increases in existing noise levels?

Answer: Maybe

Depending on the implementation strategy chosen, the proposal may result in increases in existing noise levels, particularly in the case of construction of storage, diversion or treatment facilities for stormwater. The potential for increased noise levels due to construction are limited and short-term. Potential impacts could be reduced by limiting or restricting hours of construction.

**8. Land Use. a.** Will the proposal result in substantial alteration of the present or planned land use of an area?

Answer: Maybe

Depending on the implementation strategy chosen, the proposal may result in alteration of the present or planned land use of an area to provide land for storage, diversion or treatment facilities for stormwater. However, projects may be designed to address the need for more parks and wildlife habitat and to improve water quality.

**13. Transportation/Circulation. b.** Effects on existing parking facilities, or demand for new parking?

Answer: Maybe

**III. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)**

Depending on the implementation strategy chosen, the proposal may result in alterations to existing parking facilities to incorporate infiltration or other structural BMPs to treat stormwater. Structural BMPs, as discussed in the TMDL staff report, can be designed to accommodate space constraints and would not significantly decrease the amount of parking available in existing parking facilities.

**13. Transportation/Circulation. d.** Will the proposal result in alterations to present patterns of circulation or movement of people and/or goods?

Answer: Maybe

Depending on the implementation strategy chosen, the proposal may result in temporary alterations to present traffic patterns during construction of stormwater diversion or treatment facilities. The potential impacts are limited and short-term. Potential impacts could be reduced by limiting or restricting hours of construction.

**13. Transportation/Circulation. e.** Will the proposal result in Alterations to waterborne, rail or air traffic?

Answer: Maybe

See answer to 13.d.

**14. Public Service. e.** Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas: maintenance of public facilities, including roads?

Answer: Yes

The proposal will result in the need for increased maintenance of public facilities and, specifically, stormwater diversion facilities or structural BMPs. Non-structural BMPs, such as increased storm drain catch basin cleanings and improved street cleaning, would require additional road maintenance as well.

**14. Public Service. f.** Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas: other government services?

Answer: Yes.

The proposal will result in the need for increased monitoring in the Los Angeles River and its tributaries to track compliance with the TMDL. Non-structural BMPs, such as education and outreach, would result in the need for new or altered governmental services. In addition, as described in 14.e., additional maintenance would be required for street sweeping and structural BMP maintenance.

**16. Utilities and Service Systems. e.** Will the proposal result in a need for new systems, or substantial alterations to the following utilities: stormwater drainage?

Answer: Yes

**III. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)**

In order to achieve compliance with the TMDL, stormwater drainage systems may need to be retrofitted with structural BMPs or re-configured to divert and/or capture and treat a portion of stormwater.

**17. Human Health. c.** Will the proposal result in creation of any health hazard or potential health hazard (excluding mental health)?

Answer: Maybe

The implementation of stormwater detention and treatment BMPs could create a potential health hazard if facilities are not properly maintained to include vector (mosquito) control. This potential adverse impact can be mitigated by designing systems that minimize stagnant water conditions and/or by requiring oversight and treatment of those systems by vector control agencies.

**18. Aesthetics. b.** Will the proposal result in the creation of an aesthetically offensive site open to public view?

Answer: Maybe

Depending on the implementation strategy chosen, the proposal may result in the installation of storage, diversion or treatment facilities and structural BMPs for stormwater that could be aesthetically offensive if not properly designed, sited, and maintained. However, many structural BMPs are designed to provide habitat, recreational areas, and green spaces in addition to improving stormwater quality.

**IV. DETERMINATION**

The implementation of this TMDL will result in improved water quality in the Los Angeles River and its tributaries and will not have significant adverse impacts to the environment. Specific projects employed to implement the TMDL may have significant impacts, but these impacts are expected to be limited, short-term or may be mitigated through design and scheduling. The staff report for the TMDL and this checklist provide the necessary information pursuant to Public Resources Code section 21159 to conclude that properly designed and implemented BMPs or treatment systems will not have a significant adverse effect on the environment. Any of the potential impacts would need to be mitigated at a subsequent, project level because they would involve the design of a specific BMP or treatment system. At this stage, any conclusions would be speculative. Specific projects, which may have a significant impact, would be subject to a separate environmental review. The lead agency for subsequent projects would be obligated to mitigate any impacts they identify, for example by mitigating potential flooding impacts by designing the BMPs with adequate margins of safety.

On the basis of this initial evaluation and staff report for the TMDL, which collectively provide the required information:

☐ I find the proposed Basin Plan amendment could not have a significant effect on the environment.

☒ I find that the proposed Basin Plan amendment could have a significant adverse effect on the environment. However, there are feasible alternatives and/or feasible mitigation measures that would substantially lessen any significant adverse impact. These alternatives are discussed above and in the staff report for the TMDL.

☐ I find the proposed Basin Plan amendment may have a significant effect on the environment. There are no feasible alternatives and/or feasible mitigation measures available which would substantially lessen any significant adverse impacts. See the attached written report for a discussion of this determination.

DATE:

*Original signed on July 12, 2004*

_____

Jonathan Bishop
Interim Executive Officer