



# California Regional Water Quality Control Board

## Los Angeles Region



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

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### 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 bacteria in Ballona Creek, Ballona Estuary, and Sepulveda Channel.

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 a substitute to an initial study, negative declaration, and/or environmental impact report.

The "certified regulatory program" of the Regional Board, however, must satisfy the substantive requirements of California Code of Regulations, Title 23, Section 3777(a) which requires a written report that includes a description of the proposed activity, an alternatives analysis, and an identification of mitigation measures to minimize any significant adverse impacts. Section 3777(a) also requires the Regional Board to complete an environmental checklist as part of its substitute environmental documents.

The Regional Board's substantive obligations when adopting performance standards such as TMDLs, are described in Public Resources Code section 21159. Section 21159, which allows expedited environmental review for mandated projects, provides that an agency shall perform, at the time of the adoption of a rule or regulation requiring the installation of pollution control equipment, or a performance standard or treatment requirement, an Environmental Analysis of the reasonably foreseeable methods of compliance. The statute further requires that the environmental analysis at a minimum, include, all of the following:

- (1) An analysis of the reasonably foreseeable environmental impacts of the methods of compliance.
- (2) An analysis of reasonably foreseeable mitigation measures to lessen the adverse environmental impacts.
- (3) An analysis of reasonably foreseeable alternative means of compliance with the rule or regulation that would have less significant adverse impacts. (Pub. Resources Code, § 21159(a).)

Section 21159(c) requires that the Environmental Analysis take into account a reasonable range of:

- (1) Environmental, economic, and technical factors,
- (2) Population and geographic areas, and
- (3) Specific sites.

A "reasonable range" does not require an examination of every site, but a reasonably representative sample of them. The statute specifically states that the section shall not require the agency to conduct a "project level analysis." (Pub. Res. Code § 21159(d).) Rather, a project level analysis must be

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performed by the local agencies that are required to implement the requirements of the TMDL. (Pub. Res. Code § 21159.2.) Notably, the Regional Board is prohibited from specifying the manner of compliance with its regulations (Water Code § 13360), and accordingly, the actual environmental impacts will necessarily depend upon the compliance strategy selected by the local agencies and other permittees.

The attached checklist and the staff report for the TMDL bacteria in Ballona Creek, Ballona Estuary, and Sepulveda Channel, with the responses to comments, and the resolution approving the amendment, fulfill the requirements of Section 3777, Subdivision (a), and the Regional Board's substantive CEQA obligations. In preparing these CEQA substitute documents, the Regional Board has considered the requirements of Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187, and intends these documents to serve as a tier 1 environmental review.

Any potential environmental impacts associated with the TMDL depend upon the specific compliance projects selected by the responsible jurisdictions, many of whom are public agencies subject to their own CEQA obligations. (See Pub. Res. Code § 21159.2.) If not properly mitigated at the project level, there could be adverse environmental impacts. The CEQA substitute documents identify broad mitigation approaches that should be considered at the project level. Consistent with CEQA, the substitute documents do not engage in speculation or conjecture and but rather consider the reasonably foreseeable environmental impacts of the methods of compliance, the reasonably foreseeable feasible mitigation measures, and the reasonably foreseeable alternative means of compliance, which would avoid, eliminate, or reduce the identified impacts. The Regional Board recognizes that there may be project-level impacts that the local public agencies may determine are not feasible to mitigate. To the extent the alternatives, mitigation measures, or both, are not deemed feasible by those agencies, the necessity of implementing the federally required TMDL and removing the bacteria impairment from Ballona Creek, Ballona Estuary, and Sepulveda Channel (an action required to achieve the express, national policy of the Clean Water Act) outweigh the unavoidable adverse environmental effects.

## 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 bacteria in Ballona Creek, Estuary, and Sepulveda Channel.

The Regional Board has identified Ballona Creek, Ballona Estuary, and Sepulveda Channel as impaired due to high frequencies of elevated bacteria indicator densities. The beneficial uses most likely to be impaired by bacteria are those associated with water contact- (REC-1), limited contact- (LREC-1), and non-contact recreation (REC-2).

The Regional Board's goal in incorporating the TMDL is to reduce the risk of illness associated with recreating in fresh and marine waters contaminated with fecal material and other sources of bacteria, and to restore the overall water quality in Ballona Creek, Ballona Estuary, and Sepulveda Channel. The adoption of a TMDL is not discretionary and is compelled both by section 303(d) of the federal Clean Water Act (33 USC 1313(d)) and by a federal consent decree.



The proposed TMDL sets numeric water quality targets equal to the updated Basin Plan REC-1 objectives for marine and fresh waters (for Ballona Estuary and Sepulveda Channel respectively), the new Basin Plan objectives for LREC-1 (for Reach 2 of Ballona Creek), and the REC-2 Basin Plan objectives for Reach 1 of Ballona Creek.

To implement the single sample bacteria objectives for waters designated REC-1 and LREC-1, and to set allocations based on the single sample targets, an allowable number of exceedance days is set for each reach. The numeric target in the TMDL is expressed as 'allowable exceedance days' since bacterial density and the frequency of single sample exceedances is most relevant to public health. The US EPA allows states to select the most appropriate measure to express the TMDL; and allowable exceedance days are considered an 'appropriate measure' consistent with the definition in 40 CFR 130.2(j). The REC-1 and LREC-1 geometric mean targets, which are based on a rolling 30-day period, will be strictly adhered to and may not be exceeded at any time.

The REC-2 objectives allow for a 10% exceedance frequency of the single sample limit in samples collected during a 30-day period. This allowance, which is based on an acceptable level of health risk, will be applied in lieu of the allowable exceedance days for the REC-1 and LREC-1 objectives. The REC-2 geometric mean target, which is based on a rolling 30-day period, will be strictly adhered to and may not be exceeded at any time.

The loading capacity for Ballona Creek, Estuary, and Sepulveda Channel is defined in terms of bacterial indicator densities and is equivalent to the numeric targets in Section 3. This is consistent with the approach used in the Santa Monica Bay Beaches TMDL.

The TMDL establishes a 6-year plan for reducing the number of summer dry-weather days and winter dry-weather days, and a 10-year plan for reducing the number of wet-weather days that exceed the applicable bacteria objectives in Ballona Creek, Ballona Estuary, and Sepulveda Channel. The purpose of this TMDL is to remove the anthropogenic sources (which includes both human sources of bacteria and human activities such as storm water conveyances that have concentrated natural sources of bacteria) bacteriological water quality impairments that prevent Ballona Creek, Ballona Estuary, and Sepulveda Channel from supporting their recreational beneficial uses. Responsible jurisdictions within the Ballona Creek Watershed are held jointly accountable for attaining the waste load allocations for the impaired reaches, and are encouraged to use of a variety of methods to prevent these exceedances. It is proposed that these responsible agencies will achieve compliance with their waste load allocations within 10 years of the effective date of the TMDL. The Regional Board may extend the allowable implementation schedule up to 14 years from the effective date of the TMDL if an integrated resources approach is employed.

## II. GENERAL ENVIRONMENTAL COMMENTS

The detailed environmental setting and authority for the Ballona Creek, Ballona Estuary, and Sepulveda Channel Bacteria TMDL is set forth in the detailed technical report entitled "Total Maximum Daily Load Bacterial Densities in Ballona Creek, Ballona Estuary, and Sepulveda Channel." The report identifies



the environmental setting and need for the project. In addition, the report identifies the reasonably foreseeable methods of compliance.

The Regional Board has considered potential environmental impacts arising from the reasonably foreseeable means of compliance with the TMDL. (Pub. Res. Code, § 21159(a).) Many of these compliance approaches are already required under existing law. The high frequencies of elevated bacteria indicator densities and continued exceedance of water quality standards are themselves adverse environmental impacts, as the recreational users of these waterbodies will remain at risk during the implementation period for the TMDL. The TMDL authorizes the Regional Board to allow additional time (up to 4 additional years) to comply with the final wet-weather allocations if the responsible jurisdictions and responsible agencies employ an integrated water resources approach. This allowance is provided in recognition of the potential benefits and increased complexity of the integrated resources approach. The integrated approach is expected to provide multiple benefits including improved water quality and increased stormwater capture and re-use. However the approach, which involves a system of structural and non-structural BMPs distributed throughout the watershed, is more complex than a regional stormwater treatment plant and may require more time to plan, design and implement. While additional time may be afforded for the integrated approach, the time allowed should be as short as possible. The Regional Board will consider extending the allowable time within three years after the effective date of the TMDL, and after reviewing the responsible jurisdiction's and responsible agencies' implementation plans, and carefully weighing the benefits and need for additional time.

The TMDL provides a program for addressing the adverse impacts of non-compliance with water quality standards, through a progressive reduction in the loading of bacteria to Ballona Creek, Ballona Estuary, and Sepulveda Channel, and through a schedule that is reasonable and as short as practicable.

Based on information developed during the CEQA scoping process, the accompanying CEQA checklist identifies the reasonably foreseeable environmental impacts of the methods of compliance. (Pub. Res. Code, § 21159(a)(1).) This analysis is a program-level (i.e., macroscopic) analysis. CEQA does not require the Regional Board to conduct a project-level analysis of environmental impacts. (Pub. Res. Code, § 21159(d).) Similarly, the CEQA substitute documents do not engage in speculation or conjecture. (Pub. Res. Code, § 21159(a).) When the programmatic CEQA scoping identifies a potential environmental impact, the accompanying analysis identifies reasonably foreseeable feasible mitigation measures. (Pub. Res. Code, § 21151(a)(2).) Because responsible agencies will most likely use a combination of structural and non-structural BMPs, the CEQA substitute documents have identified the reasonably foreseeable alternative means of compliance. (Pub. Res. Code, § 21159(a)(3).)

The responsible jurisdictions are likely to use a dynamic combination of structural and non-structural strategies that will vary from project to project. These project-level determinations could have environmental impacts if not properly mitigated at the project level. Project proponents will need to consider mitigation such as alternative siting, varying construction times for any projects requiring construction activities, and designing diversions to allow for minimum base flows to support downstream habitat. With respect to potential environmental impacts that may occur at the project level, the accompanying checklist identifies the types of mitigation that may be feasible. In the event that a specific strategy may have impacts that cannot feasibly be mitigated, the project proponent may need to consider an alternative strategy or combination of strategies to comply with the TMDL. Furthermore, to the extent the alternatives, mitigation measures, or both, are not deemed feasible by those agencies, the necessity of implementing the federally required bacteria TMDL and reducing the levels of bacteria in



Ballona Creek, Ballona Estuary, and Sepulveda Channel (an action required to achieve the express, national policy of the Clean Water Act) outweigh the unavoidable adverse environmental effects, as they will be minimal because project level planning, construction, and operation methods are available to mitigate foreseeable environmental impacts from implementing the TMDL as described in the CEQA checklist.



<b>III. ENVIRONMENTAL CHECKLIST</b>		
<b>1.</b>	<b>Earth. Will the proposal result in:</b>	
	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?	Maybe
	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?	Maybe
	g. Exposure of people or property to geologic hazards, such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	No
<b>2.</b>	<b>Air. Will the proposal result in:</b>	
	a. Substantial air emissions or deterioration of ambient air quality?	Maybe
	b. The creation of objectionable odors?	Maybe
	c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	No
<b>3.</b>	<b>Water. Will the proposal result in:</b>	
	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?	Yes
	f. Alteration of the direction or rate of flow of ground waters?	Maybe



<b>III. ENVIRONMENTAL CHECKLIST</b>		
	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
<b>4.</b>	<b>Plant Life. Will the proposal result in:</b>	
	a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)?	Maybe
	b. Reduction of the numbers of any unique, rare or endangered species of plants?	Maybe
	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
<b>5.</b>	<b>Animal Life. Will the proposal result in:</b>	
	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)?	Maybe
	b. Reduction of the numbers of any unique, rare or endangered species of animals?	Maybe
	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
<b>6.</b>	<b>Noise. Will the proposal result in:</b>	
	a. Increases in existing noise levels?	Maybe
	b. Exposure of people to severe noise levels?	No
<b>7.</b>	<b>Light and Glare. Will the proposal:</b>	
	a. Produce new light or glare?	No



<b>III. ENVIRONMENTAL CHECKLIST</b>		
8.	<b>Land Use. Will the proposal result in:</b> a. Substantial alteration of the present or planned land use of an area?	Maybe
9.	<b>Natural Resources. Will the proposal result in:</b> a. Increase in the rate of use of any natural resources?  b. Substantial depletion of any nonrenewable natural resource?	No  No
10.	<b>Risk of Upset. Will the proposal involve:</b> 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?	Maybe
11.	<b>Population. Will the proposal:</b> a. Alter the location, distribution, density, or growth rate of the human population of an area?	No
12.	<b>Housing. Will the proposal:</b> a. Affect existing housing, or create a demand for additional housing?	No
13.	<b>Transportation/Circulation. Will the proposal result in:</b> a. Generation of substantial additional vehicular movement?  b. Effects on existing parking facilities, or demand for new parking?  c. Substantial impact upon existing transportation systems?  d. Alterations to present patterns of circulation or movement of people and/or goods?  e. Alterations to waterborne, rail or air traffic?  f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	No  Maybe  Maybe  Maybe  Maybe
14.	<b>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:</b> a. Fire protection?  b. Police protection?  c. Schools?  d. Parks or other recreational facilities?	No  No  No  No

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



III. 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?	
<b>Short-term:</b> 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
<b>Cumulative:</b> 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
<b>Substantial adverse:</b> Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	No

#### IV. DISCUSSION OF ENVIRONMENTAL EVALUATION

The analysis of potential environmental impacts is based on implementation of bacteria source control measures, flow control measures, stormwater best management practices, and diversion and treatment strategies to reduce bacteria loadings to Ballona Creek, Ballona Estuary, and Sepulveda Channel in response to the proposed Basin Plan amendment. Potential impacts to air quality, geology and soils, biological resources, hydrology, land use planning, public services, and utilities are discussed below, and it is found that any significant impacts can be mitigated at a project level. The evaluation considers 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 discusses environmental effects in proportion to their severity and probability of occurrence.

**1. Earth. a.** Will the proposal result in unstable earth conditions or in changes in geologic substructure?

Answer: No

No impact is expected because foreseeable methods of compliance, including implementation of any storage, diversion or treatment facilities, would not be of the size or scale to result in unstable earth conditions or in changes in geologic substructures. To the extent that such facilities could result in unstable earth conditions or in changes in geologic substructures, potential impacts could be avoided or mitigated through proper siting, design, and groundwater level monitoring to ensure stable conditions.

**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 soil excavation during construction of storage, diversion or treatment facilities for storm water. Standard construction techniques, including but not limited to, shoring, piling and soil stabilization can mitigate these potential short-term impacts. Other strategies include the use of infiltration devices or other structural BMPs to treat a portion of storm water, 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 to less than significant levels if structural BMPs are properly designed and sited in areas where the risk of soil disruption is minimal.

**1. Earth. c.** Will the proposal result in change in topography or ground surface relief features?

Answer: No

No impact is expected because foreseeable methods of compliance, including implementation of any storage, diversion or treatment facilities, would not be of the size or scale to result in change in topography or ground surface relief features. To the extent that such facilities could result in change in topography or ground surface relief features, potential impacts could be avoided or mitigated through siting such alterations in geologically stable areas outside of flood plains.



#### IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

1. **Earth d.** Will the proposal result in the destruction, covering or modification of any unique geologic or physical features?

Answer: No

No impact is expected because foreseeable methods of compliance, including implementation of any storage, diversion or treatment facilities, would not be of the size or scale to result in the destruction, covering or modification of any unique geologic or physical features. To the extent that such facilities could result in the destruction, covering or modification of any unique geologic or physical features, potential impacts could be mitigated by mapping these features to avoid siting facilities in these areas.

1. **Earth. e.** Will the proposal result in any increase in wind or water erosion of soils, either on or off the site?

Answer: Maybe

Depending on the implementation strategy chosen, the proposal may result in the use of infiltration devices or other structural management practices to treat runoff, which could result in erosion of the soil by increasing the rate at which water is discharged to the ground. This potential adverse impact could be mitigated to less than significant levels if structural management practices are properly designed and sited in areas where risks to soil erosion are minimal. Responsible agencies may also plant cover crops or buffer strips to increase soil infiltration and reduce runoff, in order to reduce soil erosion. . Furthermore, construction sites are required to retain sediments on site, either by a general construction storm water permit or through the construction program of the applicable MS4 permit—both of which are already designed to minimize or eliminate erosion impacts on receiving water.

1. **Earth. f.** Will the proposal result in 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?

Answer: Maybe

To the extent that storm flows are maintained on site or diverted to storage or infiltration facilities, siltation or deposition of sand within the estuary may be impacted. Minimal deposition currently occurs within the concrete lined channels and no impact is anticipated in the channels. Reduction in siltation in the estuary may be considered a positive impact as fine sediments may contain toxic pollutants and a reduction in sedimentation may reduce the need for maintenance dredging of the estuary and adjacent Marina del Rey Harbor. Impacts to deposition of beach sand may be mitigated by further study at the project level and by on-going monitoring.

No impact is expected because removal of sediment is not required for removal of bacteria or compliance with the TMDL. Potential impacts due to erosion during construction (see 1. Earth. e.) would not result in modification of Sepulveda Channel, Ballona Creek, Ballona Estuary, or any downstream beaches.

#### IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

1. **Earth. g.** Will the proposal result in exposure of people or property to geologic hazards, such as earthquakes, landslides, mudslides, ground failure, or similar hazards?

Answer: No:

No impact is expected. Although areas of the watershed are subject to geologic hazards, geotechnical studies prepared at the project level would ensure that treatment facilities or BMPs were not employed in these areas in order to mitigate potential impacts to a less than significant level.

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. Mitigation measures such as vapor barriers and moisture control are available to reduce transfer of small sediments to air. 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 such as increased air emissions would be addressed. In any event, these impacts could be deemed significant, especially in areas where the region is designated non-attainment for relevant air pollutants. However, any significant, un-mitigable impacts on air resources would be short-term in duration and are outweighed by the necessity of implementing the federally required TMDL to protect human health by reducing bacteria indicator densities in Ballona Creek, Ballona Estuary, and Sepulveda Channel (an action required to achieve the express, national policy of the Clean Water Act).

2. **Air. b.** Will the proposal result in creation of objectionable odors?

Answer: Maybe

BMPs may be a source of objectionable odors if design allows for water stagnation or collection of water with sulfur-containing compounds. Mitigation measures may include covers, aeration, filters, and odor suppressing chemical additives.

2. **Air. c.** Will the proposal result in alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

Answer: No

This proposal sets wasteload and load allocations to protect the recreational beneficial uses of Ballona Creek, Ballona Estuary, and Sepulveda Channel. Foreseeable methods of compliance include treatment



#### IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

of waste effluents, best management practices, and pollution prevention. It is not foreseeable that this proposal will result in alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally.

**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 storm water from open channels to wastewater or urban runoff treatment facilities or infiltration BMPs. This is likely to have a positive effect, however, not an adverse 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

Changes in drainage patterns and the rate and amount of surface water runoff will occur if a portion of storm water is diverted and/or captured and treated or structural BMPs are implemented to achieve compliance with the TMDL. Reductions in surface water runoff resulting from the use of infiltration devices and other structural BMPs would be considered a positive environmental impact, as there would conceivably be a corresponding reduction in pollutant loading associated with urban and storm water runoff. 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

Changes in surface water runoff resulting from the use of infiltration devices and other structural BMPs would be considered a positive environmental impact. Such devices address the effects of development and increased impervious surface in the watersheds. Depending on the implementation strategy chosen, the proposal may result in the diversion and storage of a portion of storm water, altering its current course of flow in the creek. However, if properly sited and designed, treatment strategies will not reduce the flood control functions in the region and therefore these impacts would be less than significant. Moreover, they will likely reduce peak floodwater flows, would be a public benefit, as some of these peak flows constitute a potential flooding hazard and/or a safety hazard to anyone in their near-vicinity.

#### IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

**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 storm water 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 would be considered a positive environmental impact as such devices address the negative environmental effects of development and increased impervious surfaces in the watershed. Potential impacts to plant and animal life as a result of dry-weather diversions are discussed in Responses No. 4 (plant life) and No. 5 (animal life) respectively.

**3. Water. e.** Will the proposal result in discharge to surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity?

Answer: Yes

A change in the quality of surface water will occur when the TMDL is implemented by controlling sources of bacteria in surface runoff and/or treating dry weather runoff and storm water runoff. This will positively impact water quality and associated recreational beneficial uses of surface waters, including water contact and non-contact recreation.

**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 storm water. When properly managed, increased groundwater recharge would be considered a positive impact by the proposal as it would contribute to replenishing local water supplies. Standard treatment technologies are available to reduce contaminant levels prior to recharge. Applicable and appropriate mitigation measures will be evaluated when specific projects are determined.

**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 storm water. Increased groundwater recharge would be considered a positive impact by the proposal, as it would contribute to replenishing our local water supplies. If infiltration devices are not properly sited and constructed, ground water quality could be adversely impacted. The



#### IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

potential for adverse impacts may be mitigated through proper design and siting of infiltration devices, pretreatment prior to infiltration and through groundwater monitoring.

**3. Water. h.** Will the proposal result in substantial reduction in the amount of water otherwise available for public water supplies?

Answer: No

A major goal of the integrated water resources approach is to capture and re-use stormwater runoff. Stormwater runoff may be captured and used to recharge groundwater used for public water supplies.

**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 storm water during storms that exceed design capacity. This potential impact can be mitigated through proper design. The proposal also may reduce flooding hazards by reducing the peak storm flows in Ballona Creek and its tributaries by diverting and retaining water on-site via infiltration.

**4. Plant Life. a.** Will the proposal result in change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)?

Answer: Maybe

The Preferred Implementation Strategy,” as described in the staff report, involves source and flow reduction BMPs, storm drain diversions, and treatment and re-use of creek flows in the North Outfall treatment Facility, all of which will be sited in already urbanized areas. Implementation of this strategy is not likely to cause a change in diversity of plant species or reductions of rare or endangered plant species, or reductions in acreage of any agricultural crops in the watershed because the highly urbanized nature of the potential locations of diversion structures and other BMPs makes it unlikely that significant plant resources will be present. However, some of the diversion strategies considered could result in reduced creek flows, particularly during dry weather, which may have an adverse impact on plant life in the downstream estuary. The agencies responsible for implementing the TMDL should consult with the appropriate agencies to determine measures to reduce or remove impacts to plant life.

In the case of the “Alternative Strategy” where the construction of new treatment facilities are proposed, impact to plant life will only occur in the event that these facilities are sited on non-urban, undeveloped, or open space areas. In this instance, alternative site locations, or design modifications that would avoid impacts to plant life would be implemented. If avoidance cannot be implemented, consultation with agencies having jurisdiction over identified resources would occur to identify specific mitigation measures.

#### IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

**4. Plant life. b.** Will the proposal result in reduction of the numbers of any unique, rare or endangered species of plants?

Answer: Maybe

See response to "4. Plant life. a."

**4. Plant life. c.** Will the proposal result in introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?

Answer: No

It is not foreseeable that this proposal will result in introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species. Also see response to "4. Plant life. a."

**4. Plant life. d.** Will the proposal result in reduction in acreage of any agricultural crop?

Answer: No

Implementation of the proposed Basin Plan is not likely to result in the reduction in acreage of any agricultural crop, as agriculture is not a significant land use in the Ballona Creek watershed.

**5. Animal Life. a.** Will the proposal result in 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)?

Answer: Maybe

Some of the diversion strategies considered could result in reduced creek flows, particularly during dry weather, which may have an adverse impact on aquatic life habitat in the downstream estuary. The agencies responsible for implementing the TMDL should consult with agencies such as the California Department of Fish and Game to develop strategies to prevent such impacts to these resources and the National Marine Fisheries Service to determine minimum base flows to be maintained in the creek to protect these resources. In the event that maintaining these flows will not achieve compliance with TMDL requirements, an alternative treatment and return strategy should be developed.

**5. Animal Life. b.** Will the proposal result in reduction of the numbers of any unique, rare or endangered species of animals?

Answer: Maybe



#### IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

See response to "5. Animal Life. a".

##### 5. Animal Life. c.

Answer: No

It is not foreseeable that this proposal will result in introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals. Also see response to "5. Animal Life. a".

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

Answer: Maybe

Some of the diversion strategies considered could result in reduced creek flows, particularly during dry weather, which may have an adverse impact on aquatic life habitat in the downstream estuary. The agencies responsible for implementing the TMDL should consult with agencies such as the California Department of Fish and Game to develop strategies to prevent such impacts to these resources and the National Marine Fisheries Service to determine minimum base flows to be maintained in the creek to protect these resources. In the event that maintaining these flows will not achieve compliance with TMDL requirements, an alternative treatment and return strategy should be developed. Strategies may include collection and treatment of dry-weather runoff and discharge to Ballona Creek Estuary or its tributaries.

##### 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 storm water. The potential for increased noise levels due to construction is limited and short-term. These short-term noise impacts can also be mitigated by implementing noise abatement procedures, standard construction techniques such as sound barriers, mufflers and restricted hours of operation. Applicable and appropriate mitigation measures will be evaluated when specific projects are determined.

##### 6. Noise. b. Will the proposal result in exposure of people to severe noise levels?

Answer: No

Foreseeable methods of compliance include stormwater best management practices, storm drain diversions and treatment strategies, and pollution prevention. These methods may entail short term disturbances during

#### IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

construction of structural best management practices such as retention basins or stormwater treatment systems and during periodic servicing which may include the use of vacuum trucks and pumps. The specific project impacts can be mitigated by standard noise abatement techniques including sound barriers and insulation to reduce noise from pumps, motors, fans, etc., passive design BMPs that do not require frequent maintenance, scheduling of maintenance during mid-day hours, and noise monitoring to ensure levels remain below acceptable levels. It is not foreseeable that this proposal will result in exposure of people to severe noise levels.

**7. Light and Glare.** Will the proposal produce new light or glare?

Answer: No

Implementation of the proposed Basin Plan amendment is not likely to produce new light or glare because none of the foreseeable means of compliance involve additional lighting. Should night time construction activities be proposed, potential impacts should be evaluated in the project specific EIR. Potential mitigation efforts may include screening and low-impact lighting.

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

Answer: Maybe

The "Preferred Implementation Strategy" as developed by the Cleaner Rivers Through Stakeholder-led TMDLs (CREST) and described in the staff report relies upon a mothballed treatment plant, the "North Outfall Treatment Facility", source reduction measures such as smart irrigation to reduce dry-weather runoff, cisterns on public lands, and distributed small-scale BMPs. This strategy involves retrofitting of an existing treatment facility, and modification of storm water conveyance structures, neither of which is expected to result in substantial alterations to present planned land use. This strategy is not expected to have adverse impacts on land use and planning. Projects may be designed to increase parks and wildlife habitat areas and to improve water quality. Potential conflicts between implementation efforts and other land uses can be resolved by standard planning efforts under which specific projects are reviewed by local planning agencies. Applicable and appropriate mitigation measures will be evaluated when specific projects are determined.

Should an alternative strategy with greater reliance on construction of additional treatment plants or storage facilities be proposed, a project level EIR would be required to address this issue.

**9. Natural Resources.** Will the proposal result in: (a) increase in the rate of use of any natural resources, (b) substantial depletion of any non-renewable natural resource

Answer: No



#### IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

Implementation of the proposed Basin Plan amendment is not likely to significantly increase the rate of use of any natural resources or cause substantial depletion of any nonrenewable natural resource. Some types of structural BMPs and treatment facilities may consume electricity to operate pumps, etc. (See 15.a.) To the extent that an integrated water resources approach is employed, the proposal is likely to decrease stress on water supplies by infiltrating to recharge aquifers.

##### 10. Risk of Upset

Answer: Maybe

Implementation of the proposed Basin Plan amendment is not likely to involve 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. Nor should it result in any increased exposure to hazards or hazardous material. While some use of hazardous materials (e.g., paint, oil, gasoline) is likely during construction, potential risks of exposure can be mitigated with proper handling and storage procedures. In addition, depending on the type of disinfection process used at the proposed treatment facilities, there may be a risk of exposure to chlorine gas. However, this is unlikely as treatment plants have generally converted to safer substitute disinfectants such as sodium hypochlorite and ozone. Furthermore, proper maintenance and oversight could mitigate any risk of escape of chlorine gas.

##### 11. Population

Answer: No

The proposed Basin Plan amendment would not directly or indirectly induce population growth in the area, displace existing housing, or displace people. The "Preferred Implementation Strategy" as developed by the Cleaner Rivers Through Stakeholder-led TMDLs (CREST) and described in the staff report relies upon a mothballed treatment plant, the "North Outfall Treatment Facility", source reduction measures such as smart irrigation to reduce dry-weather runoff, cisterns on public lands, and distributed small-scale BMPs. This strategy involves retrofitting of an existing treatment facility, and modification of storm water conveyance structures, neither of which should impact population growth or require acquisition of private property. Should additional treatment plants or storage facilities be proposed, a project level EIR would be required to address this issue.

##### 12. Housing

Answer: Maybe

Environmental impacts from structural controls to be placed in existing housing areas are similar to environmental impacts from structural controls placed in other areas with sensitive receptors. To the extent that BMPs must be located within residential areas, mitigation measures may include screening to reduce aesthetic impacts, sound barriers and insulation to reduce noise from pumps, motors, fans, etc., passive design BMPs that do not require frequent maintenance, scheduling of maintenance during mid-

#### IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

day hours to reduce potential impacts from noise and increased traffic from service vehicles. Also see response to 11. Population.

**13. Transportation/Circulation. a.** Will the proposal result in generation of substantial additional vehicular movement?

Answer: No

It is not foreseeable that this proposal will result in generation of substantial additional vehicular movement. The proposal is unlikely to result in the construction of any center (e.g., workplace, high-density residential, or shopping center) that would generate a substantial number of daily vehicle trips. Rather the preferred strategy relies on a distributed system of small BMPs, most of which will require only infrequent servicing, and refurbishing the NOTF. It is expected that the operation of the NOTF would require less than 50 daily workers.

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

Answer: Maybe

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 storm water. Structural BMPs, can be designed to accommodate space constraints and would not significantly decrease the amount of parking available in existing parking facilities.

**13. Transportation/Circulation. c.**

Answer: Maybe

Depending on the implementation strategy chosen, the proposal may result in temporary alterations to existing transportation systems during construction of storm water diversion or treatment facilities. The potential impacts are limited and short-term. Potential impacts could be reduced by limiting or restricting hours of construction so as to avoid peak traffic times and by providing temporary traffic signals and flagging to facilitate traffic movement.

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

Answer: Maybe

See response to "Transportation/Circulation. c."



#### IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

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

Answer: Maybe

Depending on the implementation strategy and location chosen, the proposal may potentially result in temporary alterations to rail transportation during construction of storm water diversion or treatment facilities. However the potential impacts are limited and short-term and can be avoided or minimized through siting, designing, and scheduling of construction activities

**13. Transportation/Circulation. f.** Will the proposal result in increase in traffic hazards to motor vehicles, bicyclists or pedestrians?

Answer: Maybe

Foreseeable methods of compliance include stormwater best management practices, storm drain diversions and treatment strategies, and pollution prevention. These methods may entail short term disturbances during construction of diversion structures or structural BMPs. The specific project impacts can be mitigated by appropriate mitigation methods during construction. To the extent that site-specific projects entail excavation in roadways, such excavations shall be marked, barricaded, and traffic flow controlled with signals or traffic control personnel in compliance with authorized local police or California Highway Patrol requirements. These methods will be selected and implemented by responsible local agencies. It is not foreseeable that this proposal will result in increase in traffic hazards to motor vehicles, bicyclists or pedestrians.

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

Answer: No

Proposed implementation strategies for this TMDL include stormwater best management practices, storm drain diversions and treatment strategies, and pollution prevention. Any construction activities would be subject to applicable building and safety and fire prevention regulations and codes. It is not foreseeable that this proposal will have an effect upon, or result in a need for new or altered fire protection services.

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

Answer: No

Proposed implementation strategies for this TMDL include stormwater best management practices, storm drain diversions and treatment strategies, and pollution prevention. It is not foreseeable that this proposal will have an effect upon, or result in a need for new or altered any police protection services except for possible increased traffic control during construction projects.

#### IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

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

Answer: No

Proposed implementation strategies for this TMDL include stormwater best management practices, storm drain diversions and treatment strategies, and pollution prevention. It is not foreseeable that this proposal will have an effect upon, or result in a need for new or altered any school services. School facilities may offer opportunities for stormwater collection and reuse through cisterns. Maintenance of such facilities is not expected to significantly increase school facilities maintenance demands.

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

Answer: No

Proposed implementation strategies for this TMDL include stormwater best management practices, storm drain diversions and treatment strategies, and pollution prevention. It is not foreseeable that this proposal will have a negative impact upon, or result in a need for new or altered any parks or other recreational facilities. Strategies for encouraging stormwater retention may encourage additional urban parks and recreational facilities.

**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 treatment and/or 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. While these requirements may result in increases in maintenance costs, any increase will be outweighed by the resulting overall improvement in water quality and protection of human health. Nevertheless, an increased cost of maintenance is not an "environmental" impact that involves a change in the physical environment.

**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 Ballona Creek, Estuary, and their tributaries to track compliance with the TMDL. Non-structural BMPs, such as education and outreach, would result in



#### IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

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. Nevertheless, these types of alterations to governmental services are not “environmental” impacts that involve a change in the physical environment.

**15. Energy. a.** Will the proposal result in use of substantial amounts of fuel or energy?

Answer: No

The proposed Basin Plan Amendment should not result in the use of substantial amounts of fuel or energy, or a substantial increase in demand upon existing sources of energy, or require the development of new sources of energy, because the foreseeable means of compliance would include a mix of non-structural and structural BMPs, which would not require such demands. Pumps that require electricity may be incorporated into structural BMPs and diversions; however, operation of pumps is not expected to place substantial increases on existing energy supply. Responsible agencies may avoid the use of pumps in structural BMPs by siting and designing BMPs to allow for sufficient hydraulic head in order to operate BMPs by gravity flow. Urban runoff plants are another alternative implementation strategy, which would require additional electricity, but treatment to provide disinfection, such as ultraviolet radiation, is not generally energy intensive. In any event, such plants are not a requirement to meet the TMDL.

**15. Energy. b.** Will the proposal result in a substantial increase in demand upon existing sources of energy, or require the development of new sources of energy.

Answer: No

See response to “15. Energy. a.”

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

Answer: No

Implementation of this Basin Plan amendment involves the diversion and/or treatment of urban and stormwater run-off, the use of stormwater BMPs, and pollution control measures. Some projects may require moderate amounts of electricity to operate pumps and treatment units, and local power plants are fueled with natural gas. However, it is not foreseeable that this proposal will result in a substantial increase need for new systems, or substantial alterations to power or natural gas utilities

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

#### IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

Answer: No

Implementation of this Basin Plan amendment involves the diversion and/or treatment of urban and stormwater run-off, the use of stormwater BMPs, and pollution control measures. It is not foreseeable that this proposal will result in a substantial increase need for new systems, or substantial alterations to communication systems.

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

Answer: Maybe

Implementation of this Basin Plan amendment involves the diversion and/or treatment of urban and stormwater run-off, the use of stormwater BMPs, and pollution control measures. It is not foreseeable that this proposal will result in a substantial increase need for new systems, or substantial alterations to water utilities. The integrated water resources approach has the potential to recharge groundwater aquifers, and it is possible that additional wells or piping may be necessary to access this enhanced water supply. However, in this event, the increased water supply would outweigh the impacts of having to construct additional infrastructure. Environmental impacts due to construction of new water utilities would be assessed by the responsible agency in a project-level CEQA analysis.

**16. Utilities and Service Systems. d.** Will the proposal result in a need for new systems, or substantial alterations to the following utilities: Sewer or septic tanks?

Answer: No

Implementation of this Basin Plan amendment involves the diversion and/or treatment of urban and stormwater run-off, the use of stormwater BMPs, and pollution control measures. Most of the watershed is serviced by sewers, however, there may be small areas which remain on septic systems, which can be a source of bacteria. It is possible that as a result of this TMDL and State mandated regulation, septic systems will be upgraded or closed and connected to extended sewer systems. Illicit connections to storm drains are another potential source of bacteria in Ballona Creek Estuary, Ballona Creek, and its tributaries. To the extent that surveys identify illicit connections, these sources may be required to connect to sewers. It is not foreseeable that this proposal will result in a substantial increase need for new systems, or substantial alterations to sewers or septic tanks.

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

Answer: Yes



#### IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

In order to achieve compliance with the TMDL, storm water drainage systems may need to be retrofitted with structural BMPs or re-configured to divert and/or capture and treat a portion of storm water. These alterations will have a positive environmental impact with the resulting reduced pollutant loads from urban and storm water runoff. The construction of these retrofits, however could have short-term noise and traffic impacts which could be mitigated as discussed in the responses to 6 and 13.

**16. Utilities and Service Systems. f.** Will the proposal result in a need for new systems, or substantial alterations to the following utilities: solid waste and disposal?

Answer: Maybe

Implementation of this Basin Plan amendment involves the diversion and/or treatment of urban and stormwater run-off, the use of stormwater BMPs, and pollution control measures. To the extent that BMPs collect sediment which contain metals concentrations in excess of regulatory concentrations, these sediments may be subject to solid or hazardous waste disposal requirements. It is not foreseeable that this proposal will result in a need for new systems, or substantial alterations to solid waste and disposal utilities.

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

Answer: Maybe

This amendment is proposed to protect human health by reducing bacteria indicator densities in Ballona Creek, Ballona Estuary, and Sepulveda Channel, and the risk of illness associated with swimming in waters contaminated with human sewage and other sources of bacteria. However, the implementation of storm water 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.

**17. Human Health. b.** Will the proposal result in exposure of people to potential health hazards?

Answer: No

This amendment is proposed to protect human health by reducing bacteria indicator densities in Ballona Creek, Ballona Estuary, and Sepulveda Channel, and the risk of illness associated with swimming in waters contaminated with human sewage and other sources of bacteria. Human health impacts from maintaining stormwater BMPs and treatment operations can be mitigated through standard industrial hygiene practices such as protective skin barriers and respirators. Applicable and appropriate mitigation measures will be evaluated when specific projects are determined. It is not foreseeable that this proposal will result in exposure of people to potential health hazards (other than those identified in 17.a.

#### IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

**18. Aesthetics. a.** Will the proposal result in the obstruction of any scenic vista or view open to the public?

Answer: Maybe

The "Preferred Implementation Strategy," as described in the staff report, involves source and flow reduction BMPs, storm drain diversions, and treatment and re-use of creek flows in the North Outfall treatment Facility. This Basin Plan amendment is not likely to result in the obstruction of scenic vistas or views open to the public since storm drain diversions will involve sub-surface structures and most BMPs will be sited at ground level. Should the "Alternative Strategy" be considered, standard architectural and landscape architectural practices can be implemented to reduce impacts from aesthetically offensive structural impacts. In addition, projects may be located so as to avoid potential impacts to scenic vistas. Responsible agencies will evaluate applicable and appropriate mitigation measures when specific projects are determined.

**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 storm water that could be aesthetically offensive if not properly designed, sited, and maintained. However, many structural BMPs can be designed to provide habitat, recreational areas, and green spaces in addition to improving storm water quality. Standard architectural and landscape architectural practices can be implemented to reduce impacts from aesthetically offensive structural impacts. Screening and landscaping may be used to mitigate aesthetic effects. Applicable and appropriate mitigation measures will be evaluated when specific projects are determined.

**19. Recreation. a.** Will the proposal result in impact on the quality or quantity of existing recreational opportunities?

Answer: Yes.

Implementation of the TMDL will have a positive impact on the quality and quantity of recreational opportunities by reducing the number of days that exceed bacteriological water quality objectives Ballona Creek, Ballona Estuary, and Sepulveda Channel. Many parks are integrating stormwater BMPs as part of the aesthetic and architectural features of the sites. The environmental impacts can be mitigated through construction BMPs and siting, planning and design practices that minimize



#### IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

environmental impacts. Applicable and appropriate mitigation measures will be evaluated when specific projects are determined. Also see 14.d.

**20. Archeological/Historical.** Will the proposal **result** in the alteration of a significant archeological or historical site structure, object or building?

Answer: Maybe

Implementation of the proposed Basin Plan amendment is unlikely to impact a significant archeological or historical site structure, object or building. The "Preferred Implementation Strategy," as described in the staff report, involves source and flow reduction BMPs, storm drain diversions, and treatment and re-use of creek flows in the North Outfall treatment Facility, all of which will be sited in already urbanized areas. Any potential impact to archeological and/or historical resources by the construction of new treatment facilities (presented in the "Alternative Strategy") can only be determined by a project-level EIR once the location of any such facility has been determined. The agencies responsible for implementing this TMDL should consult the relevant local archeological or historical commissions or authorities to determine ways to avoid significant adverse impacts to any such structures, if implementation is proposed that would affect them.

#### **21. Mandatory Findings of Significance.**

The implementation of this Basin Plan amendment will result in improved water quality in the waters of the Region and will have significant positive impacts to the environment over the long term. Specific projects employed to implement the Basin Plan amendment may have adverse significant impacts to the environment, but these impacts are expected to be limited, short-term or may be mitigated through design and scheduling. The initial study for the Basin Plan amendment 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 could be mitigated at the subsequent project level phase because it would develop the design of a specific BMP or treatment system. Board staff will develop guidelines specifying which BMPs or treatment systems will not have potential impact beyond the stated intent to improve the water quality of Ballona Creek, Ballona Estuary, and Sepulveda Channel.

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.

## V. DETERMINATION

The implementation of this TMDL will result in improved water quality in Ballona Creek, Ballona Estuary, and Sepulveda Channel, but it may result in temporary or permanent localized 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 careful 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 would not have a significant adverse effect on the environment, and all agencies responsible for implementing the TMDL should ensure that their projects are properly designed and implemented. 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 more particularized conclusions would be speculative.

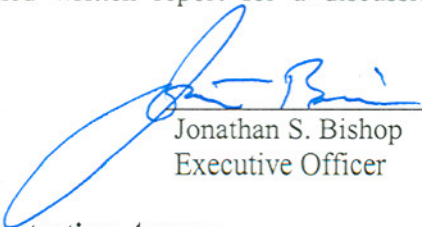
Specific projects, which may have a significant impact, would be subject to a separate environmental review. The lead agency for subsequent projects would be obligated to mitigate any impacts they identify, for example by mitigating potential flooding impacts by designing the BMPs with adequate margins of safety. To the extent the alternatives, mitigation measures, or both, are not deemed feasible by those agencies, the necessity of implementing the federally required TMDL to protect human health by removing the bacteria impairment from Ballona Creek, Ballona Estuary, and Sepulveda Channel (an action required to achieve the express, national policy of the Clean Water Act) outweigh the unavoidable adverse environmental effects.

In accordance with Pub. Res. Code, § 15091, the Regional Board finds that although the proposed project could have significant effect on the environment, revisions in the project, to avoid or substantially lessen the impacts, can and should be made by or agreed to by the project proponents. This finding is supported by the evidence provided in the impact evaluation section of this document, which indicates that all foreseeable impacts are either short-term or can be readily mitigated.

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: 4/4/06

  
Jonathan S. Bishop  
Executive Officer

**California Environmental Protection Agency**

