

Change Sheet for the Los Angeles River Watershed Trash TMDL

Page	Location	Action	Added or Deleted Text (additions are underlined, deletions are in strikeout)	Reason for Change
Tentative Resolution				
1	Resolution	Change	Date in the fourth line of the heading: Delete July 12, 2007 and Add <u>August 9, 2007</u>	To reflect new date of Regional Board Hearing
2	Resolution	Delete and Add	Last sentence of "Finding 5": Delete strikethrough language and add underlined language: The Regional Board will develop NPDES permit requirements through subsequent permit actions....., to provide comments on how the WLAs <u>and/or LAs</u> should be translated into <u>enforceable</u> permit -requirements.	For clarification
2	Resolution	Delete and Add	Second sentence of "Finding 6": Delete strikethrough language and add underlined language: The Water Quality Control Plan for the Los Angeles Region (Basin Plan), and applicable statewide plans, serve <u>serves</u> as the State Water Quality Management Plans.....	Correction
2	Resolution	Delete	"Finding 8": Delete strikethrough language and	To include information on the

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		and Add	add underlined language: Although the Los Angeles River Estuary reaches was not itself identified as impaired on the <u>1998</u> 303(d) list, the data and information available to the board demonstrates that this reach is in fact impaired. <u>The more recent 2006 303(d) list includes the Los Angeles Estuary as impaired for trash.</u> Therefore, and therefore this TMDL includes.....	more recent 303(d) list
3	Resolution	Delete and Add	“Finding 10”: Delete strikethrough language and add underlined language: The Regional Board’s goals in establishing the TMDL for trash in the waterbodies of the Los Angeles River Watershed is to <u>adopt a regulation designed to guide subsequent regulatory actions to ensure existing water quality standards are attained. This includes the objectives described above, and protecting</u> protect the beneficial uses of the Los Angeles River, its tributaries, downstream waters, and the lakes within its watershed, and to achieve the water quality objectives set to protect those uses. <u>The Regional Board’s goals also include complying with the requirements of CWA section 303(d), and avoiding federal intervention in state water-quality planning, as would occur if the state failed</u>	For clarification

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			<p><u>to timely establish its TMDLs.</u></p>	
3	Resolution	Delete and Add	<p>First sentence of "Finding 11": Delete strikethrough language and add underlined language: ” and dated July 27, March 20 2007.</p>	To reflect date of revised Staff Report
3	Resolution	Delete and Add	<p>Last sentence of "Finding 11": Delete strikethrough language and add underlined language: The Waste Load Allocations assigned under the MS4 permit and the Caltrans permit is based on a phased reduction from the estimated current <u>baseline discharge (i.e., baseline).</u></p>	For clarification
3	Resolution	Add	<p>Insert new "Finding 12" directly following "Finding 11": <u>Nonpoint source discharges (direct deposition or aerial deposit) are de minimus, and do not contribute an appreciable amount of trash to the impairment. Nonpoint source discharges will be regulated through waste discharge requirements, waivers, cleanup and abatement orders, or other appropriate regulatory tools at the discretion of the Executive Officer.</u></p>	To clarify how nonpoint sources will be addressed

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3	Resolution	Delete and Add	<p>Last sentence of "Finding 12": Delete strikethrough language and add underlined language:</p> <p>To date four <u>six</u> full capture systems have received certification; including (i) trash nets for the City of Signal Hill, (ii) two gross solids removal devices for the California Department of Transportation, and (iii) catch basin brush inserts and mesh screens for the cities of Glendale, Pasadena, La Canada Flintridge, and Burbank <u>and (iv) vertical and horizontal trash capture screen inserts for the City of Los Angeles.</u></p>	To reflect change in availability of full-capture devices
3	Resolution	Add	<p>Add new finding directly after "Finding 12":</p> <p><u>The Regional Board finds the proposed implementation schedule is both appropriate and feasible. The Regional Board finds that trash in the Los Angeles River is a significant impairment of water quality; therefore it is appropriate to proceed as expeditiously as possible to remedy these impairments. The Regional Board finds the schedule is feasible for several reasons. The Los Angeles River was listed as impaired on the 1998 303(d) list, therefore, responsible jurisdictions have known for 9 years that significant trash reduction efforts are necessary, and that</u></p>	For clarification

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			<p><u>regulations will be issued that require dramatic reductions in trash discharges. The proposed reductions are from baseline conditions established directly following the adoption of the 2001 Los Angeles River Watershed trash TMDL during the 2002 – 2004 storm years. Many dischargers have undertaken trash reduction actions throughout the watershed, including implementation of full-capture devices. There are, to date, six full capture devices certified by the Executive Officer developed by Los Angeles River watershed responsible agencies that are available for immediate implementation to comply with this TMDL. Any actions taken to reduce trash since the baseline was established, contribute to compliance with the proposed schedule for this TMDL. Further, substantial trash reduction actions are required of responsible agencies under existing MS4 permits, irrespective of the Trash TMDL, and good faith compliance with those requirements, which have been in effect since 2001, would result in significant trash abatement.</u></p>	
3	Resolution	Delete	<p>First sentence in “Finding 14”: Delete strikethrough text:</p> <p>The City of Los Angeles and the County of Los</p>	For clarification

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			Angeles both filed petitions and complaints in Los Angeles Superior Court.....	
4	Resolution	Delete and Add	<p>Second and last sentences of "Finding 15": Delete strikethrough language and add underlined language:</p> <p>The trial court entered an order deciding some claims in favor of the Los Angeles Water Board and State Water Board (collectively "California Water Boards"), and some in favor of the Cities. Both sides appealed, and on <u>On</u> January 26, 2006, the Court of Appeal decided every one of the Cities' claims in favor of the California Water Boards, except with respect to their CEQA compliance.</p> <p>The Cities filed a petition for review, the Supreme Court declined to hear any of the Cities' claims.</p>	
4	Resolution	Delete	<p>"Finding 16 c - i": Delete strikethrough language: the California Water Boards...</p>	For clarification
5	Resolution	Delete	First sentence "Finding 17": Delete strikethrough language:	For clarification

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		the California Water Boards...	
5	Resolution	Delete and Add	<p>“Finding 19”: Delete strikethrough language and add underlined language:</p> <p>Staff have revised the <u>The CEQA documentation was revised document</u> as directed by the writ of mandate, and <u>the Regional Board believes its obligations under the writ have been satisfied.</u> <u>The TMDL includes,</u> the changes agreed upon in the settlement with the City of Los Angeles, Los Angeles County and the Los Angeles County Flood Control District, <u>and the provisions of this TMDL satisfy the Regional Board’s responsibilities under that settlement agreement.</u> Additional revisions have been made to the TMDL Staff Report.</p>	For clarification
5	Resolution	Delete and Add	<p>First sentence “Finding 20”: Delete strikethrough language and add underlined language:</p> <p>On <u>August 9,</u> July 12, 2007,.....</p>	To reflect new date of Regional Board Hearing
5	Resolution	Add	<p>“Finding 20”: Add underline language after first sentence:</p> <p><u>The first draft TMDL was released on July 7,</u></p>	For clarification

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			<u>2006</u> , and comments were solicited on that draft.	
5	Resolution	Add	“Finding 20”: Add underline language in second sentence: A <u>similar</u> draft Trash TMDL was released for public comment	For clarification
5	Resolution	Delete and Add	“Finding 20”: Delete strikethrough and add underline language: ...; and the Regional Board held a public hearing on August 9, July 12 2007, to consider.....	To reflect new date of Regional Board Hearing
5	Resolution	Delete	Delete “Finding 22”: In amending the Basin Plan to establish this TMDL, the Regional Board considered the factors set forth in sections 13240 and 13241 of the Water Code.	For clarification
5-6	Resolution	Delete	First and second sentences in “Finding 23”: Delete strikethrough and add underline language: Because the TMDL implements existing narrative water quality objectives, the Regional Board (along with the State Water Resources Control Board) <u>has</u> have determined that adopting a	For clarification

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			<p>TMDL does not require the water boards to consider <u>consideration</u> of the factors <u>set forth in</u> of Water Code section 13241. The consideration of the Water Code section 13241 factors, by section 13241's express terms, only applies <u>when</u> in establishing water quality objectives." <u>Implementation of standards is governed by Water Code section 13242, not 13241.</u></p>	
6	Resolution	Delete and Add	<p>"Finding 24": Delete strikethrough and add underline language:</p> <p>While the Regional Board is not required to consider the factors of Water Code section 13241, <u>in view of the request of commenters, the Regional Board has</u>it, nonetheless, <u>has</u> developed and received <u>substantial significant</u> information pertaining to the Water Code section 13241 factors. <u>The Regional Board</u> and <u>has</u> considered that information in developing and adopting this TMDL. <u>Notably, the section 13241 factors cannot be used to circumvent the federal requirements contained in section 303(d), which require that the TMDL be established at a level necessary to implement existing water quality standards.</u> The past, present, and probable future beneficial uses of water have been considered in that the water bodies of the Los Angeles River Watershed are designated for a</p>	For clarification

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			<p>multitude of beneficial uses in the Basin Plan. These beneficial uses include Municipal and Domestic Supply, Ground Water Recharge (GWR), Water Contact Recreation (REC1), Non-Contact Water Recreation (REC2), Warm Freshwater Habitat (WARM), Wildlife Habitat (WILD), and Wetland Habitat (WET). The environmental characteristics of the trash-impaired waterbodies of the Los Angeles River Watershed are spelled out at length in the Basin Plan and in the technical documents supporting this Basin Plan amendment, and have been considered in developing this TMDL. Water quality conditions that reasonably could be achieved through the coordinated control of all factors which affect water quality in the area have been considered. Compliance measures such as public education, increased street sweeping, enforcement of existing litter laws, and installation of structural trash control devices, are feasible options to be considered in attaining the numeric target of zero trash discharges. Establishing a plan that will ensure the trash-impaired waterbodies of the Los Angeles River Watershed attain water quality standards is a reasonable water quality condition. However, to the extent that there would be any conflict between the consideration of the factor in Water</p>	

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			<p>Code section 13241 subdivision (c), if the consideration were required, and the Clean Water Act, the Clean Water Act would prevail. Economic considerations were considered throughout the development of the TMDL. Some of these economic considerations arise in the context of Public Resources Code section 21159 and are equally applicable here. The implementation program for this TMDL recognizes the economic limitations on achieving immediate compliance and allows a flexible implementation schedule of nine years. The need for housing within the region has been considered, but this TMDL is unlikely to affect housing needs since structural trash control measures will be implemented in already existing stormwater systems thereby circumventing land acquisition constraints. Whatever housing impacts could materialize are ameliorated by the flexible nature of this TMDL and the implementation schedule.</p>	
6	Resolution	Add	<p>Insert new finding after "Finding 24":</p> <p><u>The past, present, and probable future beneficial uses of water have been considered in that the water bodies of the Los Angeles River Watershed</u></p>	For clarification

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			<p>are designated for a multitude of beneficial uses in the Basin Plan. <u>These beneficial uses include Municipal and Domestic Supply, Ground Water Recharge (GWR), Water Contact Recreation (REC1), Non-Contact Water Recreation (REC2), Warm Freshwater Habitat (WARM), Wildlife Habitat (WILD), and Wetland Habitat (WET).</u> The environmental characteristics of the trash-impaired waterbodies of the Los Angeles River Watershed are spelled out at length in the Basin Plan and in the technical documents supporting this Basin Plan amendment, and have been considered in developing this TMDL. <u>Water quality conditions that reasonably could be achieved through the coordinated control of all factors which affect water quality in the area have been considered. Compliance measures such as public education, increased street sweeping, enforcement of existing litter laws, and installation of structural trash-control devices, are feasible options to be considered in attaining the numeric target of zero trash discharges.</u> <u>Establishing a plan that will ensure the trash-impaired waterbodies of the Los Angeles River Watershed attain water quality standards is a reasonable water quality condition. Economic considerations were considered throughout the development of the TMDL. Some of these</u></p>	

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			<p><u>economic considerations arise in the context of Public Resources Code section 21159 and are equally applicable here. The implementation program for this TMDL recognizes the economic limitations on achieving immediate compliance and allows a flexible implementation schedule of nine years. The need for housing within the region has been considered, but this TMDL is unlikely to affect housing needs since structural trash control measures will be implemented in already existing stormwater systems thereby circumventing land acquisition constraints. Whatever housing impacts could materialize can be ameliorated by the flexible nature of this TMDL and the implementation schedule.</u></p>	
7	Resolution	Delete and Add	<p>First to fourth sentences of "Finding 26": Delete strikethrough and add underline language:</p> <p>Pursuant to Public Resources Code (Public Resources Code, Section 21000 et seq) requirements for preparing environmental documents. (14 Cal. Code Regs. § 15251(g); 23 Cal. Code Regs. § 3782.) The Regional Water Board staff has prepared "substitute environmental documents" for this project that contains contain the required environmental documentation under the State Water Board's</p>	For clarification

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			<p>CEQA regulations. (23 Cal. Code Regs. § 3777.) The substitute environmental documents include the TMDL staff report entitled “Trash TMDLs in the Los Angeles River Watershed”, the <u>report entitled Substitute Environmental Documents</u>, the environmental checklist, the comments and responses to comments, the basin plan amendment language, and this resolution. The project itself is the establishment of a TMDL for trash in the Los Angeles River Watershed. While the Regional Board has no discretion to not establish a TMDL (the TMDL is required by federal law), <u>and no discretion to establish a TMDL that does not implement or for determining the water quality standards standard to be achieved</u> (the Basin Plan establishes the water quality objectives that must be implemented), the Board does exercise discretion in assigning waste load allocations and load allocations, determining the program of implementation, and setting various milestones in achieving the water quality standards.</p>	
7	Resolution	Delete and Add	<p>First sentence “Finding 27”: Delete strikethrough and add underline language:</p> <p>A CEQA Scoping <u>meeting hearing</u> was conducted on June 28, 2006 at the Ronald Reagan State Office Building, 300 South Spring</p>	For clarification

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			Street, Los Angeles, CA 90013. A notice of the CEQA Scoping meeting hearing was sent to interested parties including <u>the</u> cities and/or counties with jurisdiction in or bordering the Los Angeles River watershed.	
7	Resolution	Delete and Add	<p>Last three sentences of "Finding 28": Delete strikethrough and add underline language:</p> <p>In this instance, the "Lead" agencies for such "Tier tier 2" projects, <u>are legally required to ensure</u> will assure compliance with project-level CEQA analysis of this programmatic project. Project level impacts will need to be considered in any subsequent environmental analysis performed by other public agencies, pursuant to Public Resources Code section 21159.2. To the extent applicable, <u>the</u> this "Tier 1" substitute environmental analysis for this project document may be used to satisfy <u>the</u> subsequent CEQA obligations of those agencies.</p>	For clarification
7	Resolution	Delete and Add	<p>First sentence of "Finding 29": Delete strikethrough and add underline language:</p> <p>Consistent with the Regional Board's substantive obligations under CEQA, the <u>substitute</u></p>	For clarification

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			environmental documents do not engage in speculation or conjecture, <u>but they do</u> and only consider	
8	Resolution	Delete and Add	Second sentence "Finding 30": Delete strikethrough and add underline language: However, there are feasible alternatives,.... in the substitute environmental documents. Such alternatives or mitigation measures, however, such alternatives or mitigation measures are within the responsibility and jurisdiction of other public agencies, and not the Regional Board.	
8	Resolution	Delete and Add	"Finding 31": Delete strikethrough and add underline language: From a program-level perspective, incorporation of the alternatives and mitigation measures outlined in the substitute environmental documents <u>would</u> will foreseeably reduce impacts to less than significant levels.	For clarification
8	Resolution	Add	First sentence of "Finding 32": Add underline language: The substitute documents for this TMDL, and in particular the <u>Substitute Environmental Document containing the CEQA Checklist</u> and	For clarification

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			staff's responses...	
8	Resolution	Delete and Add	<p>Last sentence of "Finding 34": Delete strikethrough and add underline language:</p> <p>The necessity of developing a TMDL is established in the TMDL staff report, <u>CWA the</u> section 303(d), list, and the data contained in the administrative record documenting the trash impairments in the Los Angeles River Watershed, <u>and the fact that EPA has approved the</u> <u>identification of the water bodies as impaired.</u></p>	For clarification
9	Resolution	Delete	<p>Second sentence of "Finding 35": Delete strikethrough language:</p> <p>The Basin Plan amendment will become effective upon approval by OAL and USEPA, and after all legal challenges have been exhausted.</p>	For clarification
9	Resolution	Add	<p>"Resolved No. 2": Add underline language:</p> <p>The Regional Board hereby approves and adopts the CEQA substitute environmental documentation, ... California Code of Regulations, title 14, section 15187, <u>and in</u> <u>accordance with section 3777 of title 23.</u></p>	For clarification
9	Resolution	Add	<p>"Resolved No. 6": Add underline language:</p>	For clarification

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			The Executive Officer is authorized to sign a Certificate of Fee Exemption, <u>or transmit payment of the applicable fee, as may be required, to the Resources Agency.</u>	
10	Resolution	Change	Executive Officer Certification in Final Paragraph: Delete strikethrough and add underline language: I, Jonathan S. Bishop <u>Deborah Smith</u> , Interim Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on July 12 <u>August 9</u> , 2007.	To reflect new Interim Executive Officer, and Change in date o new date of Regional Board Hearing
10	Resolution	Change	Signature Block: Delete strikethrough and add underline language: Jonathan S. Bishop <u>Deborah J. Smith</u> <u>Interim</u> Executive Officer	To reflect new Interim Executive Officer
Basin Plan Amendment				
1	Basin Plan Amendment	Change	First line under title "Amendment to the Water Quality Control Plan – Los Angeles Region to incorporate theTMDL for Trash in the Los Angeles River Watershed": :	To reflect new date of Regional Board Hearing

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			Delete July 12, 2007 and Add <u>August 9, 2007</u>	
2	Basin Plan Amendment	Change	<p>The first sentence under the section titled: Chapter 7. Total Maximum Daily Loads (TMDLs) Summaries, Section 7-2 (<u>Los Angeles River Watershed Trash TMDL</u>)</p> <p>Delete July 12, 2007 and Add <u>August 9, 2007</u></p>	To reflect new date of Regional Board Hearing
3	Basin Plan Amendment	Add	<p>In Table 7-2.1. Los Angeles River Watershed Trash TMDL: Elements, The second column in the third row for Source Analysis</p> <p>Add: <u>Nonpoint sources, i.e., direct deposition of trash by people or wind into the water body, is a de minimus source of trash loading to the LA River.</u></p>	To clarify that nonpoint sources of trash are considered de minimus
3	Basin Plan Amendment	Delete and Add	<p>In Table 7-2.1. Los Angeles River Watershed Trash TMDL: Elements, The second column in the fourth row for Loading Capacity.</p> <p>Delete: The loading capacity is defined in terms of bacterial indicator densities, which is the most appropriate for addressing public health risk, and</p>	To correct a typographical error and clarify that the loading capacity is zero.

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			<p>is equivalent to the numeric targets, listed above. Add: <u>Zero</u></p>	
3	Basin Plan Amendment	Add	<p>In Table 7-2.1. Los Angeles River Watershed Trash TMDL: Elements, Add a new row after the fifth row.</p> <p>In element column of new row, Add: <u>Load Allocation.</u></p> <p>In the “Key Findings” column of new row, Add: <u>As is implied by the zero trash target, the load allocations for nonpoint source trash discharges to the LA River are zero.</u></p>	To clarify that the load allocation for nonpoint sources is zero.
4	Basin Plan Amendment	Add	<p>In Table 7-2.1. Los Angeles River Watershed Trash TMDL: Elements, In the Key Findings for Implementation.</p> <p>After the third paragraph, Add: <u>To the extent nonpoint source implementation of load allocations is necessary, it will be accomplished, consistent with the <i>Plan for Nonpoint Source Pollution Control Policy</i>, with waste discharge requirements, waivers of waste discharge requirements, or any appropriate order, including</u></p>	To clarify implementation measures for non-point sources

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			<u>a cleanup and abatement order, pursuant to e.g., sections 13263, 13269, and/or 13304.</u>	
7	Basin Plan Amendment	Add	In Table 7.2.3. Los Angeles River Trash TMDL: Implementation Schedule. The second footnote. Add the underline text: once a reduction of 50% has been achieved and sustained <u>in the watershed</u>	To clarify that the 50% reduction should be on a watershed basis not city by city.
Substitute Environmental Document (SED)				
38	SED	Change	Second sentence of third paragraph: Delete strikethrough and add underline language: The schedule requires a 30 <u>40</u> % reduction in the first year and annual reductions of 10% in subsequent years until the final numeric target of zero trash is reached.	To correct typographical error
38	SED	Change	Insert underline language after first paragraph: <u>In summary, this project is to adopt a regulation that will guide Regional Board permitting, enforcement, and other actions to require responsible parties to take appropriate measures to restore and maintain applicable Water Quality Standards pertaining to trash (including narrative</u>	For clarification

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			<p><u>objectives relating to floating, suspended, and settleable materials) in the Los Angeles River Watershed and in so doing comply with the requirements of section 303(d) of the federal Clean Water Act (CWA), as delegated to the Water Boards by Water Code section 13160.</u></p>	
40	SED	Change	<p>First sentence of first paragraph: Delete strikethrough and add underline language:</p> <p>These substitute environmental documents analyze two <u>three</u> Program Alternatives that encompass actions within the jurisdiction of the Regional Board...</p>	To correct typographical error
41	SED	Change	<p>Second sentence of first paragraph: Delete strikethrough and add underline language:</p> <p>The schedule requires a 30 <u>40</u>% reduction in the first year and annual reductions of 10% in subsequent years until the final numeric target of zero trash is reached.</p>	To correct typographical error
TMDL Staff Report				
6	Staff Report	Change	<p>Second-to-last sentence in first paragraph under Section III. A ; Description of the Watershed: Delete strikethrough and add underline language:</p> <p>Of this area, the incorporated cities and</p>	To update land area based on more recent GIS data

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			unincorporated portion of Los Angeles County comprise 609 <u>599</u> square miles.	
26	Staff Report	Delete	Table 1. Los Angeles River Trash TMDL Baseline Waste Load Allocations (gallons and lbs of trash): Delete Waste Load Allocations for Bellflower and Ventura County	These jurisdictions are not covered under the Los Angeles River trash TMDL
29	Staff Report	Add	Table 6. Los Angeles River Trash TMDL: Implementation Schedule. The second footnote. Add underline language: As specified in Section VI.A., the Regional Board will review and reconsider the final Waste Load Allocations once a reduction of 50% has been achieved and sustained in the <u>watershed</u> .	To clarify that the 50% reduction should be on a watershed basis not city by city
44	Staff Report	Change	Table 14. Cost Comparison (amounts in millions): Fourth row second column. Delete strikethrough text and add underline text: \$60 <u>\$51.3</u>	To reflect updated cost analysis
46-47	Staff Report	Delete	Appendix I: Delete Bellflower and Ventura CXounty from Land use table. Update totals	These jurisdictions are not covered under the Los Angeles River trash TMDL
48-49	Staff Report	Replace	Appendix II:	To reflect waste load allocations as provided in

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			Replace Waste Load Allocation table as provided in Appendix II of Revised TMDL Staff Report	Table 5 of the Staff Report, and the Basin Plan Amendment