



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 (Regional Board) is the Lead Agency for evaluating the environmental impacts of the proposed amendment to the *Water Quality Control Plan Los Angeles Region* (Basin Plan). The proposed amendment would incorporate a Total Maximum Daily Load (TMDL) for trash in the Los Angeles River Watershed.

The Secretary of Resources has certified the State and Regional Boards' 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

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“project level analysis.” (Pub. Res. Code § 21159(d).) Rather, a project level analysis must be 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 technical report entitled “Total Maximum Daily Load for Trash in the Los Angeles River Watershed” (Staff Report), 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, most of whom are public agencies subject to their own CEQA obligations. (See Pub. Res. Code § 21159.2.) If not properly implemented or mitigated at the project level, there could be adverse environmental impacts. The CEQA substitute documents identify broad mitigation approaches that could be considered at the project level. Consistent with CEQA, the substitute documents do not engage in speculation or conjecture, but rather consider the reasonably foreseeable environmental impacts of the foreseeable 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 trash impairment from the Los Angeles River the Watershed (an action required to achieve the express, national policy of the Clean Water Act) outweighs the unavoidable adverse environmental effects, as discussed more fully below.

I. DESCRIPTION OF PROPOSED ACTIVITY

The Water Quality Control Plan Los Angeles Region (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 trash in the Los Angeles River Watershed.

Reaches of the Los Angeles River that are impaired by trash, and listed on the State’s List of Water Quality Limited Segments (303(d) list), are Tujunga Wash (downstream Hansen Dam to Los Angeles River), Los Angeles River Reach 5 (within Sepulveda Basin), Los Angeles River Reach 4 (Sepulveda Dam to Riverside Dr.), Los Angeles River Reach 3 (Riverside Dr. to Figueroa St.), Los Angeles River Reach 2 (Figueroa St. to upstream Carson St.), Los Angeles River Reach 1 (upstream Carson St. to estuary), Burbank Western Channel, Verdugo Wash (Reaches 1 &2), Arroyo Seco Reach 1 (downstream Devil's Gate Dam) & Reach 2 (W. Holly Ave. to Devil's Gate), and Rio Hondo Reach 1 (Santa Ana Freeway to Los Angeles River). Peck Road Lake, Echo Park Lake and Lincoln Park Lake are also listed

as impaired for trash. In addition, the Regional Board has determined, and the United States Environmental Protection Agency has agreed, that the Los Angeles River Estuary is impaired for trash as debris flushed down from the upper reaches of the river collect there.

The beneficial uses likely to be impaired by trash include: water contact recreation- (REC-1), limited water contact recreation- (LREC-1), and non-contact water recreation (REC-2); warm freshwater habitat (WARM); wildlife habitat (WILD), estuarine habitat (EST); marine habitat (MAR); rare and threatened or endangered species (RARE); migration of aquatic organisms (MIGR); spawning, reproduction and early development of fish (SPWN); commercial and sport fishing (COMM); shellfish harvesting (SHELL); wetland habitat (WET); and cold freshwater habitat (COLD).

The Regional Board's goal in adopting the TMDL is to eliminate the significant water quality problems caused by trash in waterways. Small and large floatables can inhibit the growth of aquatic vegetation, decreasing spawning areas and habitats for fish and other living organisms. Wildlife living in rivers and in riparian areas can be harmed by ingesting or becoming entangled in floating trash. Settleables can be a problem for bottom feeders and can contribute to sediment contamination. Some debris e.g. (diapers, medical and household waste, and chemicals) are a source of bacteria and toxic substances. Floating debris that is not trapped and removed will eventually end up on the beaches or in the open ocean, repelling visitors away from our beaches and degrading coastal waters. 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, *Heal the Bay Inc., et al. v. Browner, et al.* C 98-4825 SBA (United States District Court, Northern District of California, 1999) approved on March 22, 1999.

The proposed TMDL sets the numeric water quality targets equal to zero in order to implement the Basin Plan's narrative water quality objectives for trash:

"Waters shall not contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses."

"Waters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses."

The proposed TMDL establishes a 10-year plan for progressively reducing the amount of trash that may be discharged to the river. The schedule requires a 30% reduction in the first year and annual reductions of 10% in subsequent years until the final numeric target of zero trash is reached. Final compliance with the numeric target is required in the 10th year, based on a rolling 3-year average. The final loads will be re-evaluated and may be revised if future studies demonstrate that a higher loading capacity will be sufficiently protective of the beneficial uses within the river.

The TMDL will be implemented primarily through the National Pollutant Discharge Elimination System storm water permits. Waste Load Allocations will be assigned to the Permittees and Co-permittees (hereinafter referred to as Permittees) of the Los Angeles County Municipal Stormwater Permit (MS4) and Caltrans. In addition, Waste Load Allocations may be issued to additional facilities under Phase II of the US EPA Stormwater Permitting Program. Waste Load Allocations assigned under the MS4 permit and the Caltrans permit will be based on a phased reduction from estimated discharges (i.e., baseline) over the compliance period until the final Waste Load Allocation (currently set at zero) is met. The

baseline allocation for the MS4 Permittees was derived from data collected for this purpose as part of a Baseline Monitoring Program.

II. GENERAL ENVIRONMENTAL COMMENTS

The detailed environmental setting and authority for the Los Angeles River Watershed trash TMDL is set forth in the detailed technical report entitled “Total Maximum Daily Load for Trash in the Los Angeles River Watershed” (Staff Report). The Staff Report identifies the environmental setting and need for the project. In addition, the Staff Report analyzes reasonably foreseeable methods of compliance.

The Regional Board has analyzed 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, and therefore are part of the current baseline. The excessive amounts of trash and continued exceedance of water quality standards are themselves adverse environmental impacts, as the beneficial uses of these waterbodies will remain impaired during the implementation period for the TMDL. The TMDL provides a program for addressing the adverse impacts of non-compliance with water quality standards, through a progressive reduction in trash discharges to the Los Angeles River, 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 requires the Regional Board to conduct a program-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 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 implemented or mitigated at the project level. Project proponents will need to consider mitigation such as alternative siting, or varying construction times for any projects requiring construction activities. 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.

Although the Regional Board does not mandate the manner of compliance, foreseeable environmental impacts from methods of compliance are well known. During the development of the TMDL, numerous stakeholder and public meetings were held in which the manner of compliance was discussed. At these meetings, the most likely measures discussed included structural methods such as catch basin inserts, structural vortex separation devices, end of pipe trash nets, as well as non-structural alternatives such as

increased street sweeping, enforcement of existing litter laws, and development of municipal ordinances prohibiting food packaging with polystyrene materials.

Foreseeable environmental impacts and mitigation measures are well known because these compliance methods have been implemented throughout the United States and within the Los Angeles River watershed. The previous Los Angeles River Trash TMDL became effective in 2002 and several municipalities have completed projects in which storm sewer catchment basins were retrofitted with inserts, and vortex separation devices were installed in stormwater systems. For these projects, the most significant environmental impacts have proved to be associated with the installation and maintenance of these devices. Environmental impacts from installation of structural measures are similar to those of other small-scale public works projects that are sited in previously developed areas. These activities include concrete, electrical, and, in some areas, earth work associated with structural improvements and sewer relocations. Environmental impacts from maintenance of structural devices are associated with removing and disposing of trash. The environmental impacts and mitigation measures for both construction and maintenance activities are well known and analyzed below.

The CEQA analysis addresses full capture devices such as Continuous Deflection Separators, partial capture devices such as catch basin inserts and institutional controls. The CEQA analysis focuses on the installation and maintenance of Continuous Deflection Separators (CDS) as they are larger than catch basin inserts with greater potential environmental impacts. The analysis is based on installation of a vortex separator, CDS technologies' PSW100-100. The city of Los Angeles has installed this type of unit in the downtown Los Angeles area on Park Grove just north of 23rd Street. The unit weighs 141,188 lbs., approximately 70.6 tons with a foot print diameter of 18 ft. The unit has a treatment capacity of 64 cfs (cubic feet per second). Height of the unit varies depending on the invert of the storm sewer. The unit's treatment capacity is determined using 0.6 in/hr as an estimated peak level flow rate.

The manufacturer recommends that the unit needs maintenance 2 to 4 times a year depending on amount and frequency of precipitation. The unit is cleaned by vector trucks. The PSW100-100 unit installed in the downtown Los Angeles area has been modified for maintenance with sump baskets due to the high wasteload it processes. Construction of both devices requires excavation and shoring, installation of reinforced concrete pipe, and repavement of the streets and sidewalks. Estimated maintenance cost for each unit is listed in the CDS maintenance packet.

In the Los Angeles River trash TMDL Regional Board hearing, the City of Los Angeles commented about vector creation and upstream flooding due to head loss. CDS Technologies described mitigation measures that CDS Technologies took in the installation of the CDS units in Los Angeles. Vector creation was mitigated at the project planning phase. The unit was planned to be installed at least 75 feet from inlet and outlet pipes to mitigate vector habitats. The unit was factory sealed to further prevent vector harborage. To mitigate upstream flooding, CDS Technologies redesigned their weir boxes and customized their diversion structures. They increased the surface area of their diversion structures to lower the depth of flow and reduced overall raised water surface. The unit also had a bypass overflow in case flow exceeds treatment capacity.

The CEQA analysis also addresses Catch Basin Inserts. Catch Basin Inserts sizes vary depending on the size of the curb inlet. They can range from 3 feet to 14 feet. Inserts usually have a 5 mm openings and weigh anywhere from a couple of pounds to tens of pounds depending on the thickness used and length

of the inserts. Catch Basin Inserts needs to be cleaned regularly. Frequency of cleaning depends on the wasteload trash flowing into the insert. Increased street sweeping can decrease the amount of trash, caught by catch basin inserts. Catch Basin Inserts are more prone to clogging and flooding than CDS units and are not capable of holding large volumes of runoff. Catch Basin Inserts could be installed in low density areas and flow volume could be determined prior to installation. They could be used with other structural BMPs or institutional controls. Flooding from Catch Basin Inserts can be mitigated in the design phase. Some Catch Basin Inserts are designed with a high-flow bypass so they can flow in the storm drain system without localized flooding.

The CEQA Analysis also considers environmental effects from trash collection and disposal. Major impacts include noise, dust, fuel consumption and landfill resources. It is noted that all of the potential impacts can be mitigated through equipment specification and established management practices. For dust, many of today's sweeper models have been certified as being able to clean to PM10 standards. Noise impacts can be mitigated through low noise fans and other ancillary equipment. The National Institute for Occupational Safety, maximum allowable exposure to 85 decibels (dBA) is eight hours. Available equipment can meet noise levels of about 68 dBA, measured at 50 ft., performed during a stationary test. Analysis of fuel consumption is presented below, but it is noted that available sweepers run on alternative fuels.

Regarding cumulative impacts, it is noted that both the installation and maintenance of partial and full capture trash devices are conducted in limited, discrete, and discontinuous areas over a short duration. Consequently, cumulative impacts are not foreseeable to be significantly exacerbated from the sum of individual project impacts. Commenters have noted that cumulative impacts should include the environmental impacts from additional TMDLs that may be adopted by the Regional Board. The commenters noted possible fiscal inefficiencies from implementing the TMDL in a sequential manner, and they noted the difficulty they may have in securing sufficient land for several BMPs or devices if subsequent devices are necessary to comply with several TMDLs. The commenters have not provided examples of adverse environmental impacts resulting from compliance with different TMDLs in the same area. Furthermore, fiscal inefficiencies are beyond the scope of the required analysis under CEQA, which is focused upon changes in the physical environment.

Many of the commenters now allege that significant adverse impacts will be associated with complying with the Trash TMDL while others have already commenced significant compliance operations including through measures evaluated as foreseeable in this analysis. It is notable that most if not all of such commenters have performed their projects without preparing an environmental impact report. Project level environmental analyses conducted by numerous municipalities and responsible agencies when implementing projects to comply with the original trash TMDL were conducted under notices of exemption from CEQA. Several municipalities in Southern California found negligible environmental impacts and complied with CEQA requirements through categorical exemptions, including:

- Minor alteration of existing public structures involving negligible expansion of an existing facility.
- Modifications of existing storm drain system and addition of environmental protection devices in existing structures with negligible or no expansion of use.
- Modifications to sewers constructed to alleviate a high potential or existing public health hazard

When analyzing potential adverse environmental impacts, it is important to bear in mind that the need for structural, mechanical, and institutional compliance measures, indeed the need for the entire regulation, is precipitated by the pervasive littering of trash into the gutters and streets of the jurisdictions within the Los Angeles River Watershed. Complying with existing statewide and local litter laws and ordinances would eliminate the substantial adverse environmental and economic impacts from the litter, and the need for additional structural or institutional controls that generate their own nominal adverse environmental impacts. On balance, it is not unfair that the residents of the localities where improper disposal of trash occurs should suffer those risks rather than allowing the wastes to be conveyed through the Los Angeles River and Estuary, to expose downstream citizens to the cumulative risks of them instead. None of the commenters who are raising environmental concerns attendant with means of compliance with the TMDL, have indicated that they have considered the harms from the litter in their assessment of the relative harms from the compliance measures. Conversely, the Regional Board is obliged to also consider the water resource effects of that litter in the River and Estuary

Adverse environmental impacts, 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.

Furthermore, implementation of the TMDL is both necessary and beneficial. To the extent that the alternatives, mitigation measures, or both, that are examined in this analysis are not deemed feasible by those local agencies, the necessity of implementing the federally required TMDL and removing the trash impairment from the Los Angeles River Watershed (an action required to achieve the express, national policy of the Clean Water Act) remains.

In addition, implementation of the TMDL will have substantial benefits to water quality and will enhance beneficial uses. Enhancement of the recreational beneficial uses (both water contact recreation and non-contact water recreation) will have positive social and economic effects by decreasing potential trash hazards and increasing the aesthetic experience at beaches, parks along the river, river bikepaths and other recreation areas. In addition, habitat carries a significant non-market economic value. Enhancement of habitat beneficial uses (including the warm freshwater habitat, cold freshwater habitat, wildlife habitat, wetland habitat and rare, threatened or endangered species) will also have positive indirect economic and social benefits. These substantial benefits outweigh any unavoidable adverse environmental effects.



Environmental Impacts

III.	ENVIRONMENTAL CHECKLIST	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant	No Impact
1.	Earth. Will the proposal result in:				
	a. Unstable earth conditions or in changes in geologic substructures?				X
	b. Disruptions, displacements, compaction or overcoming of the soil?		X		
	c. Change in topography or ground surface relief features?				X
	d. The destruction, covering or modification of any unique geologic or physical features?		X		
	e. Any increase in wind or water erosion of soils, either on or off the site?		X		
	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?			X	
	g. Exposure of people or property to geologic hazards, such as earthquakes, landslides, mudslides, ground failure, or similar hazards?				X
2.	Air. Will the proposal result in:				
	a. Substantial air emissions or deterioration of ambient air quality?		X		
	b. The creation of objectionable odors?		X		
	c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?				X

III.	ENVIRONMENTAL CHECKLIST	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant	No Impact
3.	Water. Will the proposal result in:				
	a. Changes in currents, or the course of direction or water movements, in either marine or fresh waters?		X		
	b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?		X		
	c. Alterations to the course of flow of flood waters?		X		
	d. Change in the amount of surface water in any water body?			X	
	e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity?				X
	f. Alteration of the direction or rate of flow of ground waters?			X	
	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?			X	
	h. Substantial reduction in the amount of water otherwise available for public water supplies?				X
	i. Exposure of people or property to water related hazards such as flooding or tidal waves?		X		
4.	Plant Life. Will the proposal result in:				
	a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)?		X		
	b. Reduction of the numbers of any unique, rare or endangered species of plants?		X		

III.	ENVIRONMENTAL CHECKLIST	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant	No Impact
	c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?			X	
	d. Reduction in acreage of any agricultural crop?				X
5.	Animal Life. Will the proposal result in:				
	a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)?			X	
	b. Reduction of the numbers of any unique, rare or endangered species of animals?		X		
	c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?		X		
	d. Deterioration to existing fish or wildlife habitat?			X	
6.	Noise. Will the proposal result in:				
	a. Increases in existing noise levels?		X		
	b. Exposure of people to severe noise levels?		X		
7.	Light and Glare. Will the proposal:				
	a. Produce new light or glare?		X		
8.	Land Use. Will the proposal result in:				
	a. Substantial alteration of the present or planned land use of an area?		X		
9.	Natural Resources. Will the proposal result in:				
	a. Increase in the rate of use of any natural resources?				X
	b. Substantial depletion of any nonrenewable natural resource?				X

III.	ENVIRONMENTAL CHECKLIST	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant	No Impact
10.	Risk of Upset. Will the proposal involve:				
	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?		X		
11.	Population. Will the proposal:				
	a. Alter the location, distribution, density, or growth rate of the human population of an area?				X
12.	Housing. Will the proposal:				
	a. Affect existing housing, or create a demand for additional housing?		X		
13.	Transportation/Circulation. Will the proposal result in:				
	a. Generation of substantial additional vehicular movement?		X		
	b. Effects on existing parking facilities, or demand for new parking?		X		
	c. Substantial impact upon existing transportation systems?		X		
	d. Alterations to present patterns of circulation or movement of people and/or goods?		X		
	e. Alterations to waterborne, rail or air traffic?		X		
	f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?		X		
14.	Public Service. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:				
	a. Fire protection?		X		
	b. Police protection?		X		

III.	ENVIRONMENTAL CHECKLIST	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant	No Impact
	c. Schools?				X
	d. Parks or other recreational facilities?				X
	e. Maintenance of public facilities, including roads?	X			
	f. Other governmental services?	X			
15.	Energy. Will the proposal result in:				
	a. Use of substantial amounts of fuel or energy?			X	
	b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?			X	
16.	Utilities and Service Systems. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:				
	a. Power or natural gas?			X	
	b. Communications systems?			X	
	c. Water?			X	
	d. Sewer or septic tanks?				X
	e. Storm water drainage?	X			
	f. Solid waste and disposal?		X		
17.	Human Health. Will the proposal result in:				
	a. Creation of any health hazard or potential health hazard (excluding mental health)?		X		
	b. Exposure of people to potential health hazards?		X		
18.	Aesthetics. Will the proposal result in:				
	a. The obstruction of any scenic vista or view open to the public?			X	

III.	ENVIRONMENTAL CHECKLIST	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant	No Impact
	b. The creation of an aesthetically offensive site open to public view?		X		
19.	Recreation. Will the proposal result in:				
	a. Impact upon the quality or quantity of existing recreational opportunities?		X		
20.	Archeological/Historical. Will the proposal:				
	a. Result in the alteration of a significant archeological or historical site structure, object or building?		X		
21.	Mandatory Findings of Significance				
	Potential to degrade: Does the project have the potential to degrade the 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?		X		
	Short-term: Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)			X	
	Cumulative: Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)		X		
	Substantial adverse: Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION

The analysis of potential environmental impacts is based on the numerous alternative means of compliance available for controlling trash in the Los Angeles River in response to the proposed Basin Plan amendment. These include structural methods such as catch basin inserts, structural vortex separation devices, end of pipe trash nets, as well as non-structural alternatives such as increased street sweeping and enforcement of existing litter laws. 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 impact

It is not reasonably foreseeable that responsible agencies would choose to comply with this TMDL through structural means in areas where doing so would result in unstable earth conditions or in changes in geologic substructure. Rather, it is foreseeable that localities would avoid such compliance measures in lieu of other compliance measures, such as enforcing litter ordinances in such sensitive areas. Furthermore, no impact is expected because foreseeable methods of compliance, including construction of structural methods to control trash, 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 ground 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: Less than significant with mitigation incorporated

Depending on the implementation methods chosen, the proposal may result in minor surface soil excavation during construction of structural methods to control trash. Notably, most of the relevant areas are already urbanized, and have already suffered soil compaction and hardscaping. Standard construction techniques, including but not limited to, shoring, piling and soil stabilization can mitigate any potential short-term impacts. In addition, adverse impacts could be mitigated to less than significant levels if structural methods 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 impact

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

No impact is expected because foreseeable methods of compliance, including implementation of structural methods to control trash, 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.

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

Answer: Less than significant with mitigation incorporation

It is not reasonably foreseeable that responsible agencies would choose to comply with this TMDL through structural means in areas where doing so would result in the destruction, covering or modification of any unique geologic or physical features. Rather, it is foreseeable that localities would avoid such compliance measures in lieu of other compliance measures, such as enforcing litter ordinances in sensitive areas. Furthermore, no impact is expected because foreseeable methods of compliance, including implementation of structural methods to control trash, would not be of the size or scale to result in the destruction, covering or modification of any unique geologic or physical features. Furthermore, 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: Less than significant with mitigation incorporation

Depending on the implementation methods chosen, the proposal may result in soil excavation during construction and installation of pollution control facilities. Wind or water erosion of soils may occur as potential short-term impact. Typical established best management practices would be used during implementation to minimize offsite sediment runoff or deposition. Construction sites are required to retain sediments on site, either under 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: Less than significant

To the extent that storm flows are treated by vortex separation systems and other facilities, siltation or deposition within the vortex separation systems and other facilities may occur. As a result reduction in

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

siltation or deposition may occur in the estuary within the concrete lined channels and the channels. Reduction in siltation and deposition in the estuary may be considered a positive impact as fine sediments may contain toxic pollutants. Little or no impact on erosion of the river bed is expected since the flow rate in the river is not impacted by foreseeable methods of compliance and most the river channel is lined.

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 impact

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. It is not reasonably foreseeable that responsible agencies would choose to comply with this TMDL through structural means in areas where doing so would result in exposure of people or property to geologic hazards. Rather, it is foreseeable that localities would avoid such compliance measures in lieu of other compliance measures, such as enforcing litter ordinances in sensitive areas.

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

Answer: Less than significant with mitigation incorporation

Structural methods such as catch basin inserts, and vortex devices or non-structural methods such as increased street sweeping may be used to comply with the TMDL. Short term increases in traffic during the construction and installation of trash removal devices and long-term increases in traffic caused by ongoing maintenance of these devices (e.g., delivery of materials and deployment of vacuum trucks) are potential sources of increased air pollutant emissions. Increased street sweeper traffic could also cause air pollutant emissions.

The TMDL Staff Report assumes that approximately 150,000 catch basins could be retrofitted with inserts or 3700 large capacity vortex separation systems could be installed to collect all the trash generated in the urban portion of watershed. Maintenance requirements for trash removal devices demonstrate that devices should be emptied when they reach 85% capacity. However, trash removal devices can be designed so that they need be cleaned only once per storm season. In the Caltrans gross solids removal devices pilot studies, interim cleaning was not required and trash was removed only once per season. Assuming that 3700 vortex separation systems are cleaned once per storm season (November 1 to March 31, or 150 days), this translates to approximately 25 vehicle trips per day in the watershed. An additional 25 trips per day, watershed-wide, would not result in emissions levels that exceed the SCAQMD daily construction and operational emissions thresholds (based on similar estimated truck trips under the City of Los Angeles Integrated Resources Program (IRP)). The emissions generated by construction equipment would also be lower than the SCAQMD daily construction emissions thresholds (based on similar onsite construction projects under the City of Los Angeles IRP.)

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

Nonetheless, mitigation measures are available to mitigate any potential impacts to air quality due to increased traffic during construction and maintenance. Mitigation measures could include 1) use of construction, maintenance, and street sweeper vehicles with lower-emission engines, 2) use of soot reduction traps or diesel particulate filters, 3) use of emulsified diesel fuel, 4) use of vacuum-assisted street sweepers to eliminate potential re-suspension of sediments during sweeping activity, and 5) the design of trash removal devices to minimize the frequency of maintenance trips.

The potential re-suspension of sediments and associated pollutants during construction could also impact air quality. An operations plan for the specific construction and/or maintenance activities could be completed to address the variety of available measures to limit the air quality impacts. These could include vapor barriers and moisture control to reduce transfer of small sediments to air.

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

Answer: Less than significant with mitigation incorporation

Trash removal devices may be a source of objectionable odors if design allows for water stagnation or collection of water with sulfur-containing compounds. Storm water runoff is not likely to contain sulfur-containing compounds, but stagnant water could create objectionable odors. Mitigation measures to eliminate odors caused by stagnation could include covers, aeration, filters, barriers, and/or odor suppressing chemical additives. Devices could be inspected to ensure that nets, screens, or intake structures are not clogged or pooling water. During maintenance, odorous sources could be uncovered for as short of a time period as possible. To the extent possible, trash removal devices could be designed to minimize stagnation of water and installed to increase the distance to sensitive receptors in the event of any stagnation. Notably, the current conditions result in significant impacts from odor, especially following storm events, where tons of upstream trash collects downstream in the Los Angeles River and blankets the Estuary and beaches.

To the extent improper disposal of, for instance, household hazardous wastes result in them being trapped in structural compliance measures, and potentially allowing a release of such chemicals, local residents could be exposed to those effects. On balance, however, it is not unfair that the residents of the localities where improper disposal of such materials occurs should suffer those risks rather than allowing the wastes to be conveyed through the Los Angeles River and Estuary, to expose downstream citizens to the cumulative risks of them instead. Those effects are already occurring in the watershed and should be considered baseline impacts. Nevertheless, to the extent the locality that originated the risk would become newly potentially exposed instead of downstream receptors, those impacts could be potentially significant in those locales. Such impacts could be avoided or mitigated by educating the local community of the effects of improper disposal of such wastes, enforcing litter ordinances, and timely cleaning out inserts and structural controls.

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

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

Answer: No Impact

Foreseeable methods of compliance would not be of the size or scale to 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: Less than significant with mitigation incorporated

The course of direction or water movement may change depending on the choice and implementation of compliance measures. Streamflow in the lower watershed is highly channelized. None of the compliance alternatives would alter the direction or slope of the stream channels in the lower watershed. The roughness coefficient may be reduced as more trash is kept out of the channels, which would increase the flow rate in the channel but would not change the direction of flow. Overland flow in the urbanized portion of the watershed is directed primarily to storm drains. This overland flow may change depending on the chosen compliance alternative. Partial capture devices (i.e., catch basin inserts) may alter overland flow to storm drains, but this impact can be mitigated through proper design and maintenance of these inserts. Similarly, full capture devices (i.e., structural vortex separation devices) may impede or slow overland flow to storm drains but proper design and maintenance can mitigate this impact.

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

Answer: Less than significant with mitigation incorporated

Absorption rates, drainage patterns, and surface water runoff may change depending on the chosen compliance alternative. Full capture and partial capture devices may impede overland flow to storm drains. This negative impact can be mitigated through proper design and maintenance of these devices. The amount of streamflow within the river channel may change, but the direction would not change. The channelized drainage pattern would remain essentially unchanged.

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

Answer: Less than significant with mitigation incorporated

The course of flow of flood waters may change depending on the chosen compliance alternative. Partial capture devices (i.e., catch basin inserts) and full capture devices (i.e., structural vortex separation devices) may impede the course of flow of flood waters to storm drains. Any device into a storm drain, especially an older, under-capacity drain could have a negative effect on the drain's ability to convey waters including flood waters. This negative impact can be mitigated through proper design and

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

maintenance of these devices. Enlargement of the drain upstream of the device may be required. Certain devices such as trash racks or mesh screen may have less hydraulic effect than in-line treatment devices.

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

Answer: Less than significant

Because partial and full capture devices do not divert water for other uses and the amount of water in storm drains is not changed, surface water in the Los Angeles River or the Estuary is not likely to change due to the removal of trash.

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: No Impact

The proposal will not result in any additional discharge to surface waters. Compliance with the proposed Basin Plan Amendment aims will alter surface water quality by reducing the amount of trash that enters the river. This reduction will positively impact water quality and associated recreational beneficial uses of surface waters, including water contact and non-contact recreation, and other beneficial uses. This project will not foreseeably result in negative impacts to temperature, dissolved oxygen, or turbidity.

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

Answer: Less than significant

The direction or rate of flow of ground waters is not likely to change due to compliance with this TMDL. Partial capture devices (i.e., catch basin inserts) and full capture devices (i.e., structural vortex separation devices) likely would not change the direction or rate of flow of ground water because systems would not be installed in areas that are not already developed or at depths that could impact the ground water table.

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: Less than significant

The reasonably foreseeable methods of compliance act entirely on surface waters and would not add or withdraw groundwater.

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

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

Answer: No Impact

No impact is foreseeable. The goal of the TMDL is to capture the trash through catch basins or structural BMP devices. Stormwater runoff may be captured and used to recharge groundwater used for public water supplies or returned to the river without resulting in substantial reduction in the amount of water.

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

Answer: Less than significant with mitigation

Depending on the implementation methods chosen, compliance with the proposed TMDL may result in flooding hazards if structural methods of trash control 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 and maintenance of these compliance structures.

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: Less than significant with mitigation

The potential site specific projects such as catch basin insert or a vortex separation system would be implemented in currently urbanized areas. Because these areas are already fully urbanized it is unlikely that their implementation would cause the removal, disturbance or change in diversity of any plant species. Assuming any unique species are present, mitigation measures could be implemented to ensure that potential impacts to plant number and species diversity are less than significant. Plant number and species diversity could be maintained by either preserving them prior, during, and after the construction of trash control systems or by re-establishing and maintaining the plant communities post construction.

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

Answer: Less than significant with mitigation incorporated

It is anticipated that structural trash controls would be implemented in highly urbanized areas and it is unlikely that they would result in a change or reduction in the number of any unique, rare or endangered species of plants. However, should any reduction in the numbers of any unique, rare or endangered plants occur this impact would be considered potentially significant unless mitigation is incorporated.

Mitigation measures could be implemented to ensure that potential impacts unique, rare or endangered plant species are less than significant. When the specific projects are developed and sites identified, a search of the California Natural Diversity Database could be employed to confirm that any potentially

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

sensitive plant species in the site area are properly identified and protected as necessary. Focused protocol plant surveys for special-status-plant species could be conducted at each site location, if appropriate. If sensitive plant species occur on the project site mitigation shall be required in accordance with the Endangered Species Act. Mitigation measures shall be developed in consultation with the California Department of Fish and Game (CDFG) and the United States Fish and Wildlife Service (USFWS). Responsible agencies should endeavor to avoid compliance measures that could result in reduction of the numbers of any unique, rare or endangered species of plants, and instead opt for such measures as enforcing litter ordinances in sensitive habitat areas.

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: Less than significant

It is not reasonably foreseeable that potential projects associated compliance with Los Angeles River Trash TMDL would result in the introduction of exotic or invasive plant species into an area. Nor will potential projects result in a barrier to the normal replenishment of existing species. However, in the case that landscaping is incorporated into the specific project design, the possibility of disruption of resident native species could be avoided or minimized by using only plants native to the area. In any event, use of exotic invasive species or other plants listed in the Exotic Pest Plant of Greatest Ecological Concern in California (1999, California Invasive Plant Council, as amended) should be prohibited.

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

Answer: No impact

Based on the California Department of Conservation Division of Land Resources Protection Farmland Mapping and Monitoring Program Important Farmland in California, 2002 there is no Prime Farmland, Farmland of Statewide Importance, Unique Farmland or Farmland of Local Importance in the Los Angeles River watershed. However, it is known that there is limited agriculture crop production in the watershed. It is not expected that trash control devices will be placed in any area currently engaged in crop production. As previously, discussed trash control devices will be implemented in already highly urbanized area and would have no foreseeable impact on the acreage of any agricultural crop.

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: Less than significant

In general, the activities that will take place with the implementation of the full capture and/or partial capture trash control devices will be similar in nature to current urban activities that are already

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

occurring in the watershed. The implementation of additional trash control measures will not foreseeably:

- Cause a substantial reduction of the overall habitat of a wildlife species
- Produce a drop in a wildlife population below self-sustaining levels
- Eliminate a plant or animal community

It is not reasonably foreseeable that either the construction/implementation or maintenance phase of potential projects will result in a significant long term impact to general wildlife species adapted to developed environments.

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

Answer: Less than significant with mitigation incorporated

Depending on the implementation method chosen, it is possible that direct or indirect impacts to special-status animal species may occur. Because these animal species are protected by state and/or federal Endangered Species Acts, impacts to them would be considered potentially significant. Even though, it is expected that potential projects would occur in previously developed areas it is possible for special-status species to occur in what would generally be described as urban areas. If these species are present during activities such as, ground disturbance, construction, operation and maintenance activities associated with the potential projects, it could conceivably result in direct impacts to special status species including the following:

- Direct loss of a sensitive species
- Increased human disturbance in previously undisturbed habitats
- Mortality by construction or other human-related activity
- Impairing essential behavioral activities, such as breeding, feeding or shelter/refugia
- Destruction or abandonment of active nest(s)/den sites
- Direct loss of occupied habitat

In addition, potential indirect impacts may include but are not limited to, the following:

- Displacement of wildlife by construction activities
- Disturbance in essential behavioral activities due to an increase in ambient noise levels and/or artificial light from outdoor lighting around facilities

Responsible agencies should endeavor to avoid compliance measures that could result in significant impacts to unique, rare or endangered (special-status) species, should any such species be present at locations where such compliance measures might otherwise be performed, and instead opt for such measures as enforcing litter ordinances in sensitive habitat areas. Mitigation measures, however, could be implemented to ensure that potentially significant impacts to special status animal species are less than significant. When the specific projects are developed and sites identified a search of the California

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

Natural Diversity Database could be employed to confirm that any potentially special-status animal species in the site area are properly identified and protected as necessary. Focused protocol animal surveys for special-status animal species will be conducted at each site location.

If special-status animal species are potentially near the project site area, as required by the Endangered Species Act (ESA), two weeks prior to grading or the construction of facilities and per applicable USFWS and/or CDFG protocols, pre-construction surveys to determine the presence or absence of special-status species will be conducted. The surveys should extend 300 feet off site to determine the presence or absence of any special-status species adjacent to the project site. If special-status species are found to be present on the project site or within the 300 feet buffer area mitigation would be required under the ESA. To this extent mitigation measures shall be developed with the USFWS and CDFG to reduce potential impacts. Mitigation can include nighttime lighting shall be angled down and away from potential habitat areas. Furthermore, the use of prismatic glass coverings and cutoff shields is recommended to further prevent light spillover off site.

5. Animal Life. c. Will the proposal result in introduction of new species of animals into an area, or in a barrier to the migration or movement of animals?

Answer: Less than significant with mitigation incorporated

It is not reasonably foreseeable that implementation of full capture or partial capture trash controls will result in the introduction of a new animal species. In addition, because potential projects would be established in previously heavily developed areas it is not expected that potential project sites would act as a travel route or regional wildlife corridor. Construction of these facilities would not considerably restrict wildlife movement. A travel route is generally described as a landscape feature (such as a ridgeline, canyon, or riparian strip) within a larger natural habitat area that is used frequently by animals to facilitate movement and provide access to necessary resources (e.g. water, food, den sites). Wildlife corridors are generally an area of habitat, usually linear in nature, which connect two or more habitat patches that would otherwise be fragmented or isolated from one another. It is considered unlikely that trash control measures would be constructed in areas such as these.

However, constructed trash control measures may potentially impact wildlife crossings. A wildlife crossing is a small narrow area relatively short and constricted, which allows wildlife to pass under or through obstacles that would otherwise hinder movement. Crossings are typically manmade and include culverts, underpasses, and drainage pipes to provide access across or under roads, highways, or other physical obstacles.

Construction activities associated with the implementation of trash control measures such as the vortex separation system may impact migratory avian species. These avian species may use portions of potential project sites, including ornamental vegetation, during breeding season and may be protected under the Migratory Bird Treaty Act (MBTA) while nesting. The MBTA includes provisions for protection of migratory birds under the authority of the USFWS and CDFG. The MBTA protects over 800 species including, geese, ducks, shorebirds, raptors, songbirds, and many other relatively common species.

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

If structural methods of implementation are chosen at locations where they would foreseeably adversely impact species migration or movement patterns, mitigation measures could be implemented to ensure that impacts which may result in a barrier to the migration or movement of animal is less than significant.

Any site-specific wildlife crossings should be evaluated in consultation with CDFG. If a wildlife crossing would be significantly impacted in an adverse manner, then the design of the project should include a new wildlife crossing in the same general location.

If construction occurs during the avian breeding season for special status species and/or MBTA-covered species, generally February through August, then prior (within 2 weeks) to the onset of construction activities, surveys for nesting migratory avian species will be conducted on the project site following USFWS and/or CDFG guidelines. If no active avian nests are identified on or within 200 feet of construction areas, no further mitigation would be necessary..

Alternatively, to avoid impacts, the agencies implementing the TMDL may begin construction after the previous breeding season for covered avian species and before the next breeding season begins. If a protected avian species was to establish an active nest after construction was initiated and outside of the typical breeding season (February – August), the project sponsor, would be required to establish a buffer of 200 feet or as required by USFWS between the construction activities and the nest site.

If active nest for protected avian species are found within the construction footprint or within the 200-foot buffer zone, construction would be required to be delayed within the construction footprint and buffer zone until the young have fledged or appropriate mitigation measures responding to the specific situation are developed in consultation with USFWS or CDFG. These impacts are highly site specific, and assuming they are foreseeable, they would require a project-level analysis and mitigation plan.

Finally, to the extent feasible, responsible agencies should endeavor to avoid compliance measures that could result in significant barriers to the beneficial migration or movement of animals, and instead opt for such measures as enforcing litter ordinances in sensitive areas.

The City Manager from the city of Downey suggested at the June 28, 2006 CEQA scoping meeting that storm drain screens would create significant adverse impacts in that they would serve as a barrier to raccoons that have been known to use the storm drains as travel routes. The representative also stated that such instances have not been frequently noted. There is no evidence that raccoons “migrate” through the storm drains, nor is there evidence that their transit through some storm drains is commonplace or even beneficial.

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

Answer: Less than significant

It is not reasonably foreseeable that the implementation of trash control methods will result in the deterioration of existing fish and or wildlife habitat. Potential full capture and or partial trash control measures will be located in previously developed areas and would not result in the removal of sensitive biological habitats. However, in an abundance of caution, when project sites are selected by the TMDL

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

implementing agencies, a site specific California Natural Diversity Database search could be conducted to ensure that no sensitive biological habitats are located on the site.

Full capture and partial capture trash control systems would not be located within the river channel, but rather in the storm drain itself. As such, a foreseeable deterioration of existing fish habitat is not anticipated. It is foreseeable, however, that the implementation of the Los Angeles River Trash TMDL will considerably improve fish habitat by removing trash from the Los Angeles River and Estuary, as well as the surrounding beaches.

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

Answer: Less than significant with mitigation

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. Given the size of the individual projects and the fact that construction would be in small discrete locations, noise impacts during construction would not foreseeably be greater, and would likely be less onerous than, other types of typical construction activities in urbanized areas, such as ordinary road and infrastructure maintenance activities, building activities, etc. These short-term noise impacts can be mitigated by implementing commonly-used noise abatement procedures, standard construction techniques such as sound barriers, mufflers and employing restricted hours of operation. Applicable and appropriate mitigation measures could be evaluated when specific projects are determined, depending upon proximity of construction activities to receptors.

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

Answer: Less than significant with mitigation

Depending on the implementation methods chosen, the proposal may result in increases in exposure of people to severe noise levels, particularly in the case of construction of structural methods of trash control. The potential for severe noise levels due to construction is limited and short-term. Contractors and equipment manufacturers have been addressing noise problems for many years and through design improvements, technological advances, and a better understanding of how to minimize exposures to noise, noise effects can be minimized. An operations plan for the specific construction and/or maintenance activities could be done to address the variety of available measures to limit the impacts from noise to adjacent homes and businesses. These could include: (1) reducing the levels of noise from the source - - this can be done by using newer, quieter equipment which may be hydraulic or electric, or if diesel, have mufflers to reduce the noise, (2) installing noise barriers or curtains around the noisy equipment, (3) reducing the time, and in some cases, season of exposure to noise, (4) reducing the distance of the noise making machinery from the receptors where possible.

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

Foreseeable methods of compliance include structural methods such as catch basin inserts, structural vortex separation devices, end of pipe trash nets, as well as non-structural alternatives such as increased street sweeping and enforcement of existing litter laws. These methods may entail short term disturbances during construction of structural methods 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.

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

Answer: Less than significant with mitigation incorporated

Implementation of the proposed Basin Plan amendment is not likely to produce new light or glare because none of the reasonably foreseeable means of compliance involve additional lighting. Should night time construction activities be proposed, or should lighting be used to increase safety around structural BMPs or treatment facilities, potential impacts should be evaluated at the project level. A lighting plan could be prepared to include shielding on all light fixture and address limiting light trespass and glare through the use of shielding and directional lighting methods, including but not limited to, fixture location and height. Potential mitigation efforts may also 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: Less than significant with mitigation incorporated

Compliance with the TMDL may require modification of storm water conveyance structures to include structural methods of trash control, which is not foreseeably expected to result in substantial alterations to present planned land use and is not expected to have adverse impacts on land use and planning, because of the relatively modest size of the structural methods, and the fact that such methods would be generally sited in the existing storm drain infrastructure. 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 could be evaluated when specific projects are determined.

Construction of structural methods of trash control would not temporarily divide an established community; conflict with any applicable land use plan or policy; nor result in the conversion of planned land use because the reasonably foreseeable projects are so small in size. Construction activities could follow standard mitigation methods and BMPs to reduce any potential impact on surrounding land uses and access to all adjacent land uses could be provided during construction period.

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

At the June 28, 2006 CEQA scoping meeting, representatives from the California Department of Transportation commented that adequate land might be unavailable for multiple structural compliance measures, particularly from this and subsequent TMDLs. This comment was echoed by representatives from the Coalition for Practical Regulation. The infeasibility of specific compliance measures, however, is not subject to CEQA analysis, absent a showing that such infeasibility could result in alternatives that do have attendant adverse environmental impacts. No evidence or suggestion of such alternatives were voiced, however. Upon inquiry, the issue was admittedly one of cost, rather than environmental degradation, which is not subject to CEQA analysis.

9. Natural Resources. a. Will the proposal result in increase in the rate of use of any natural resources,

Answer: No impact

Implementation of the proposed Basin Plan amendment is not foreseeably likely to significantly increase the rate of use of any natural resources or cause substantial depletion of any nonrenewable natural resource. The proposed project would not require quarrying, mining, dredging, or extraction of locally important mineral resources. Some types of structural methods to control trash and treatment facilities may consume electricity to operate pumps, etc. It is reasonably foreseeable that the regulation would precipitate education about the environmental and economic effects of litter, and thereby stimulate greater efforts to use less disposable materials, and to recycle more, thus reducing the use of resources including natural resources. Increased recycling would be considered a positive environmental impact. (See 15.a.)

9. Natural Resources. b Will the proposal result in substantial depletion of any non-renewable natural resource

Answer: No impact

See 9. a.

10. Risk of Upset Will the proposal 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?

Answer: Less than significant with mitigation

It is not reasonably foreseeable that implementation of the proposed Basin Plan amendment would 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 would it foreseeably 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.

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

11. Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?

Answer: No impact

It is not reasonably foreseeable that the proposed Basin Plan amendment would directly or indirectly induce population growth in the area, displace existing housing, or displace people.

12. Housing. Will the proposal affect existing housing, or create a demand for additional housing?

Answer: Less than significant with mitigation

Implementation of the proposed TMDL would not foreseeably require displacement of existing housing. Structural methods to control trash can be designed to be suitable for an urban setting and can be specifically designed to accommodate limited land area. Furthermore, based on the estimated size constraints of various structural methods and considering that many trash control devices would be built into the existing stormwater conveyance systems and not require additional land, it is not reasonably foreseeable that there would be a need to displace housing for this limited area. To the extent that structural controls, if employed, conceivably could require the displacement of available housing, it is not reasonably foreseeable that the responsible agencies would employ those controls. Rather, they would foreseeably instead opt for non-structural control measures, such as enforcing litter ordinances.

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

Answer: Less than significant with mitigation incorporated

The TMDL Staff Report assumes that as many as 150,000 catch basins would have to be retrofitted with inserts or 3700 large capacity vortex separation systems would have to be installed to collect all the trash generated in the urban portion of watershed. Maintenance requirements for trash removal devices demonstrate that devices could be emptied when they reach 85% capacity. However, trash removal devices can be designed so that they need be cleaned only once per storm season. In the Caltrans gross solids removal devices pilot studies, interim cleaning was not required and trash was removed only once per season. Assuming that 3700 vortex separation systems are cleaned once per storm season (November 1 to March 31, or 150 days), this translates to approximately 25 vehicle trips per day in the watershed. An additional 25 trips per day, watershed-wide, would not foreseeably result in a substantial or significant change to traffic flow, other than short-term congestion on limited roadway segments. The approximately 25 trips per day, are fewer than the number of trips that would trigger the requirement of a congestion management plan (CMP). Consequently, the proposed project would be in conformance with the Los Angeles County CMP, and this impact would be a less than significant impact.

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

The proposal may also result in additional vehicular movement during construction of structural methods to control trash. Construction impacts are temporary during the period of construction. In order to reduce the impact of construction traffic, implementation of a construction management plan for specified facilities could be developed to minimize traffic impacts upon the local circulation system. A construction traffic management plan could address traffic control for any street closure, detour, or other disruption to traffic circulation. The plan could identify the routes that construction vehicles will use to access the site, hours of construction traffic, and traffic controls and detours. The plan could also include plans for temporary traffic control, temporary signage and tripping, location points for ingestion and egress of construction vehicles, staging areas, and timing of construction activity which appropriately limits hours during which large construction equipment may be brought on or off site.

To the extent that significant adverse traffic impacts occur in a given locality, those effects are already occurring in the watershed and should be considered baseline impacts. Nevertheless, to the extent the locality that originated the trash would become newly exposed to increased traffic from the need to properly dispose of trash generated locally instead of downstream jurisdictions, those impacts could be potentially significant in those locales. On balance, it is not unfair to subject localities to the effects of abating locally generated trash in storm drains, rather than causing the downstream cities and beachgoers to suffer the synergistic effects of the cleaning up the trash collected from all the upstream cities. The city of Long Beach, for instance, uses “clam shell” tractors, other heavy duty equipment, and many, many truck trips to cart away the tons of trash from all the upstream cities. Any such impacts could be avoided considerably if the responsible agencies would address issues of locally generated trash locally.

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

Answer: Less than significant with mitigation incorporated

Depending on the implementation methods chosen, the proposal may result in alterations to existing parking facilities to incorporate structural methods of trash control. Structural methods, can be designed to accommodate space constraints or be placed under parking spaces and would not significantly decrease the amount of parking available in existing parking facilities. Available parking spaces can be reconfigured to provide equivalent number of spaces or provide functionally similar parcel for use as offsite parking to mitigate potential adverse parking impacts.

13. Transportation/Circulation. c. Will the proposal result in substantial impacts upon existing transportation systems?

Answer: Less than significant with mitigation incorporated

Depending on the implementation strategy chosen, the proposal may result in temporary alterations to existing transportation systems during construction of structural methods to control trash. 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. As discussed previously, the proposed project is anticipated to generate

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

approximately 25 trips per day, which are fewer than the number of trips that would trigger the requirement of a congestion management plan (CMP). Consequently, the proposed project would be in conformance with the Los Angeles County CMP, and this impact would be less than significant impact.

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

Answer: Less than significant with mitigation incorporated

See response to “Transportation/Circulation.” 13.a., 13.b., and 13.c.

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

Answer: Less than significant with mitigation incorporated

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: Less than significant with mitigation incorporated

The foreseeable methods of compliance may entail short-term disturbances during construction of structural methods to control trash. 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 should 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 would be selected and implemented by responsible local agencies considering project level concerns. Standard safety measures should be employed including fencing, other physical safety structures, signage, and other physical impediments designed to promote safety and minimize pedestrian/bicyclists accidents. It is not foreseeable that this proposal will result in significant increases in traffic hazards to motor vehicles, bicyclists or pedestrians, especially when considered in light of those hazards currently endured in an ordinary urbanized environment.

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?

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

Answer: Less than significant with mitigation incorporated

There is potential for temporary delays in response time of fire and police vehicles due to road closure/traffic congestion during construction activities. However, any construction activities would be subject to applicable building and safety and fire prevention regulations and codes. The responsible agencies could notify local emergency service providers of construction activities and road closures and could coordinate with local providers to establish alternative routes and appropriate signage. In addition, an Emergency Preparedness Plan could be developed for the construction of proposed new facilities in consultation with local emergency providers to ensure that the proposed project's contribution to cumulative demand on emergency response services is less than significant and would not result in a need for new or altered fire protection services. Most jurisdictions have in place established procedures to ensure safe passage of emergency vehicles during periods of road maintenance, construction, or other attention to physical infrastructure, and there is no evidence to suggest that installation of structural devices would create any more significant impediments than such other ordinary activities.

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: Less than significant with proposed mitigation

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 and the potential for temporary delays in response time of police vehicles due to road closure/traffic congestion during construction activities. The responsible agencies could notify local police service providers of construction activities and road closures and could coordinate with local police providers to establish alternative routes and traffic control during construction projects. In addition, an Emergency Preparedness Plan could be developed for the proposed new facilities in consultant with local emergency providers to ensure that the proposed project's contribution to cumulative demand on emergency response services is less than significant and would not result in a need for new or altered police protection services. Most jurisdictions have in place established procedures to ensure safe passage of emergency vehicles during periods of road maintenance, construction, or other attention to physical infrastructure, and there is no evidence to suggest that installation of structural devices would create any more significant impediments than such other ordinary activities.

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 impact

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.

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

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 impact

It is not foreseeable that this proposal will have a negative impact upon, or result in a need for new or altered governmental services to parks or other 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: Potentially significant impact

The proposal will result in the need for increased maintenance of public facilities and, specifically, stormwater treatment 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. To the extent that significant costs may be imposed upon a given locality, those effects are already occurring in the watershed and should be considered baseline impacts, as they are presently carried by downstream communities. Nevertheless, to the extent the locality that originated the trash would become newly exposed to increased costs from the need to properly dispose of trash generated locally instead of downstream jurisdictions, those impacts could be potentially significant in those locales. On balance, it is not unfair to subject localities to the effects of abating litter generated locally in local storm drains, rather than causing the downstream cities to bear the costs of cleaning up the trash collected from all the upstream cities. The city of Long Beach, for instance, uses “clam shell” tractors, other heavy duty equipment, and many, many truck trips to cart away the tons of trash from all the upstream cities. Any such impacts could be avoided considerably if the upstream municipalities addressed the trash locally. 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: Potentially significant

The proposal will result in the need for increased monitoring in the Los Angeles River, and its tributaries to track compliance with the TMDL. Non-structural BMPs, such as education and outreach, would result in the need for new or altered governmental services. In addition, as described in 14.e., additional maintenance would be required for street sweeping and structural BMP maintenance. Nevertheless, these types of alterations to governmental services are not “environmental” impacts that involve a change in the physical environment.

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

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

Answer: Less than significant impact

The foreseeable means of compliance with the proposed Basin Plan Amendment include a mix of non-structural and structural methods to control trash, several of which will require expenditure of fuel or energy. However, compliance should not result in the use of substantial additional 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.

A full capture vortex separation system would require fuel for heavy equipment and fuel for vacuum trucks maintenance. Other full capture systems and catch basin inserts may require heavy equipment for maintenance in the form of dump trucks. The TMDL Staff Report estimates that approximately 3700 large capacity vortex separation systems could be installed or 150,000 catch basins could be retrofitted with inserts to collect all the trash generated in the urban portion of watershed. Maintenance requirements for trash removal devices demonstrate that devices should be emptied when they reach 85% capacity. However, trash removal devices can be designed so that they need be cleaned only once per storm season. In the Caltrans gross solids removal devices pilot studies, interim cleaning was not required and trash was removed only once per season. Assuming that 3700 vortex separation systems are cleaned once per storm season (November 1 to March 31, or 150 days), this translates to approximately 25 vehicle trips per day in the watershed. An additional 25 trips per day, is not expected to place substantial increases on existing energy supply.

Responsible agencies may avoid some use of fuel or energy by enforcement of litter laws and institutional controls which could lessen the increase in truck trips and the demand for fuel. The cleaning of catch basin inserts and other full capture systems can coincide with residential and commercial trash pickup schedules to decrease the added vehicle trips for dump trucks. In addition, increased fuel consumption from added street sweeping could also be mitigated by the gradual installation of full capture systems, decreasing the need for added street sweeping.

It should be noted that any increase in use of fuel or energy in the locales where the trash originated would be to some degree offset by the decrease in the use of fuel needed to remove the trash downstream in the Los Angeles River, the Estuary, and from the beaches.

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: Less than significant impact

See response to “15. Energy. a.”

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

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: Less than significant impact

Installation of a full or partial capture systems may require minor alterations to existing power or natural gas systems. Power, and natural gas lines might need to be rerouted to accommodate the addition of full capture systems. The degree of alteration depends upon local system layouts and careful placement and design can mitigate. 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?

Answer: Less than significant impact

Implementation of this TMDL will require new trash control structures and operators or maintainers of the structures will use communication systems. However, 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: Less than significant impact

It is not foreseeable that this proposal will result in a substantial increased need for new systems, or substantial alterations to water utilities.

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 impact

Implementation of this Basin Plan amendment involves a progressive reduction in trash discharges to the Los Angeles River through structural BMPs, enforcement of existing litter laws, and institutional controls. 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?

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

Answer: Potentially significant impact

In order to achieve compliance with the TMDL, the storm water drainage systems will need to be retrofitted with structural BMPs or re-configured to divert and/or capture and treat a portion of storm water. Impacts to the storm water drainage systems will range from potentially significant to less than significant depending on the implementation strategy of each municipality. However, overall, the significant amount of installation required by full capture systems will substantially alter the storm water drainage system. These alterations will have a positive environmental impact with the resulting reduced pollutant loads from urban and storm water runoff.

For impacts to floodwaters see 3.(c).

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: Less than significant impact with mitigation incorporated

Nominal amounts of Construction debris maybe be generated by installation of structural BMPs. Significant amounts of waste, that would otherwise enter storm drains, will be collected by institutional controls and structural methods for collecting trash, or by source control and proper litter disposal by citizens in upstream locales. The volume of waste collected and the disposal method may cause an impact to existing disposal systems presently used by upstream jurisdictions. The Los Angeles River Trash TMDL Staff Report estimated as many as 150,000 catch basins could be retrofitted with inserts. A study by Alameda County, California found that annual cleaning yielded 54 pounds of sediment per catch basin inlet. This represents as much as 4,050 tons of additional waste annually. A survey on landfills in Los Angeles County conducted by the Department of Public Works estimated remaining landfill capacity at 102.89 million tons. The volume of waste disposed compared to the existing capacity is slight and the improvement to water quality outweighs the small additional landfill use, especially given the fact that the trash presently is ultimately disposed of in landfills, albeit downstream.

Construction debris can be recycled at aggregate recycling centers or disposed of at landfills. Improved sorting and recycling methods can reduce the total amount of disposable storm water wastes. Institutional planning and waste management techniques can adequately control the remaining solid wastes.

A new solid waste and disposal system is not required by the Basin Plan Amendment.

To the extent that decreases in available landfill space may be imposed upon a given locality or local region, those effects are already occurring elsewhere in the watershed as a result of the improper disposal of trash, and such effects should be considered baseline impacts, as they are presently carried by the downstream communities. Nevertheless, to the extent the localities that generated the trash would have less landfill capacity from the need to properly dispose of trash generated locally instead of downstream jurisdictions, those impacts could be deemed new environmental impacts in those locales. On balance, it is not unfair to require localities to dispose of trash generated locally in local landfills, rather than causing the downstream cities to do so in theirs. The city of Long Beach, for instance, uses “clam shell” tractors, other heavy duty equipment, and many, many truck trips to cart away the tons of trash from all

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

the upstream cities. Notably, any such impacts could be avoided considerably if the responsible agencies would control trash locally. Furthermore, it is reasonably foreseeable that the regulation would precipitate education about the environmental and economic effects of litter, and thereby stimulate greater efforts to use less disposable materials, and to recycle more, thus reducing the use of resources including natural resources. Increased recycling would be considered a positive environmental impact.

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

Answer: Less than significant with mitigation incorporated

See response to 10. Upset. Use of heavy equipment during construction and maintenance of structural BMPs may add to the potential for construction accidents. Unprotected sites may also result in accidental health hazards for people.

In addition, certain structural BMPs have may become a source of standing water. Any source of standing water can potentially become a source of vector production.

Potential health hazards attributed to installation and maintenance of structural BMPs can be mitigated by use of OSHA construction and maintenance, health and safety guidelines. Potential health hazard attributed to BMP maintenance can be mitigated through OSHA industrial hygiene guidelines. Installation of non-vector producing BMPs can help mitigate vector production from standing water. Netting can be installed over structural BMPs to further mitigate vector production. Structural BMPs can be redesigned and sites can be properly protected to prevent accidental health hazards as well as prevent vector production. Vector control agencies may also be employed as another source of mitigation. Structural BMPs prone to standing water can be selective installed away from high-density areas and away from residential housing 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: Less than significant with mitigation incorporated

See response to 17 Human Health a.

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

Answer: Less than significant impact

Installation of structural BMPs are unlikely to result in an impairment of scenic and opens views to the public. Structural BMPs are subsurface devices. Once completed, structural BMPs would not foreseeably obstruct scenic vistas or opens views to the public. To the extent that a particular structural control at a

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

particular site could obstruct scenic views, such impacts could be avoided by employing non-structural controls at such locations instead, for instance, increased litter enforcement. Visual and scenic impairment on the Los Angeles River, at the Estuary, and on the beaches are already existing impacts, and should be considered baseline conditions. On balance, it is not unfair to subject localities to the visual effects of abating their own litter in their own storm drains, rather than forcing the downstream cities to suffer the visual effects of the mountains of trash that collect there from the upstream cities. Implementation of the Basin Plan amendment would eventually improve the overall aesthetic appeal of the LA River by the removal of visible trash, thus causing a positive impact.

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

Answer: Less than significant impact with mitigation incorporation

Depending on the method implementation, impacts can range from less than significant with mitigation to no impact. Institutional controls and enforcement of litter laws would pose a positive aesthetic impact by reducing visible trash. Structural BMPs may create an aesthetically offensive site to the public during installation. Structural BMPs may become a target of vandalism. Vandalized structures may become an aesthetically offensive site. . Vandalism, however, already exists to some degree in most if not all, urbanized areas, and adding several new structures is not of itself likely to have any impact upon current vandalism trends, any more than adding any other public structure.

Structural BMPs are often subsurface devices and would not create an aesthetically offensive site after installation. The creation of an aesthetically offensive site during installation can be mitigated with screening and construction BMPs. Improved lighting and enforcement of current vandalism regulations may decrease vandalized structures. 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 would be evaluated considering project-level circumstances when specific projects are determined.

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

Answer: Less than significant impact with mitigation incorporated

Installation of structural BMPs may impact the usage of existing recreational sites. For instance, bike lanes may also be temporarily unavailable during installation of structural BMPs. Structural BMPs and subsurface devices and will pose only temporary impairment to recreational opportunities. Implementation of the TMDL will gradually improve the quality of the water body. This will create a positive impact and increase recreational opportunities throughout the water body.

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

Impacts to recreation opportunities can be mitigated through construction BMPs and planning by the responsible agency. Installation of structural BMPs in parks, bike lanes, and other recreational sites can be done incrementally to avoid the impairment of the entire site. The responsible agency may also redesign the structural BMPs or choose a less disruptive implementation strategy.

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

Answer: Less than significant with mitigation incorporations

Implementation of the proposed Basin Plan amendment is unlikely to impact a significant archeological or historical site structure, object or building. It is not reasonably foreseeable that responsible agencies would comply with structural controls in places where doing so would create adverse impacts to significant archeological or historical resources. Rather it is foreseeable that responsible agencies would instead opt for non-structural measures as enforcing litter ordinances in any such areas, or siting structural controls away from such resources. Any potential impact to specific archeological and/or historical resources by the construction of new facilities/BMPs can be determined by a project-level EIR once the location of any such facility has been determined. The agencies responsible for implementing this TMDL could 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 Staff Report and 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 trash capture systems should not foreseeably have a significant adverse effect on the environment. Any potential impacts can be mitigated at the subsequent project level phase when specific sites and methods have been identified, and responsible agencies can and should implement the recommended mitigation measures.

V. DETERMINATION

The implementation of this TMDL will result in improved water quality in the Los Angeles River Watershed, 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 Los Angeles River Trash TMDL and this checklist provide the necessary information pursuant to Public Resources Code section 21159 to conclude that properly designed and implemented structural or non-structural methods of compliance should 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 need to be mitigated at a subsequent, project level because they involve specific sites and designs not specified or specifically required by the Basin Plan Amendment to implement the TMDL. At this stage, any more particularized conclusions would be speculative.

Specific projects, that 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.

Furthermore, implementation of the TMDL is both necessary and beneficial. To the extent that the alternatives, mitigation measures, or both, that are examined in this analysis are not deemed feasible by those local agencies, the necessity of implementing the federally required TMDL and removing the trash impairment from the Los Angeles River Watershed (an action required to achieve the express, national policy of the Clean Water Act) remains.

In addition, implementation of the TMDL will have substantial benefits to water quality and will enhance beneficial uses. Enhancement of the recreational beneficial uses (both water contact recreation and non-contact water recreation) will have positive social and economic effects by decreasing potential trash hazards and increasing the aesthetic experience at beaches, parks along the river, river bikepaths and other recreation areas. In addition, habitat carries a significant non-market economic value. Enhancement of habitat beneficial uses (including the warm freshwater habitat, cold freshwater habitat, wildlife habitat, wetland habitat and rare, threatened or endangered species) will also have positive indirect economic and social benefits. These substantial benefits outweigh any 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 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, and elsewhere in the administrative record).

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

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: _____

Jonathan S. Bishop
Executive Officer