

# CEQA Scoping Trash TMDL Malibu Creek Watershed

Samuel Unger, P.E.  
Eric Wu, Ph.D., P.E.

Los Angeles Regional Water Quality Control Board  
December 13, 2007

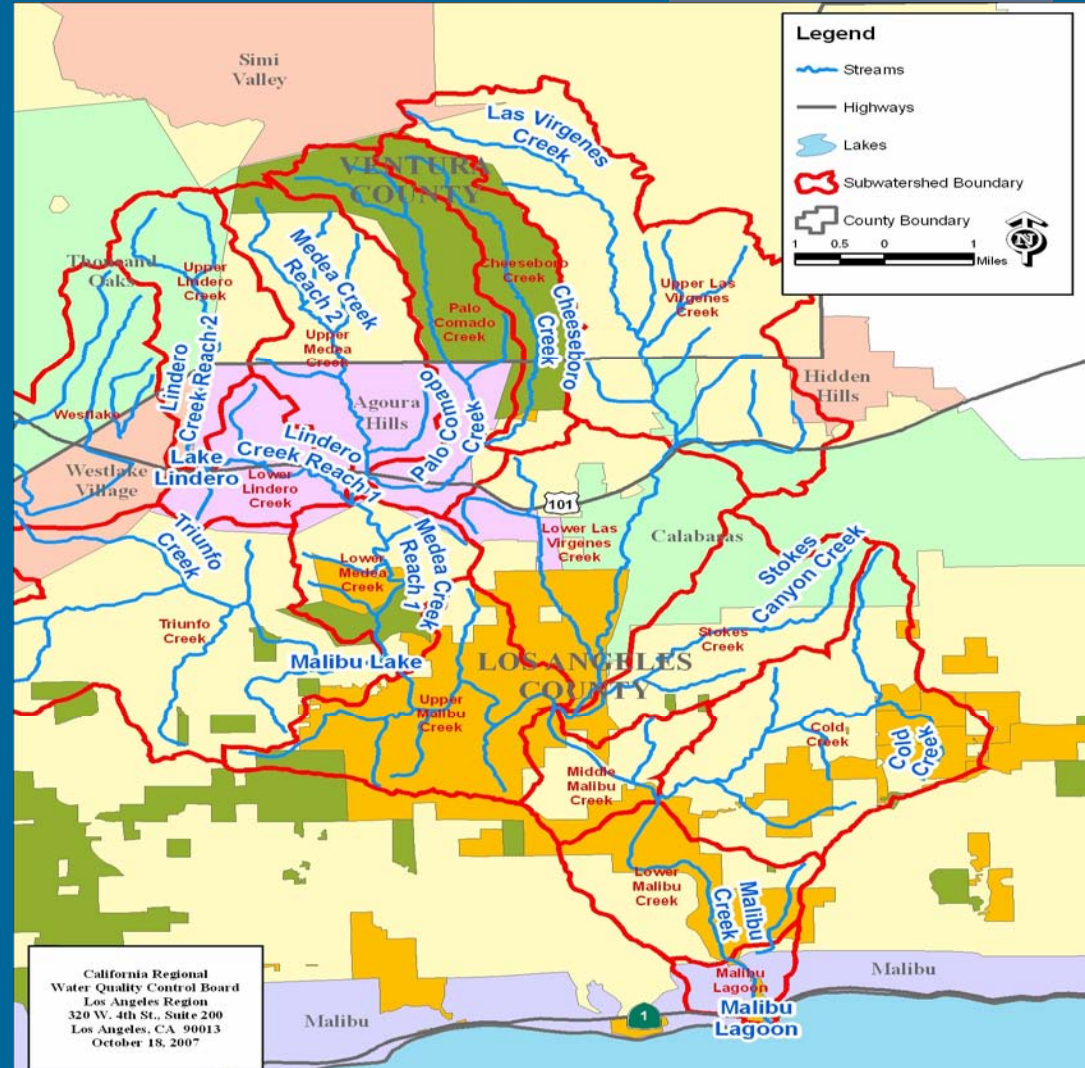
# CEQA Scoping Agenda

---

- Legal Background
  - Clean Water Act 303(d) List
  - Consent Decree
- TMDL Program
  - Problem Statement
  - Numeric Target
  - Source Analysis
  - Waste Load Allocation
  - Implementation
- Environmental Analysis
  - CEQA Checklist

# Malibu Creek Trash Listings

- Malibu Creek
- Medea Creek
- Lindero Creek
- Lake Lindero
- Las Virgenes Creek
- Malibu Creek Watershed: 109 square miles with 48 square miles listed for trash.
- Existing Beneficial Uses: REC1, REC2, WARM, COLD, WILD, RARE, MIGR, SPWN, and WET



# Problem Statement

- Point Sources
  - storm drains
- Nonpoint Sources
  - commercial and residential areas, schools, parks and traffic.
- Parameters
  - Rainfall
  - Traffic



# Water Quality Objectives

---

## Basin Plan

- *“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.”*

# Numeric Target

- Numeric Target = “Zero” Trash
  - Consistent with other laws, municipal codes
  - Regional Board Trash TMDLs
    - East San Gabriel River and Ballona Creek
    - Lake Elizabeth, Munz Lake and Lake Hughes
    - Ventura River Estuary
    - Revolon Slough and Beardsley Wash
    - Machado Lake
    - Legg Lake
    - Los Angeles River
  - State Board, Office of Administrative Law and EPA approval of zero trash TMDLs
- Point Sources
- Nonpoint Sources



# Compliance Strategy

## Point Sources

- Full capture systems
  - Trap all particles retained by a 5mm mesh screen
  - Treat not less than the peak flow rate resulting from a 1-yr, 1-hr storm
- Structural or non-structural Best Management Practices (BMPs)



# Compliance Strategy

## Nonpoint Sources

---

- Minimum Frequency of Assessment and Collection in Conjunction with BMPs (MFAC/BMP) Program
  - Definition
  - Application
  - Trash Monitoring and Reporting Plan (TMRP)
  - Restriction – Responsible jurisdictions are not required to access areas outside of their jurisdictions or areas with safety hazards



# California Environmental Quality Act (CEQA) Background

- State and Regional Boards' basin planning process has been certified by the Secretary of Resources as exempt from certain requirements of the California Environmental Quality Act (CEQA), including preparation of an initial study, negative declaration, and environmental impact report (14 CCR §15251(g)).
- The “certified regulatory program” of the Regional Board, however, must satisfy substantive requirements (23 CCR §3777 (a))
  - Written report including a description of the proposed activity
  - Environmental checklist
  - Identification of mitigation measures
  - Alternative analysis

# CEQA Program Alternatives

---

- TMDL as proposed
  - State-developed TMDL
  - Contains implementation plan
- USEPA established TMDL
- No TMDL alternative

# CEQA Scoping

---

- CEQA Requires an Environmental Analysis on:
  - Reasonably foreseeable methods of compliance
  - Reasonably foreseeable significant environmental impact
  - Specific evidence and magnitude
  - Reasonable alternative means of compliance which have less adverse impact
  - Reasonable mitigation measures

# Potential Environmental Impacts

---

- Potentially significant Impact
- Less than Significant Impact with Mitigation Incorporated
- Less than Significant
- No Impact (Insignificant)

# CEQA - Agriculture Resources

- Would the Implementation of this Trash TMDL:
  - Convert Prime Farmland or Unique Farmland to non-agricultural use?
  - Conflict with existing zoning for agricultural use?
  - Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

# CEQA - Air Quality

- Would the Implementation of this Trash TMDL:
  - Conflict with or obstruct implementation of the applicable air quality plan?
  - Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
  - Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
  - Expose sensitive receptors to substantial pollutant concentrations?
  - Create objectionable odors affecting a substantial number of people?



# CEQA – Biological Resources

- Would the Implementation of this Trash TMDL:
  - Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
  - Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

# CEQA – Geology and Soils

---

- Would the Implementation of this Trash TMDL:
  - Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, and landslides?
  - Result in substantial soil erosion or the loss of topsoil?

# CEQA – Hazards and Hazardous Materials

- Would the Implementation of this Trash TMDL:
  - Create a significant hazard to the public?
  - Emit hazardous emissions or handle hazardous or acutely hazardous materials within one-quarter mile of an existing or proposed school?
  - Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
  - Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

# CEQA – Hydrology and Water Quality

---

- Would the Implementation of this Trash TMDL:
  - Violate any water quality standards or waste discharge requirements?
  - Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level?
  - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

# CEQA – Hydrology and Water Quality (continued)

- Would the Implementation of this Trash TMDL:
  - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
  - Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
  - Otherwise substantially degrade water quality?

# CEQA – Hydrology and Water Quality (continued)

- Would the Implementation of this Trash TMDL:
  - Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
  - Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
  - Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
  - Inundation by seiche, tsunami, or mudflow?



# CEQA – Land Use and Planning

---

- Would the Implementation of this Trash TMDL:
  - Physically divide an established community?
  - Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?
  - Conflict with any applicable habitat conservation plan or natural community conservation plan?

# CEQA - Noise

- Would the Implementation of this Trash TMDL:
  - Expose people to or generate of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
  - Expose people to or generate of excessive groundborne vibration or groundborne noise levels?
  - Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
  - Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

# CEQA – Public Services

---

- Would the Implementation of this Trash TMDL result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services such as fire protection, police protection, school, park, and other public facilities?

# CEQA - Recreation

---

- Would the Implementation of this Trash TMDL increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated
- Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

# CEQA – Transportation/Traffic

- Would the Implementation of this Trash TMDL:
  - Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?
  - Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
  - Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

# CEQA – Transportation/Traffic (continued)

---

- Would the Implementation of this Trash TMDL:
  - Substantially increase hazards due to a design feature or incompatible uses?
  - Result in inadequate parking capacity and emergency access?
  - Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?



# CEQA – Utilities and Service Systems

- Would the Implementation of this Trash TMDL:
  - Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
  - Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
  - Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

# Other CEQA Issues

---

- Aesthetics
- Light and Glare
- Energy
- Archeological/Historical

# Source of Trash and Responsible Jurisdictions

## Point Sources

- Caltrans
- County of Los Angeles
- County of Ventura
- Ventura County Watershed Protection District
- Cities of Malibu, Agoura Hills, Thousand Oaks, Calabasas

## Nonpoint Sources

- U.S. Department of Agriculture Forest Service
- California Department of Parks and Recreation
- County of Los Angeles
- County of Ventura
- Ventura County Watershed Protection District
- Cities of Malibu, Agoura Hills, Thousand Oaks, Calabasas and Westlake Village

# Implementation and Monitoring

- Point Source
  - MS-4 Stormwater Permits
  - 13267 Report Request
  - Two Years for TMRP
  - 20% reduction each year
  - Achieve Zero Trash in 8 years
- Nonpoint Sources
  - Conditional Waiver
  - 13267 Report Request
  - Potential Enforceable Memorandum of Understanding
  - Cleanup and Abatement Order
  - Two years for TMRP
  - Reach Compliance in 5 years
- Monitoring – Annual TMRP Report

# Questions?

---

- Samuel Unger, P.E.
  - Section Chief of Regional Programs
  - (213) 576-6622
  - [sunger@waterboards.ca.gov](mailto:sunger@waterboards.ca.gov)
- Eric Wu, Ph.D., P.E.
  - (213) 576-6683
  - [ewu@waterboards.ca.gov](mailto:ewu@waterboards.ca.gov)
- Stefanie Hada
  - (213) 576-6804
  - [shada@waterboards.ca.gov](mailto:shada@waterboards.ca.gov)