



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Agency Secretary

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

Arnold Schwarzenegger
Governor

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 will revise the implementation plan for the Metals Total Maximum Daily Load (TMDL) for the Los Angeles River and its tributaries. The proposed revision extends the implementation schedule for the Tillman, LA-Glendale, and Burbank Publicly Owned Treatment Works (POTWs) and establishes interim copper waste load allocations (WLAs) for these POTWs.

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 Basin Plan amendments 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.

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- (3) An analysis of reasonably foreseeable alternative means of compliance with the rule or regulation that would have less significant adverse impacts. (Pub. Res. Code § 21159(a).)

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

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

A “reasonable range” does not require an examination of every site, but a reasonably representative sample of them. The statute specifically states that the section shall not require the agency to conduct a “project level analysis.” (Pub. Res. Code § 21159(d).) Rather, a project level analysis must be performed by the local agencies that are required to implement the requirements of the rule or regulation (i.e. Basin Plan amendment). (Pub. Res. Code § 21159.2.) Notably, the Regional Board is prohibited from specifying the manner of compliance with its regulations (Cal. 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 “Revision of the Implementation Plan for Tillman, LA-Glendale, and Burbank POTWs in the Total Maximum Daily Load for Metals for the Los Angeles River and its Tributaries” (including appendices), with the responses to comments, and the resolution approving the amendment fulfill the requirements of 23 Cal. Code Regs. §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.

I. DESCRIPTION OF PROPOSED ACTIVITY

The proposed activity is a Basin Plan amendment to revise the implementation plan for the Los Angeles River and Tributaries Metals TMDL. The proposed revision extends the implementation schedule for the three largest POTWs in the watershed and establishes interim copper WLAs for these POTWs based on a water effect ratio (WER).

The Los Angeles Regional Board adopted the Los Angeles River and Tributaries Metals TMDL on June 2, 2005 under Resolution No. R05-006. The TMDL became effective on January 11, 2006. The Regional Board re-adopted the TMDL on September 6, 2007 by Resolution No. R07-014 in compliance with a writ of mandate issued by the Los Angeles County Superior Court in the matter of *Cities of Bellflower et al. v. State Water Resources Control Board et al.* (Los



Angeles Superior Court # BS101732). The re-adopted TMDL became effective October 29, 2008. The Regional Board voided and set aside the TMDL adopted under Resolution No. R05-006 on May 7, 2009.

The existing TMDL numeric targets and WLAs as adopted by Resolution R07-014 are based on criteria in the California Toxics Rule (CTR). The CTR allows for the adjustment of certain metals criteria through the use of a WER that accounts for site-specific chemical conditions. No site-specific WERs had been developed for the Los Angeles River before the existing TMDL was adopted. Therefore, where CTR criteria include a WER multiplier, a WER default value of 1.0 was assumed, as directed in the CTR.

The proposed amendment extends the implementation schedule for the Tillman, LA-Glendale, and Burbank POTWs up to three years from the effective date of the amendment and incorporates interim copper WLAs for these POTWs based on a copper WER. The Tillman POTW is located in Reach 4 of the river, the LA-Glendale POTW is located in Reach 3 of the river, and the Burbank POTW is located in the Burbank Western Channel, which drains to Reach 3 of the river. The proposed amendment also contains monitoring requirements to ensure that the interim copper WLAs protect water quality and beneficial uses during the extended implementation schedule.

The objectives of the proposed amendment are to (1) provide the POTWs with additional time before their final WLAs for copper in the existing TMDL apply and (2) allow adequate time to complete a watershed-wide WER study to potentially adjust the final WLAs for copper for all sources. The Cities of Los Angeles and Burbank already completed a copper WER study in 2008, which was designed to apply to discharges from the Tillman, LA-Glendale, and Burbank POTWs. However, this study cannot be used to revise the final copper WLAs for all sources in the TMDL. The proposed amendment allows time for completion of a watershed-wide copper WER study that could apply to all sources. This watershed-wide copper WER study would be considered when the TMDL is reconsidered in 2011. The extended implementation schedule acknowledges the early and cooperative efforts of the Cities of Los Angeles and Burbank to develop a copper WER. The interim copper WLAs are based on the 2008 WER study. The 2008 WER study demonstrates that the POTWs may discharge copper at a level higher than copper effluent limitations based on the existing final WLAs and still fully protect beneficial uses.

II. ENVIRONMENTAL SETTING AND BASELINE CONDITIONS

The Regional Board considered potential environmental impacts arising from the reasonably foreseeable means of compliance with the TMDL when it originally adopted and re-adopted the TMDL (Pub. Res. Code § 21159). As established in the technical report, response to comments, hearings, and the administrative record for the TMDL, individual dischargers will employ various implementation strategies to attain WLAs. Many of these compliance approaches are already required under existing law, since the CTR establishes federal, numeric water quality

criteria for the metals subject to the TMDL. While the TMDL implementation schedule allows POTWs up to 2011 and municipal stormwater dischargers up to 2028 to comply with metals criteria, the Regional Board determined that this time period for achieving compliance is reasonable and as short as practicable to allow dischargers to implement a complex, yet efficient, mix of projects to comply with the waste load allocations. The adverse impacts of non-compliance with water quality standards are mitigated through a progressive reduction in the loading of metals to the Los Angeles River and its tributaries and through a schedule that is reasonable and as short as practicable. The substitute environmental documents for the TMDL re-adopted by Resolution R07-014 include the CEQA checklist dated March 25, 2005, the Los Angeles River Metals TMDL staff report dated June 2, 2005, Resolution R07-014, Basin Plan amendment language, response to comments on the June 12, 2004 and March 28, 2005 draft TMDLs, and all subsequent responses to comments.

The proposed amendment to extend the implementation schedule for the three POTWs to achieve their final copper WLAs and to set interim copper WLAs for the POTWs will allow increased concentrations of copper in the Los Angeles River downstream of the POTW discharges for a longer period of time than the existing TMDL. Therefore, a separate CEQA checklist, public comment period, and Board adoption are required for the proposed amendment. The CEQA analysis for the proposed amendment focuses on the potential environmental impacts arising from continued exceedance of CTR criteria by the POTWs beyond the 2011 date specified in the existing TMDL. Compliance with this amendment will not require additional structural or non-structural treatment strategies, new technologies or new or expanded facilities from those required to achieve the existing TMDL.

Therefore, the existing TMDL serves as a baseline from which to analyze the significance of impacts posed by the proposed amendment. The CEQA substitute documents for the existing TMDL analyzed the reasonably foreseeable environmental impacts of the methods of compliance (Pub. Res. Code § 21159(a)(1)), reasonably foreseeable mitigation measures (Pub. Res. Code § 21159(a)(2)), reasonably foreseeable alternative means of compliance (Pub. Res. Code § 21159(a)(3)) and a reasonable range of environmental, economic, and technical factors; population and geographic areas; and specific sites (Pub. Res. Code § 21151(c)). Because the proposed amendment is limited to the revision of the implementation plan for the three POTWs and does not require any addition treatment strategies or facilities, all compliance options are established within the baseline and no additional analysis of the potential impacts due to compliance with the TMDL are required with the exception of the extended time to achieve compliance.

The detailed environmental setting and authority for both the existing Los Angeles River and Tributaries Metals TMDL and the proposed amendment to revise the implementation plan for the Los Angeles River and Tributaries Metals TMDL are set forth in the detailed technical staff reports. The reports are entitled “Total Maximum Daily Loads for Metals – Los Angeles River and Tributaries (June 2005),” including appendices, and “Revision of the Implementation Plan

for Tillman, LA-Glendale, and Burbank POTWs in the Total Maximum Daily Load for Metals for the Los Angeles River and its Tributaries (January 2010),” including appendices. These reports identify the environmental setting and need for the project.



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

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

Answer: No impact.

No impact is expected because the proposed amendment does not require any actions that could result in disruptions to earth.

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

Answer: No impact.

No impact is expected because the proposed amendment does not require any actions that could result in disruptions displacements, compaction or overcoming of the soil.

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

Answer: No impact.

No impact is expected because the proposed amendment does not require any actions that could result in changes in topography or surface relief features.

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

Answer: No impact.

No impact is expected because the proposed amendment does not require any actions that could result in destruction, covering or modification of any unique geologic or physical features.

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

Answer: No impact.

No impact is expected because the proposed amendment does not require any actions that could result in building anything on the surface of the land that will alter wind patterns, nor does it result in any disruptions to the earth that would lead to increased erosion of soils.



IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

1. Earth. f. Will the proposal result in changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion that may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?

Answer: No impact.

No impact is expected because the proposed amendment does not require any actions that could result in deposition or erosion of beach sands, or changes that could modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake.

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 because the proposed amendment does not require any actions that could result in exposure of people or property to geologic hazards, such as earthquakes, landslides, mudslides, ground failure, or similar hazards.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in the construction of any mechanical devices that are pollution generating. It will also not result in increased population centers that would lead to increased automobile traffic.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in the in creation of objectionable odors.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally.



IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

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: No impact.

The proposed amendment will not require any actions or require the construction of any structures in or above the water that would result in alterations of the currents, or the course of direction of the water.

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

Answer: No impact.

The proposed amendment will not require any actions or require the construction of any structures in or above the water that would result in alteration of the absorption rates, drainage patterns, or the rate and amount of surface runoff. In addition, the proposed amendment will not require that water entering the system be treated differently than it has prior to this amendment; e.g., additional treatment, diversion, etc.

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

Answer: No impact.

The proposed amendment will not require any actions or require the construction of any structures in or above the water that would result in alterations to the course of flow of flood waters. In addition, the proposed amendment will not require that water entering the system be treated differently than it has prior to this amendment; e.g., additional treatment, diversion, etc.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in a change in the amount of surface water in any water body.

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: Less than significant impact

The proposed amendment will not require any actions that would result in any new discharge to surface waters, or in any alteration of surface water quality. The proposed amendment will not require that water entering the system be treated differently than it has prior to this amendment (e.g., through additional treatment, diversion, etc.). The proposed amendment will allow POTWs to discharge copper at levels equal to interim WLAs for an extended period of time (up to three years from the effective date of the

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

proposed amendment). The use of a site-specific WER to set interim WLAs will allow for higher copper concentrations in the river downstream of POTW discharges than the existing final WLAs, which would apply in 2011. However, these higher concentrations will only occur for a limited time (up to three years from the effective date of the proposed amendment). Additionally, based on site-specific conditions, the concentrations of copper allowed by the interim WLAs will provide the same level of protection to aquatic life from toxicity as was intended by the CTR and the final WLAs in the existing TMDL which implemented the CTR criteria. The 2008 WER study demonstrates that, because of site-specific conditions, the POTWs may discharge copper at higher concentrations than allowed by copper effluent limitations derived from the existing final WLAs and still fully protect beneficial uses.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in alteration of the direction or rate of flow of ground waters. The proposed amendment will not require that water entering the system be treated differently than it has prior to this amendment; e.g., additional treatment, diversion, etc.

3. Water. g. Will the proposal result in 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: No impact.

The proposed amendment will not require any actions that would result in the construction of any structures in or above the water that will change the quantity or quality of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations. In addition, it will not require that water entering the system be treated differently than it has prior to this amendment; e.g., additional treatment, diversion, etc.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in reduction in the amount of water otherwise available for public water supplies.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in exposure of people or property to water related hazards such as flooding or tidal waves.



IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

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 impact.

The proposed amendment will allow POTWs to discharge copper at levels equal to interim WLAs for an extended period of time (up to three years from the effective date of the proposed amendment). The interim WLAs will allow higher levels of copper in the river downstream of POTW discharges, which could cause a reduction in the number of plant species if the higher copper concentrations were toxic to plants. However, based on site-specific conditions, these higher concentrations will maintain the same level of protection from toxicity as was intended by the CTR and the final WLAs in the existing TMDL which implemented the CTR criteria. The 2008 WER study demonstrates that the POTWs may discharge copper at a level higher than copper effluent limitations based on the existing final WLAs and still fully protect beneficial uses. Any potential impacts to plant life would thus be less than significant.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in reduction of the numbers of any unique, rare or endangered species of plants.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species.

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

Answer: No impact.

The proposed amendment will not result in reduction in 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 impact.



IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

The proposed amendment will allow POTWs to discharge copper at levels equal to interim WLAs for an extended period of time (up to three years from the effective date of the proposed amendment). The interim WLAs will allow higher levels of copper in the river downstream of POTW discharges, which could cause a reduction in the number of animal species if the higher copper concentrations were toxic to animals. However, based on site-specific conditions, these higher concentrations will maintain the same level of protection from toxicity as was intended by the CTR and the final WLAs in the existing TMDL which implemented the CTR criteria. The 2008 WER study demonstrates that the POTWs may discharge copper at a level higher than copper effluent limitations based on the existing final WLAs and still fully protect beneficial uses. Any potential impacts to animal life would thus be less than significant.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in reduction of the numbers of any unique, rare or endangered species of animals.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals.

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

Answer: Less than significant impact

The use of interim WLAs based on the site-specific WER will allow higher levels of copper in the Los Angeles River downstream of the POTWs than the final copper WLAs in the existing TMDL. However, the same level of protection from toxicity as that intended by the CTR criteria is maintained; therefore, the proposed amendment will not result in deterioration of existing fish or wildlife habitat. This is because the development of the WER takes into account the site-specific differences that affect toxicity between site water and the lab water used to develop the national criteria. For this reason, the resulting interim WLAs, using the site-specific WER developed per US EPA protocols, are deemed to be as protective of the local site water as the copper CTR criteria were intended to be. The reaches and tributaries to which the POTWs discharge, and those downstream of the POTWs' discharges, will be monitored, and if monitoring shows that the beneficial uses are not being fully protected, then the WER and resultant interim WLAs may be re-evaluated.



IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

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

Answer: No impact.

The proposed amendment will not require any actions that would result in the development or increase in any devices that would increase noise, neither natural nor anthropogenic.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in the development or increase in any devices that would increase noise, neither natural nor anthropogenic

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

Answer: No impact.

The proposed amendment will not require any actions that would result in the development or increase in any devices that would increase light, neither natural nor anthropogenic.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in water quality changes that would lead to a change in landuse patterns. The amendment continues to support the same designated beneficial uses.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in increase in the rate of use of any natural resources.

9. Natural Resources. a. Will the proposal result in substantial depletion of any nonrenewable natural resource?

Answer: No impact.

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

The proposed amendment will not require any actions that would result in depletion of any nonrenewable natural resource.

10. Risk of Upset. a. 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: No impact.

The proposed amendment will not require any actions that would result in the development or increase in any devices that would lead to an increased risk of an explosion or the release of hazardous substances

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

Answer: No impact.

The proposed amendment will not require any actions that would result in alterations to the location, distribution, density, or growth rate of the human population of an area.

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

Answer: No impact.

The proposed amendment will not require any actions that would affect existing housing, or create a demand for additional housing.

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

Answer: No impact.

The proposed amendment will not result in generation of substantial additional vehicular movement nor lead to a change in landuse patterns that would lead to a change in transportation or circulation.

13. Transportation/Circulation. b. Will the proposal result in effects on existing parking facilities, or demand for new parking?

Answer: No impact.



IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

The proposed amendment will not require any actions that would have an effect on existing parking facilities, or demand for new parking.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in impact upon existing transportation systems.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in alterations to present patterns of circulation or movement of people and/or goods nor change in landuse patterns that would lead to a change in circulation or movement.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in alterations to waterborne, rail or air traffic.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in traffic hazards to motor vehicles, bicyclists or pedestrians.

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

Answer: No impact.

The proposed amendment will not require any actions that would have an effect upon, or result in a need for new or altered fire protection.



IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

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

Answer: No impact.

The proposed amendment will not require any actions that would have an effect upon, or result in a need for new or altered police protection.

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.

The proposed amendment will not require any actions that would have an effect upon, or result in a need for new or altered schools.

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.

The proposed amendment will not require any actions that would have an effect upon, or result in a need for new or altered parks.

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: No impact.

The proposed amendment will not require any actions that would have an effect upon, or result in a need for new or altered public facilities, roads.

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: No impact.

The proposed amendment will not require any actions that would have an effect upon, or result in a need for any new or altered other government services.

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

Answer: No impact.



IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

The proposed amendment will not require any actions that would result in the development or increase in any devices that would increase of energy consumption.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in the development of new devices that would increase of energy consumption or that would require development of new sources of energy.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in a need for new systems, or substantially alter 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: No impact.

The proposed amendment will not require any actions that would result in a need for new communication systems, or substantially alter 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: No impact.

The proposed amendment will not require any actions that would result in a need for new water systems, or substantially alter water systems.

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.



IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

The proposed amendment will not require any actions that would result in a need for new sewers or septic tanks or that would lead to a change in landuse patterns that would lead to a change in demand for sewers or septic tanks.

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

Answer: No impact.

The proposed amendment will not require any actions that would result in a need for new storm water drainage systems or that would lead to a change in landuse patterns that would lead to a change in stormwater drainage.

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: No impact.

The proposed amendment will not require any actions that would result in a need for new solid waste disposal or that would lead to a change in landuse patterns that would lead to a change in demand for solid waste disposal.

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

Answer: No impact.

The proposed amendment will not require any actions that would create any health hazard or potential health hazard. The proposed basin plan amendment requires criteria according to the California Toxics Rule that protect human health.

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

Answer: No impact.

The proposed amendment will not require any actions that would expose people to potential health hazards.

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

Answer: No impact.



IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

No impact is expected because the proposed amendment does not require any actions that would result in building anything on the surface of the land that would obstruct any scenic vista or view open to the public.

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

Answer: No impact.

No impact is expected because the proposed amendment does not require any actions that would result in building anything on the surface of the land that would create an aesthetically offensive site open to public view.

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

Answer: No impact.

Implementation of the proposed amendment will have no negative impact on the quality and quantity of recreational opportunities. The proposal will have a beneficial impact by protecting aquatic life-related beneficial uses.

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

Answer: No impact.

Implementation of the proposed amendment is unlikely to impact a significant archeological or historical site structure, object or building because the proposed amendment does not require the construction or alteration of anything on land or water.

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?

Answer: Less than significant



IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

The goals of this amendment are to provide the POTWs with additional time before their final WLAs for copper apply and to set interim WLAs for copper based on a site-specific WER for a period of up to three years from the effective date of the amendment. The WER, upon which the interim WLAs are based, takes into account site specific conditions in the Los Angeles River below the POTW discharges, which have been shown to reduce the toxicity of copper to aquatic life. It has been demonstrated that the WER is fully protective of beneficial uses. Furthermore, the interim WLAs apply for a limited period of time (up to three years from the effective date of the amendment). In its “Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses” (1985), US EPA has concluded based on documented studies that ecosystems can tolerate and recover from occasional exceedances. Therefore, there will be no potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

Short-term: Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one that occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

Answer: No impact

This amendment only allows increased copper levels above those in the existing TMDL for a period of up to three years from the effective date of the amendment. In addition, the interim WLAs for copper will ensure the protection of water quality and, thus, beneficial uses based on site-specific conditions in the Los Angeles River.

Cumulative: Does the project have impacts that 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.)

Answer: Less than significant

The goals of this amendment are to provide the three POTWs with additional time before their final WLAs for copper apply and to set interim WLAs for copper for the three POTWs based on a site-specific WER such that the interim WLAs will be fully protective of beneficial uses. Therefore, there will be no potential to have impacts, which are individually limited, but cumulatively considerable.



IV. DISCUSSION OF ENVIRONMENTAL EVALUATION (continued)

Substantial adverse: Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Answer: No impact

This amendment will ensure the protection of water quality in the Los Angeles River and does not require any actions that would result in adverse effects on human beings.



V. PRELIMINARY STAFF DETERMINATION

The revision of the implementation plan for the Los Angeles River and Tributaries Metals TMDL will allow for a more comprehensive watershed-wide WER to be completed and additional data collected to evaluate final WLAs for copper for all sources when the TMDL is reconsidered.

On the basis of the substitute environmental documents for the TMDL implementation plan revision, which collectively provide the required information I find that:

- ☒ The proposed project COULD NOT have a significant effect on the environment, and, therefore, no alternatives or mitigation measures are proposed.
- ☐ The proposed project MAY have a significant or potentially significant effect on the environment, and therefore alternatives and mitigation measures have been evaluated.

Original signed by Deborah J. Smith, Chief Deputy E.O. on 01/05/10

Signature

Date

Printed Name

For

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.