

TMDL Executive Summary

**California Regional Water Quality Control Board
Los Angeles Region
June 7, 2012
557th Board Meeting**

Item Number	11.b.
Proposed Board Action	Consideration of a proposed Basin Plan Amendment to revise the Bacteria Total Maximum Daily Load for the Ballona Creek, Ballona Estuary, and Sepulveda Channel
Need for Action	<p>The Ballona Creek Bacteria TMDL was adopted by Resolution No. R06-011 on June 8, 2006, and became effective on April 27, 2007.</p> <p>The goal of the Ballona Creek Bacteria TMDL is to address the impairment of water quality due to elevated bacteria densities. Recreating in waters with elevated bacterial indicator densities has long been associated with adverse human health effects. The Ballona Bacteria TMDL establishes (1) water quality targets and waste load and load allocations for sources of bacteria within the watershed in order to protect the designated water contact recreation uses and (2) specifies a program of implementation.</p> <p>The Ballona Creek Bacteria TMDL uses innovative approaches to implement water quality objectives for bacteria, including the reference system/antidegradation approach and the corresponding allowable exceedance days approach. The Ballona Creek Bacteria TMDL also includes a scheduled “reconsideration” as part of its implementation schedule to re-evaluate the reference system used to calculate allowable exceedance days of bacteria objectives, as well as several other aspects of the TMDL. The matters to be considered as specified in the TMDL are:</p> <ul style="list-style-type: none">• Re-assess the allowable winter dry-weather and wet-weather exceedance days based on a re-evaluation of the selected reference watershed and consideration of other reference watersheds that may better represent reaches of Ballona Creek and Estuary,• Consider whether the allowable winter-dry weather and wet-weather exceedance days should be adjusted annually dependent on the rainfall conditions and an evaluation of natural variability in exceedance levels in the reference system(s),• Re-evaluate the reference year used in the calculation of allowable exceedance days,

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- Re-evaluate whether there is a need for further clarification or revision of the geometric mean implementation provision,
- Consider natural source exclusions for bacteria loading from Del Rey Lagoon and the Ballona Wetlands based on results of the source identification study, and
- Re-assess WLAs for Benedict Canyon Channel, Sepulveda Channel, and Centinela Creek based on results of the required compliance monitoring, and/or any voluntary beneficial use investigations.

Regional Board staff considered each of these elements as part of the action before the Board. The detailed analysis of these elements is contained in the TMDL staff report.

The revisions proposed for Regional Board consideration at this time are limited to the specific elements identified at the time of Regional Board adoption of the original TMDL in 2006. Staff has recommended only these revisions for this Board action because these specific reconsiderations are an obligation for the Board and are “overdue.”

The Regional Board is not precluded from reconsidering any aspect of a TMDL. But at this time, Regional Board staff has evaluated and publically noticed only those certain technical aspects specifically listed in the original BPA.

Some additional revisions have been made for clarity or consistency, but no new substantial changes are recommended. However, staff does recognize that other aspects of the TMDLs may need to be reconsidered in the future, especially as the science continues to develop. New scientific information that is currently being developed includes studies to examine the potential of marine sediments to act as sinks for indicator bacteria, the relative loading of human versus non-human sources in estuarine and marine environments, and USEPA’s new draft ambient water quality criteria. In addition, the Southern California Coastal Water Research Project (SCCWRP) is coordinating with the County of Ventura, Regional Board staff, and USEPA to begin examining and correlating the health risks associated with non-human sources and causative microbes related to illness.

Staff can turn to these other issues once we have met our current obligation. Regional Board staff will consider all new material and

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	<p>information brought to our attention and can reconsider the TMDL based on this new information as warranted.</p>
<p>Stakeholder Participation</p>	<p>Staff met with stakeholders to address specific questions and concerns both prior to and during the 45-day public comment period.</p> <p>The proposed revisions to the Basin Plan Amendments to the TMDL and supporting documents were publicly noticed on March 23, 2012 for a 45-day comment period.</p>
<p>Summary of Commenters</p>	<p>Four letters were received by the May 7, 2012 comment deadline. The following organizations each submitted one comment letter:</p> <ol style="list-style-type: none"> 1. County of Los Angeles Department of Public Works 2. City of Los Angeles 3. Heal the Bay and Santa Monica Baykeeper <p>Staff also received a comment letter from Patricia McPherson of the Grassroots Coalition.</p>
<p>Significant Issues and Proposed Changes</p>	<p>Staff has reviewed and responded to the significant issues raised by commenters, and has proposed certain changes. Several of the comments on the Ballona Creek TMDL, such as the method for calculating the geometric mean to assess compliance with bacteria objectives, are similar to comments made on the beaches TMDLs, and staff's responses to those comments are summarized in the executive summary for the reconsideration of the beaches TMDLs, Item 11.a.</p> <p>Staff's responses to comments on the Ballona TMDL and proposed changes are as follows:</p> <ol style="list-style-type: none"> 1. <u>Comment:</u> There should be an extension of the dry-weather compliance deadline (April 27, 2013) to better reflect the logistic and engineering challenges of implementing the TMDL. <p><u>Response:</u> Staff acknowledges the challenges in implementing the TMDL, as well as the implementation efforts conducted to date by responsible parties. However, in order to improve water quality in Ballona Creek, Ballona Estuary, and Sepulveda Channel, and protect public health, staff is not recommending an extension of the deadline to achieve compliance with the allowable exceedance days for dry weather. The existing dry-weather compliance deadline was approved by the Regional Board after a lengthy public participation process, and considering all stakeholder input and the nature of the Ballona</p>

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	<p>Creek watershed. In fact, the dry-weather compliance deadline for the Ballona Bacteria TMDL is longer than the deadlines for the beach bacteria TMDLs and the Malibu Creek bacteria TMDL.</p> <p>2. <u>Comment:</u> The allowable exceedances days for the Ballona Estuary should be based on a marine reference system.</p> <p><u>Response:</u> When the Ballona Creek Bacteria TMDL was originally adopted in 2006, Leo Carrillo Beach was selected as the reference system to determine the allowable number of exceedance days for the Ballona Creek watershed due to the lack of bacteria data from a freshwater reference system in the Los Angeles region at that time. However, it was recognized that Leo Carrillo Beach was not the most representative reference site for freshwater systems in the Los Angeles region. For this reason, the TMDL included a specific reconsideration of the reference system as part of the scheduled reconsideration.</p> <p>In this reconsideration, Regional Board staff has proposed to use data from freshwater reference systems that are now available for southern California. The TMDL revisions that were publically noticed included a freshwater reference system that was applied to the entire Ballona Creek, including the Estuary. The exceedances probabilities for the freshwater reference system are 1.6% for dry weather and 19% for wet weather.</p> <p>However, staff recognizes that the freshwater exceedances probabilities are lower than the updated Leo Carrillo Beach exceedance probabilities that are being used for the beach bacteria TMDL reconsiderations. Furthermore, the Regional Board has previously applied marine water standards, including allowable exceedance days, to estuaries in the region. Staff therefore agrees to revise the allowable exceedances probabilities for the Ballona Estuary to be equal to the Leo Carrillo Beach exceedances probabilities of 22% for wet weather, 10.4% for winter dry weather, and 0% for summer dry weather.</p> <p>3. <u>Comment:</u> The revised outfall and follow-up investigation monitoring requirements should be removed and combined into a requirement for a Source Investigation Plan.</p> <p><u>Response:</u> One of the additional changes proposed by staff that was not specified for reconsideration in the original TMDL was the addition of outfall monitoring requirements. This change was</p>
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	<p>intended for consistency and to comport the Ballona TMDL with the Los Angeles River and Santa Clara River Bacteria TMDLs. The follow-up monitoring requirements were included in the original TMDL. At the time the TMDL was adopted in 2006, the follow up monitoring requirements were similar to the follow-up monitoring for beaches.</p> <p>However, staff recognizes that due to the nature of a flowing riverine system versus a beach, it may be appropriate to specify different follow-up monitoring requirements for Ballona Creek than those proposed for the beaches. Therefore, staff proposes to modify the TMDL to clarify how outfall monitoring will be used to determine whether or not a responsible agency has caused or contributed to an in-stream exceedance of bacteria objectives.</p>
<p>Alternatives</p>	<p>Alternatives to the proposed Board Action include:</p> <ol style="list-style-type: none"> 1. Adopt the proposed revisions to the TMDL. 2. Adopt the proposed revisions to the TMDL with modifications arising as a logical outgrowth of the proposed amendment. 3. No action. If the Regional Board does not adopt the proposed revisions to the TMDL, the existing compliance milestones and allocations will remain in the place.
<p>Recommendation</p>	<p>Staff recommends adoption of the proposed revisions to the TMDL as presented, Alternative 1. This alternative meets regulatory and legal requirements and sets forth a technically sound and equitable plan to continue addressing fecal indicator bacteria in Ballona Creek, Ballona Estuary, and Sepulveda Channel.</p>