

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – LOS ANGELES REGIONAL WATER BOARD  
NOVEMBER 17, 2015**

**ITEM 5**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO REVISE THE TOTAL MAXIMUM DAILY LOAD (TMDL) FOR TRASH IN THE LOS ANGELES RIVER WATERSHED AND THE TMDL FOR TRASH IN THE BALLONA CREEK WATERSHED

**DISCUSSION**

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) revised the TMDL for Trash in Los Angeles River Watershed and the TMDL for Trash in the Ballona Creek Watershed on June 11, 2015, through [Resolution No. R15-006](#).

The Los Angeles Water Board originally established the Los Angeles River Trash TMDL on September 19, 2001; the TMDL became effective on August 28, 2002. On June 8, 2006, pursuant to a writ of mandate in litigation filed by several cities challenging the TMDL, the Los Angeles Water Board set aside the TMDL. The Board adopted a new Los Angeles River Trash TMDL on August 9, 2007; the new TMDL became effective on September 30, 2008.

The Ballona Creek Trash TMDL was adopted on September 30, 2001 and became effective on August 28, 2002. The Ballona Creek Trash TMDL was revised on March 4, 2004, incorporating minor language changes to make it consistent with the Los Angeles River Trash TMDL; the revisions became effective on August 11, 2005.

The goal of the Los Angeles River and Ballona Creek Trash TMDLs is to protect the aquatic life, wildlife, recreational, and fishing beneficial uses, among others, of the Los Angeles River and Ballona Creek watersheds, including their tributaries, estuaries and wetlands. The Los Angeles Water Board has endeavored to achieve this goal by establishing the TMDLs, including numeric targets and wasteload allocations (WLAs) and load allocations (LAs), to remedy the existing water quality impairments due to trash in these watersheds. The two TMDLs are still relevant as trash is still present in both the Los Angeles River and Ballona Creek watersheds and continues to impair beneficial uses.

Further, the implementation schedules of both TMDLs include a task for the Los Angeles Water Board to review and reconsider the TMDLs, and final WLAs, once a 50% reduction in the baseline amount of trash discharged from the municipal separate storm sewer system (MS4) was achieved by the responsible jurisdictions. In addition, as the final TMDL implementation deadlines are approaching and many responsible agencies are approaching 100% reduction of trash from the baselines established, it was a suitable time for the Los Angeles Water Board to address technical challenges in how responsible agencies demonstrate full compliance.

As part of the reconsideration, the Los Angeles Water Board reviewed the numeric targets, loading capacity, and final WLAs and LAs based on studies regarding the threshold levels needed for protecting beneficial uses and other information on local conditions. Based on this

review, the Board did not adopt any fundamental changes to the technical elements of the TMDL, including the Numeric Targets, Loading Capacity, WLAs and LAs, Margin of Safety, and Critical Condition and Seasonal Variation because these elements remain appropriate given current information on the impacts of trash on the waterbodies and their beneficial uses. Revisions include changes to ensure consistency between the two TMDLs where appropriate, to provide clarity regarding compliance demonstration as responsible entities approach final deadlines, and to improve compliance monitoring and ensure receiving water monitoring.

The detailed analysis supporting these TMDL revisions is contained in the Los Angeles Water Board's staff reports for the revisions.

## **POLICY ISSUE**

Should the State Water Board approve the amendment to the Basin Plan to revise the TMDL for Trash in the Los Angeles River Watershed and the TMDL for Trash in the Ballona Creek Watershed?

## **FISCAL IMPACT**

The Los Angeles Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

## **REGIONAL BOARD IMPACT**

Yes, approval of this resolution will amend the Los Angeles Water Board's Basin Plan.

## **STAFF RECOMMENDATION**

That the State Water Board:

1. Approves the amendment to the Basin Plan adopted under Los Angeles Water Board Resolution No. R15-006.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board Resolution No. R15-006 as approved, and the administrative record for this action to the Office of Administrative Law and the TMDL revisions to the U.S. EPA for approval.

<p>State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012 to implement strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030. In particular, approval of this item will assist in fulfilling Objective 1.1 to implement a statewide strategy to efficiently prepare, adopt, and implement TMDLs, which result in water bodies meeting water quality standards, and adopt and begin implementation of TMDLs for all 2006-listed water bodies by 2019.</p>
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# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2015-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO REVISE THE TOTAL MAXIMUM DAILY LOAD (TMDL) FOR TRASH IN THE LOS ANGELES RIVER WATERSHED AND THE TMDL FOR TRASH IN THE BALLONA CREEK WATERSHED

### WHEREAS:

1. On June 11, 2015, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R15-006](#), an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan amendment), to revise the Total Maximum Daily Load (TMDL) for Trash in the Los Angeles River Watershed and the TMDL for Trash in the Ballona Creek Watershed.
2. The Los Angeles Water Board previously prepared California Environmental Quality Act (CEQA) “substitute environmental documents” for the establishment of the original TMDLs adopted by Los Angeles Water Board [Resolution Nos. R01-013](#) and [R07-012](#). These documents contained the required environmental documentation under the State Water Board’s regulations for the implementation of CEQA, as set forth in the California Code of Regulations, Title 23, sections 3775 through 3781. The Los Angeles Water Board found that the Basin Plan amendment adopted by Resolution No. R15-006 did not alter the environmental analysis that was previously prepared for the establishment of these TMDLs because the TMDL revisions will not result in different implementation actions than those previously analyzed, or different effects upon the environment. Moreover, no additional reasonably foreseeable methods of compliance warrant environmental analysis pursuant to Public Resources Code section 21159 and California Code of Regulations, Title 14, section 15187. As such, the Los Angeles Water Board found that the Basin Plan amendment is consistent with the prior CEQA documentation and determined that no subsequent environmental documents shall be prepared consistent with California Code of Regulations, Title 14, section 15162. The State Water Board concurs with the Los Angeles Water Board’s findings and determinations.
3. The Los Angeles Water Board also adopted the Basin Plan amendment pursuant to the “Necessity” standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
4. The Los Angeles Water Board found the Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining High Quality of Waters in California (State Water Board [Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 C.F.R. § 131.12), in that it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards.
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise basin plans, and section 13242, which requires a program of implementation for achieving water quality objectives. The State Water Board also finds that the TMDL revisions, as reflected in the Basin Plan amendment, are consistent with the requirements of section 303(d) of the federal Clean Water Act.

# **D R A F T**

6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The TMDL revisions must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R15-006.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R15-006 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL revisions.

## **CERTIFICATION**

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 17, 2015.

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Jeanine Townsend  
Clerk to the Board