

State of California
California Regional Water Quality Control Board, Los Angeles Region

RESOLUTION NO. R19-XXX
June 13, 2019

Amendments to the Water Quality Control Plan for the Los Angeles Region to Revise the Total Maximum Daily Load for Trash in Lake Elizabeth, Munz Lake, and Lake Hughes, the Total Maximum Daily Load for Trash in Legg Lake, and the Total Maximum Daily Load for Trash in Ventura River Estuary

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board), finds that:

1. On June 7, 2007, the Los Angeles Water Board adopted, by Resolution No. R4-2007-009, an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) establishing a TMDL for trash in Lake Elizabeth, Munz Lake, and Lake Hughes (2007 Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL). The 2007 Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL was subsequently approved by the State Water Resources Control Board (State Water Board) on December 4, 2007, the Office of Administrative Law (OAL) on February 8, 2008, and the United States Environmental Protection Agency (USEPA) on February 27, 2008.
2. On June 7, 2007, the Los Angeles Water Board adopted, by Resolution No. R4-2007-010, an amendment to the Basin Plan establishing a TMDL for trash in Legg Lake (2007 Legg Lake Trash TMDL). The 2007 Legg Lake Trash TMDL was subsequently approved by the State Water Board on December 4, 2007, OAL on February 5, 2008, and USEPA on February 27, 2008.
3. On June 7, 2007, the Los Angeles Water Board adopted, by Resolution No. R4-2007-008, an amendment to the Basin Plan establishing a TMDL for trash in Ventura River Estuary (2007 Ventura River Estuary Trash TMDL). The 2007 Ventura River Estuary Trash TMDL was subsequently approved by the State Water Board on December 4, 2007, OAL on February 11, 2008, and USEPA on February 27, 2008.
4. Lake Elizabeth, Munz Lake, and Lake Hughes are located in the upper Santa Clara River Watershed in northern Los Angeles County and drain an approximately 20-square mile area of Angeles National Forest and unincorporated County land. Land uses surrounding the lakes include low density residential, open space, and recreational uses in a relatively rural area. The 1998 Clean Water Act Section 303(d) list identified Lake Elizabeth, Munz Lake and Lake Hughes as impaired for trash. The 2007 Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL addresses impairments of water quality caused by trash in these lakes.
5. Legg Lake is located in the Los Angeles River Watershed on the border of the San Gabriel River Watershed in eastern Los Angeles County. Legg Lake, built in 1963, is located in the Whittier Narrows Flood Control Basin. Whittier Narrows Dam is to the

south of the Lake. The Rio Hondo and the San Gabriel River flow by the lake's east and west boundaries, respectively. The 1998 Clean Water Act Section 303(d) list identified Legg Lake as impaired for trash. The 2007 Legg Lake Trash TMDL addresses impairments of water quality caused by trash in Legg Lake.

6. The Ventura River Estuary is located in western Ventura County where the Ventura River drains to the Pacific Ocean. The estuary is approximately 30 acres and includes a main lagoon that is separated from the ocean by a sand/cobble bar during the dry season. The 1998 Clean Water Act Section 303(d) list identified the Ventura River Estuary as impaired for trash. The 2007 Ventura River Estuary Trash TMDL addresses impairments of water quality caused by trash in Ventura River Estuary.
7. The 2007 Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL, 2007 Legg Lake Trash TMDL, and 2007 Ventura River Estuary Trash TMDL each establish a numeric target of zero trash based on the narrative water quality objectives for "Floating Material" and "Solid, Suspended, or Settleable Materials" specified in the Basin Plan. These TMDLs assign waste load allocations (WLAs) to discharges from the municipal separate storm sewer system (MS4) within the Lake Elizabeth/Munz Lake/Lake Hughes subwatershed, Legg Lake subwatershed, and Ventura River Estuary subwatershed. The TMDLs identify several alternative approaches for MS4 permittees to comply with WLAs. If MS4 permittees chose to comply with WLAs via the full capture system approach, then they were required to install full capture devices addressing all MS4 conveyances that capture runoff from their jurisdictions over an eight-year period. The TMDLs assign load allocations (LAs) to nonpoint source discharges and identify implementation of Minimum Frequency of Assessment and Collection/Best Management Practices (MFAC/BMP) Programs as the means of complying with LAs. The TMDLs required MFAC/BMP Programs to implement trash collection and assessment at an interval that prevents trash from accumulating in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections.
8. The Los Angeles Water Board's purpose in establishing the 2007 Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL was to protect the beneficial uses of water contact recreation (REC-1), non-contact water recreation (REC-2), warm freshwater habitat (WARM), and wildlife habitat (WILD) at the lakes, and the rare and threatened species (RARE) beneficial use that is specific to Elizabeth Lake, and to achieve the narrative water quality objectives established to protect those uses.
9. The Los Angeles Water Board's goal in establishing the 2007 Legg Lake Trash TMDL was to protect the beneficial uses of water contact recreation (REC-1), non-contact water recreation (REC-2), warm freshwater habitat (WARM), cold freshwater (COLD), wildlife habitat (WILD), and wetland habitat (WET), and to achieve the narrative water quality objectives established to protect those uses.
10. The Los Angeles Water Board's goal in establishing the 2007 Ventura River Estuary Trash TMDL was to protect the beneficial uses of navigation (NAV), water contact recreation (REC-1) and non-contact water recreation (REC-2), commercial and sport

fishing (COMM), warm fresh water habitat (WARM), estuarine habitat (EST), marine habitat (MAR), wildlife habitat (WILD), rare, threatened or endangered species (RARE), migration of aquatic organisms (MIGR), spawning, reproduction, and/or early development (SPWN), shellfish harvesting (SHELL), and wetland habitat (WET), and to achieve the narrative water quality objectives established to protect those uses.

11. On April 7, 2015, the State Water Board adopted Resolution 2015-0019, which approved an “Amendment to the Water Quality Control Plan for Ocean Waters of California to Control Trash” and “Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries” (Trash Amendments). The State Water Board developed the Trash Amendments to provide statewide consistency for the regional water boards’ regulatory approaches to reduce trash and protect aquatic life and public health beneficial uses in state waters across California not previously addressed by trash TMDLs, while focusing resources on high trash generating areas. The Trash Amendments became effective on January 12, 2016 and apply to all surface waters of the State, with the exception of those waters within the jurisdiction of the Los Angeles Water Board where trash or debris TMDLs were in effect prior to the effective date of the Trash Amendments. The Trash Amendments directed the Los Angeles Water Board to convene a public meeting within a year of the effective date of the Trash Amendments to reconsider the scope of its trash TMDLs, with the exception of those TMDLs for the Los Angeles River and Ballona Creek watersheds, to particularly consider an approach that would focus MS4 permittees’ trash control efforts on high trash generation areas within their jurisdictions.
12. On November 28, 2016, the Los Angeles Water Board convened a public meeting to accept comments from the public and consult with public agencies about reconsidering the scope of certain Board-adopted trash TMDLs, including the 2007 Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL, 2007 Legg Lake Trash TMDL, and 2007 Ventura River Estuary Trash TMDL, to potentially focus MS4 permittees’ trash control efforts in high trash generation areas within their jurisdictions.
13. Additionally, the implementation schedules for the 2007 Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL, 2007 Legg Lake Trash TMDL, and 2007 Ventura River Estuary Trash TMDL include reconsideration of the final WLAs by the Los Angeles Water Board as set forth in the Basin Plan Tables 7-23.2a, 7-27.2a, and 7-25.2a. This action fulfills the Los Angeles Water Board’s plan to reconsider the 2007 Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL, 2007 Legg Lake Trash TMDL, and 2007 Ventura River Estuary Trash TMDL and concludes the Los Angeles Water Board’s reconsideration of the scope of the TMDLs in light of the State Water Board’s direction.
14. These reconsiderations are not general reconsiderations of each and every element of the 2007 Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL, 2007 Legg Lake Trash TMDL, and 2007 Ventura River Estuary TMDL; in these reconsiderations the fundamental technical elements including the Numeric Targets, Loading Capacities, WLAs and LAs, Margins of Safety, and Critical Conditions and Seasonal Variations

have not been substantively changed. Nor are there substantive changes proposed to the overarching compliance options identified in the TMDL, namely the use of full capture systems, partial capture devices, and institutional controls and MFAC/BMP programs.

15. Los Angeles Water Board staff has prepared a detailed technical document entitled “Reconsideration of the Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL, Legg Lake Trash TMDL, and Ventura River Estuary Trash TMDL” that analyzes and describes the specific necessity and rationale for modifying some minor parts of the TMDLs, while not amending the compliance requirements for MS4 permittees in the 2007 Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL, 2007 Legg Lake Trash TMDL, and 2007 Ventura River Estuary Trash TMDL. This document is an integral part of this Los Angeles Water Board action and was reviewed, considered, and accepted by the Los Angeles Water Board before acting.
16. The public has had reasonable opportunity to participate in review of these amendments to the Basin Plan to revise the 2007 Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL, 2007 Legg Lake Trash TMDL, and 2007 Ventura River Estuary Trash TMDL (Amendments). Draft revisions to the 2007 Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL, 2007 Legg Lake Trash TMDL, and 2007 Ventura River Estuary Trash TMDL and other supporting documents were released for public comment on April 8, 2019; a Notice of Hearing and Opportunity to Comment was published and circulated 45 days preceding Los Angeles Water Board action. This notice was published in the Los Angeles Times and Ventura County Star on April 8, 2019 in accordance with the requirements of Water Code section 13244.
17. The Los Angeles Water Board responded to oral and written comments received from the public; and the Los Angeles Water Board held a public hearing on June 13, 2019 to consider adoption of the revised TMDLs consistent with Water Code section 13244.
18. In amending the Basin Plan, the Los Angeles Water Board considered sections 13240 and 13242 of the Water Code. These Amendments conform to applicable state policies and the Los Angeles Water Board consulted with and considered the recommendations of affected state and local agencies. The existing TMDLs contain an implementation program that has not been significantly revised by these Amendments.
19. Neither the TMDLs nor the numeric targets or other components of the TMDLs are water quality objectives, and thus their establishment or revision does not implicate Water Code section 13241.
20. These Amendments are consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16), and the federal Antidegradation Policy (40 CFR § 131.12), in that they do not allow degradation of water quality but require restoration of water quality and attainment of water quality standards.

21. Considering the record as a whole, these Amendments will result in no adverse effect, either individually or cumulatively, on wildlife resources.
22. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the basin planning process as a “certified regulatory program” that adequately satisfies the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) requirements for preparing environmental documents. (14 Cal. Code Regs. § 15251(g); 23 Cal. Code Regs. § 3782.)
23. The Los Angeles Water Board previously prepared “substitute environmental documentation” for the establishment of the 2007 Lake Elizabeth, Munz Lake, and Lake Hughes Trash (Resolution No. R4-2007-009), the 2007 Legg Lake Trash TMDL (Resolution No. R4-2007-010), and the 2007 Ventura River Estuary Trash TMDL (Resolution No. R4-2007-008) pursuant to California Code of Regulations, title 23, sections 3775 et seq., and Public Resources Code section 21159. That documentation contained the required environmental documentation as required by the State Water Board’s CEQA regulations. (23 Cal. Code Regs. §§ 3777, 3779.5.). In preparing the previous substitute environmental documentation, the Los Angeles Water Board considered the requirements of Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187, and intended those documents to serve as a tier 1 environmental review. The previous substitute environmental documentation contained significant environmental analysis and numerous findings related to the reasonably foreseeable methods of compliance, the impacts of the methods of compliance, feasible mitigation measures, and alternative means of compliance.
24. These TMDL revisions do not alter the environmental analysis that was previously prepared for the establishment of the 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, these TMDL revisions are consistent with the prior CEQA documentation.
25. Further, consistent with California Code of Regulations, title 14, section 15162, the Los Angeles Water Board has determined that no subsequent environmental documents shall be prepared because these TMDL revisions do not involve new significant environmental effects, a substantial increase in the severity of previously identified significant effects, or mitigation measures or alternatives that are considerably different from those analyzed in the previous substitute environmental documentation.
26. The regulatory action meets the “necessity” standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b). Federal regulations require that TMDLs be incorporated into the state’s water quality management plan. The Los Angeles Water Board’s Basin Plan is the water quality management plan for the Los Angeles Region along with statewide water quality management plans. Amendments to the Basin Plan are the mechanism by which the Los Angeles Water Board takes

quasi-legislative actions. Moreover, TMDLs are a program of implementation for existing water quality objectives, and are, therefore, appropriately a component of the Basin Plan under Water Code section 13242. Finally, this action is taken to complete the Los Angeles Water Board's reconsideration of the scope of the TMDLs consistent with the State Water Board's direction in the "Trash Amendments." The necessity of revising the 2007 Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL, 2007 Legg Lake Trash TMDL, and 2007 Ventura River Estuary Trash TMDL is established in the supporting documents to the TMDLs, and in Basin Plan Tables 7-23.1 through 7-23.2b, 7-27.1 through 7-27.2b, and 7-25.1 through 7-25.2b, respectively.

27. The Amendments revising the 2007 Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL, 2007 Legg Lake Trash TMDL, and 2007 Ventura River Estuary Trash TMDL must be submitted for review and approval by the State Water Board and OAL. Portions of the Amendments that revise technical elements of TMDLs, if any, are also subject to review and approval by the USEPA. The Amendments will become effective upon approval by OAL and USEPA, if required. Once effective, a Notice of Decision will be filed with the California Natural Resources Agency.
28. Occasionally during its approval process, Los Angeles Water Board staff, the State Water Board or State Water Board staff, or OAL determine that minor, non-substantive corrections to the language of the Amendments are needed for clarity or consistency. Under such circumstances, the Executive Officer should be authorized to make such changes, provided she informs the Los Angeles Water Board of any such changes.

THEREFORE, be it resolved that pursuant to sections 13240 and 13242 of the Water Code, the Los Angeles Water Board hereby amends the Basin Plan as follows:

1. The Los Angeles Water Board, after considering the entire record, including oral testimony at the hearing, adopts the Amendments to Chapter 7 of the Basin Plan, as set forth in Attachment A, Attachment B, and Attachment C, to revise the Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL, Legg Lake Trash TMDL, and Ventura River Estuary Trash TMDL, respectively.
2. The Executive Officer is directed to forward copies of these Amendments to the State Water Board in accordance with the requirements of section 13245 of the Water Code.
3. The Los Angeles Water Board requests that the State Water Board approve the Amendments in accordance with the requirements of sections 13245 and 13246 of the Water Code and forward the approved Amendments and record to OAL and to the USEPA, if required.
4. If during its approval process, Los Angeles Water Board staff, the State Water Board or State Water Board staff, or OAL determine that minor, non-substantive corrections to the language of the Amendments are needed for clarity or consistency, the Executive

Officer may make such changes, and shall inform the Los Angeles Water Board of any such changes.

5. The Executive Officer is authorized to request a “No Effect Determination” for the revisions to the Lake Elizabeth, Munz Lake, and Lake Hughes Trash TMDL, Legg Lake Trash TMDL, and Ventura River Estuary Trash TMDL from the California Department of Fish and Wildlife, and/or transmit payment of the applicable fee as may be required to the California Department of Fish and Wildlife.

I, Deborah J. Smith, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on June 13, 2019.

Deborah J. Smith
Executive Officer

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