

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

**RESOLUTION NO. R15-006
June 11, 2015**

Amendment to the Water Quality Control Plan for the Los Angeles Region to Revise the Total Maximum Daily Load for Trash in the Los Angeles River Watershed and the Total Maximum Daily Load for Trash in the Ballona Creek Watershed

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

1. On September 19, 2001, the Regional Board adopted, by Resolution No. R01-013, an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) establishing a TMDL for trash in the Los Angeles River Watershed (hereinafter “2001 Los Angeles River Trash TMDL”). The 2001 Los Angeles River Trash TMDL included an implementation plan requiring a progressive reduction of trash in the Los Angeles River Watershed to achieve final wasteload allocations (WLAs) by September 30, 2015.
2. The 2001 Los Angeles River Trash TMDL was subsequently approved by the State Water Resources Control Board (State Water Board) on February 19, 2002, the Office of Administrative Law (OAL) on July 16, 2002, and the United States Environmental Protection Agency (USEPA) on August 1, 2002. This TMDL went into effect on August 28, 2002.
3. On June 8, 2006, pursuant to a writ of mandate in litigation filed by several cities challenging the 2001 Los Angeles River Trash TMDL, the Regional Board set aside Resolution No. R01-013 and the TMDL (Resolution No. 06-013). The Regional Board directed its staff to prepare and submit for the Board’s reconsideration, as soon as possible, a revised TMDL consistent with the requirements of the writ of mandate, including revised California Environmental Quality Act (CEQA) documentation. On July 19, 2006, the State Water Board took similar action to set aside its Resolution No. 2002-0038, which had approved the 2001 Los Angeles River Trash TMDL, and remanded the TMDL to the Regional Board for further action (Resolution No. 2006-0051).
4. On August 9, 2007, the Regional Board adopted, by Resolution No. R07-012, an amendment to the Basin Plan establishing a TMDL for trash in the Los Angeles River Watershed (hereinafter “Los Angeles River Trash TMDL”). This TMDL included an implementation plan requiring a progressive reduction of trash in the Los Angeles River Watershed to achieve final WLAs by September 30, 2016.
5. The Los Angeles River Trash TMDL was subsequently approved by the State Water Board on April 15, 2008, the OAL on July 1, 2008, and the USEPA on July 24, 2008. The Los Angeles River Trash TMDL became effective on September 23, 2008.
6. On September 19, 2001, the Regional Board also adopted, by Resolution No. R01-014, an amendment to the Basin Plan establishing a TMDL for trash in Ballona Creek and Wetland (hereinafter “Ballona Creek Trash TMDL”). The TMDL also included an implementation

plan requiring a progressive reduction of trash in the Ballona Creek Watershed to achieve final WLAs by September 30, 2015.

7. The Ballona Creek Trash TMDL was subsequently approved by the State Water Board on February 19, 2002, the OAL on July 18, 2002, and the USEPA on August 1, 2002. The Ballona Creek Trash TMDL became effective on August 28, 2002.
8. On March 4, 2004, the Regional Board amended the Ballona Creek Trash TMDL by incorporating minor language changes concerning implementation of the TMDL (Resolution No. 04-023). Specifically, the 2004 amendment made minor revisions to the Ballona Creek Trash TMDL that changed the term “Full Capture Devices” to “Full Capture Systems” and provided more specific information on the one-year, one-hour rainfall intensities to be used when designing such systems by incorporating the Isohyetal Map for Los Angeles County, as published by the Los Angeles County Department of Public Works, as the information source for the one-year, one-hour for the Ballona Creek subdrainages.
9. The amendments of Resolution No. 04-023 to the Ballona Creek Trash TMDL were approved by the State Water Board on September 30, 2004 and the OAL on February 8, 2005. Due to the nature of the changes, USEPA approval was not required. The revisions to the TMDL became effective on August 11, 2005.
10. The Los Angeles River Watershed is located in Los Angeles County, California. The Los Angeles River flows 51 miles from the western end of the San Fernando Valley to the Queensway Bay and Pacific Ocean in Long Beach. In addition to the Los Angeles River, several tributaries and lakes are part of the watershed, which drains an area of approximately 834 square miles. The urbanized portion of the watershed is 609 square miles, while the remaining area is mostly occupied by the Angeles National Forest. The Los Angeles River Trash TMDL addresses impairments of water quality caused by trash in the Los Angeles River Watershed.
11. The Ballona Creek Watershed is located in Los Angeles County, California. Ballona Creek flows as an open channel for about 10 miles from the City of Los Angeles (South of Hancock Park) through the City of Culver City, reaching the Pacific Ocean at Playa del Rey. Ballona Creek and its tributaries drain a watershed of approximately 128 square miles. The Ballona Creek watershed is urbanized. The Ballona Creek Trash TMDL addresses impairments of water quality caused by trash in the Ballona Creek watershed.
12. The Regional Board’s goal when it established the Los Angeles River Trash TMDL and Ballona Creek Trash TMDL was to protect the aquatic life, wildlife, recreational, and fishing beneficial uses of the Los Angeles River and Ballona Creek, including their tributaries and estuaries.
13. Numerous studies of trash in southern California, trash “clean-ups,” and observations confirm that waterbodies within the Los Angeles River watershed and Ballona Creek watershed are still impaired by trash.
14. Trash in waterbodies causes significant water quality problems and impairs beneficial uses. Wildlife living in rivers and in riparian areas can be harmed by ingesting or becoming entangled in floating trash. Buoyant (floatable) elements are easily transported through rivers and creeks and into the marine environment.

15. Plastic trash is non-biodegradable and persists in the environment. Pre-production plastic pellets are the raw materials used to produce plastic products and are harmful to aquatic life, since they can be ingested by a large number of organisms that can then suffer malnutrition or injury. In addition, plastic pellets may contain chemicals that are toxic.
16. Section 13367 of the California Water Code, entitled "Preproduction Plastic Debris Program," was added to the California Water Code by Assembly Bill 258, and became effective January 1, 2008. This section of the Water Code applies to facilities in California that manufacture, handle, or transport preproduction plastics.
17. The implementation schedules in the Los Angeles River Trash TMDL and Ballona Creek Trash TMDL each include a scheduled reconsideration. Specifically, according to Basin Plan Table 7-2.3 and Table 7-3.2, respectively, the Regional Board will review and reconsider the final WLAs once a trash reduction of 50% has been achieved and sustained in the watershed.
18. In developing this reconsideration, Regional Board staff reviewed the numeric targets, loading capacity, and final wasteload allocations (WLAs) and load allocations (LAs) based on studies regarding the threshold levels needed for protecting beneficial uses and other information on local conditions. Based on this review, Regional Board staff did not recommend any changes to the numeric targets, loading capacity, or final WLAs or LAs as part of this reconsideration because these elements remain appropriate given current information on the impacts of trash on waterbodies and their beneficial uses. The Regional Board concurs with staff's recommendation that no changes to the zero trash numeric target or final WLAs and LAs are warranted at this time based on current information.

Therefore, this reconsideration does not modify each and every element of these TMDLs; the technical elements including the Numeric Targets, Loading Capacity, WLAs and Load Allocations, Margin of Safety, and Critical Condition and Seasonal Variation have not been fundamentally changed. Neither are there changes proposed to the overarching compliance options identified in the TMDLs – full capture systems, partial capture devices, and institutional controls. The changes in the revision of these TMDLs ensure consistency between the two TMDLs where appropriate, provide clarity regarding compliance demonstration as responsible entities approach final deadlines, and improve compliance monitoring and ensure receiving water monitoring.

19. Regional Board staff has prepared a detailed technical document entitled "Staff Report: Reconsideration of Certain Technical Matters of the Trash TMDLs for the Los Angeles River Watershed and the Ballona Creek Watershed" that analyzes and describes the specific necessity and rationale supporting the revision of these TMDLs. This document is an integral part of this Regional Board action and was reviewed, considered, and accepted by the Regional Board before acting.
20. On June 11, 2015, prior to the Regional Board's action on this resolution, a public hearing was conducted on the revisions to these TMDLs. Notice of the hearing for the revision of these TMDLs was published in accordance with the requirements of Water Code section 13244. This notice was published in the Los Angeles Times on April 1, 2015.
21. The public has had reasonable opportunity to participate in review of the amendments to the Basin Plan. A draft of the revisions to the Los Angeles River Trash TMDL and Ballona Creek Trash TMDL were released for public comment on April 3, 2015; a Notice of Hearing was published and circulated 45 days preceding Regional Board action; Regional Board staff

responded to oral and written comments received from the public; and the Regional Board held a public hearing on June 11, 2015 to consider adoption of the revised TMDLs.

22. In amending the Basin Plan, the Regional Board considered sections 13240 and 13242 of the California Water Code.
23. Neither TMDLs nor their targets or other components are water quality objectives, and thus their establishment or revision does not implicate California Water Code section 13241.
24. This amendment is consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16), and the federal Antidegradation Policy (40 CFR § 131.12), in that it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards.
25. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Regional Water Boards' 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.)
26. The Regional Board previously prepared "substitute environmental documents" for the establishment of the Los Angeles River Trash TMDL (Resolution No. R07-012), which were filed with the Resources Agency. Those documents contained the required environmental documentation under the State Water Board's CEQA regulations (23 Cal. Code Regs § 3777.) The project itself was the establishment of the TMDLs. In preparing the previous substitute environmental documents, the Regional 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.
27. The Regional Board also previously prepared "substitute environmental documents" for the establishment of the Ballona Creek Trash TMDL (Resolution No. R04-023), which were filed with the Resources Agency. Those documents contained the required environmental documentation under the State Water Board's CEQA regulations (23 Cal. Code Regs § 3777.) The project itself was the establishment of the TMDLs. In preparing the previous substitute environmental documents, the Regional 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.
28. These TMDL revisions do not alter the environmental analyses that were 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, these TMDL revisions are consistent with the prior CEQA documentation.
29. Further, consistent with California Code of Regulations, title 14, section 15162, the Regional 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.

30. 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 water quality management plan. The Regional Board’s Basin Plan is the Regional Board’s component of the water quality management plan, and the Basin Plan is how the Regional Board takes quasi-legislative, planning actions. Moreover, the TMDLs are a program of implementation for existing water quality objectives, and is, therefore, appropriately a component of the Basin Plan under Water Code section 13242. The necessity of revising the Los Angeles River Trash TMDL and Ballona Creek Trash TMDL is established in Basin Plan Tables 7-2.1 and 7-3.1, respectively, and the TMDL technical documents.
31. The Basin Plan amendments revising the Los Angeles River Trash TMDL and Ballona Creek Trash TMDL must be submitted for review and approval by the State Water Board and the OAL. Portions of the Basin Plan amendments that revise technical elements of the TMDLs, if any, are also subject to review and approval by the USEPA. The Basin Plan 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.
32. If during its approval process, Regional 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 Regional Board of any such changes.

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

1. Pursuant to Sections 13240 and 13242 of the California Water Code, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to Chapter 7 of the Basin Plan, as set forth in Attachment A hereto, to revise the Los Angeles River Trash TMDL.
2. Pursuant to Sections 13240 and 13242 of the California Water Code, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to Chapter 7 of the Basin Plan, as set forth in Attachment B hereto, to revise the Ballona Creek Trash TMDL.
3. The Executive Officer is directed to forward copies of the Basin Plan amendments to the State Water Board in accordance with the requirements of section 13245 of the California Water Code.
4. The Regional Board requests that the State Water Board approve the Basin Plan amendments in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward the approved amendments and record to OAL and to the USEPA, if required.
5. If during its approval process, Regional Board staff, the State Water Board or State Water Board staff, or OAL determine that minor, non-substantive corrections to the language of the

amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Regional Board of any such changes.

6. The Executive Officer is authorized to request a "No Effect Determination" from the Department of Fish and Wildlife, and/or transmit payment of the applicable fee as may be required to the Department of Fish and Wildlife.

I, Samuel Unger, 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 11, 2015.



Samuel Unger
Executive Officer