

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

**RESOLUTION NO. 2006-XXX
April 6, 2006**

**Statement of support for the efforts of responsible jurisdictions and agencies in
Jurisdictional Group 7 to maintain and improve water quality in compliance with the Santa
Monica Bay Beaches Bacteria Wet Weather TMDL**

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

1. The federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) to develop water quality standards which include beneficial use designations and criteria to protect beneficial uses for each water body found within its region.
2. The Regional Board carries out its CWA responsibilities through California's Porter-Cologne Water Quality Control Act and establishes water quality objectives designed to protect beneficial uses contained in the Water Quality Control Plan for the Los Angeles Region (Basin Plan).
3. Section 303(d) of the CWA requires states to identify and to prepare a list of water bodies that do not meet water quality standards and then to establish load and waste load allocations, or a total maximum daily load (TMDL), for each water body that will ensure attainment of water quality standards and then to incorporate those allocations into their water quality control plans.
4. Many of the beaches along Santa Monica Bay were listed on California's 1998 section 303(d) List, due to impairments for coliform or for beach closures associated with bacteria generally. The beaches appeared on the 303(d) List because the elevated bacteria and beach closures prevented full support of the beaches' designated use for water contact recreation (REC-1).
5. A consent decree between the U.S. Environmental Protection Agency (USEPA), Heal the Bay, Inc. and BayKeeper, Inc. was approved on March 22, 1999. This court order required completion of a TMDL to reduce bacteria at Santa Monica Bay beaches by March 2002.
6. The Regional Board adopted two TMDLs to address bacteriological water quality impairments for 44 beaches along Santa Monica Bay located in Los Angeles County, California. The Regional Board adopted a TMDL to address water quality impairments during dry weather on January 24, 2002 and a TMDL to address wet weather impairments on December 12, 2002 (Resolutions 2002-004 and 2002-022, respectively).
7. The Regional Board incorporated the dry weather and wet weather TMDLs along with appropriate implementation measures into its Basin Plan as required (40 CFR 130.6(c)(1), 130.7). The Basin Plan and applicable statewide plans serve as the State Water Quality Management Plans governing the watersheds under the jurisdiction of the Regional Board.

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8. The Regional Board established the above-mentioned TMDLs to preserve and enhance the water quality at Santa Monica Bay beaches and for the benefit of the 55 million beachgoers, on average, that visit these beaches each year. At stake is the health of swimmers and surfers and associated health costs as well as sizeable revenues to the local and state economy. Estimates are that visitors to Santa Monica Bay beaches spend approximately \$1.7 billion annually.
9. The Regional Board's goal in establishing the above-mentioned TMDLs is to reduce the risk of illness associated with swimming in marine waters contaminated with bacteria. Local and national epidemiological studies compel the conclusion that there is a causal relationship between adverse health effects, such as gastroenteritis and upper respiratory illness, and recreational water quality, as measured by bacteria indicator densities. The water quality objectives on which the TMDL numeric targets are based will ensure that the risk of illness to the public from swimming at Santa Monica Bay beaches generally will be no greater than 19 illnesses per 1,000 swimmers, which is defined by the USEPA as an "acceptable health risk" in marine recreational waters.
10. The Dry Weather and Wet Weather Santa Monica Bay Beaches Bacteria TMDLs cover 44 beaches and 29 subwatersheds, with multiple jurisdictions and agencies that are responsible for compliance. Therefore, for implementation planning the Regional Board grouped the subwatersheds into Jurisdictional Groups. Each Jurisdictional Group is comprised of one or more subwatersheds, the beach(es) associated with these subwatersheds, and all responsible jurisdictions and agencies within the subwatershed(s). Nine Jurisdictional Groups are defined in the wet weather TMDL. Each Jurisdictional Group is assigned a primary jurisdiction. A primary jurisdiction is that jurisdiction comprising greater than fifty percent of the subwatershed land area. The primary jurisdiction is responsible for submitting an implementation plan for the Jurisdictional Group per the requirements of the TMDL.
11. Jurisdictional Group 7 is responsible for one subwatershed, referred to as the Palos Verdes Peninsula subwatershed. The primary jurisdiction is the City of Rancho Palos Verdes. Other participating responsible jurisdictions and agencies in Jurisdictional Group 7 include the Cities of Los Angeles, Palos Verdes Estates, Rolling Hills and Rolling Hills Estates.
12. During the adoption of the wet weather TMDL, the Regional Board recognized two broad approaches to implementing the TMDL. One possible approach is an integrated water resources approach that takes a holistic view of regional water resources management by integrating planning for future wastewater, storm water, recycled water, and potable water needs and systems; focuses on beneficial re-use of storm water, including groundwater infiltration, at multiple points throughout a watershed; and addresses multiple pollutants for which Santa Monica Bay or its watershed are listed on the CWA section 303(d) List as impaired. The other possible approach is a non-integrated water resources approach in which implementation is achieved by focusing on narrowly tailored, end-of-the-pipe solutions to improve bacteriological water quality without incorporating other environmental and public goals.
13. The Regional Board recognized that an integrated water resources approach not only provides water quality benefits to the people of the Los Angeles Region, but also that the responsible jurisdictions implementing this TMDL can serve a variety of public purposes by adopting an integrated water resources approach. An integrated water resources approach will address multiple pollutants, and as a result, responsible jurisdictions can recognize cost-savings because capital expenses for the integrated approach will implement several TMDLs that

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address pollutants in storm water. In addition, jurisdictions serve multiple roles for their citizenry, and an integrated approach allows for the incorporation and enhancement of other public goals such as water supply, recycling and storage; environmental justice; parks, greenways and open space; and active and passive recreational and environmental education opportunities.

14. The Regional Board acknowledged that a longer timeframe is reasonable for an integrated water resources approach because it requires more complicated planning and implementation such as identifying markets for the water and efficiently siting storage and transmission infrastructure within the watershed(s) to realize the multiple benefits of such an approach. Therefore, after considering testimony, the Regional Board revised the implementation provisions of the TMDL to allow for a longer implementation schedule (*up to* 18 years) if the responsible jurisdictions and agencies clearly demonstrate their intention to undertake an integrated water resources approach and justify the need for a longer implementation schedule. In contrast, the Regional Board required a shorter implementation schedule (*up to* 10 years) for non-integrated approaches because the level of planning is not as complicated.
15. The Regional Board has the authority to authorize compliance schedules through the basin planning process. In the wet weather TMDL, adopted by the Regional Board, the Regional Board established dual schedules for implementation that afford the responsible jurisdictions and agencies up to ten or eighteen years, depending on the implementation approaches pursued, to implement the wet weather TMDL.
16. The implementation provisions in Table 7-4.4 of the wet weather TMDL state that, “the implementation schedule will be determined on the basis of the implementation plan(s), which must be submitted to the Regional Board by responsible jurisdictions and agencies within two years of the effective date of the TMDL” (Resolution 2002-022, Attachment A).
17. The implementation provisions in Table 7-4.4 further state that, “responsible jurisdictions and agencies must clearly demonstrate in the above-mentioned plan whether they intend to pursue an integrated water resources approach.” If the responsible jurisdictions and agencies prefer an integrated approach, there must be a clear demonstration of need for the longer implementation schedule in the implementation plan. Otherwise, at most a 10-year implementation timeframe will be allotted by the Regional Board, depending upon a clear demonstration of the time needed in the implementation plan.
18. Per the requirements set forth in the wet weather TMDL, responsible jurisdictions and agencies in Jurisdictional Group 7 submitted a draft Implementation Plan to the Regional Board on March 15, 2005. Regional Board staff met with the responsible jurisdictions and agencies in Jurisdictional Group 7 to review and provide comments on the draft Implementation Plan. Regional Board staff concluded that no revisions to the draft Implementation Plan were necessary.
19. The Implementation Plan submitted by Jurisdictional Group 7 differs from other Implementation Plans because the beaches along the Palos Verdes Peninsula have had historically fewer exceedances than the reference beach used in the Santa Monica Bay Beaches TMDLs to establish the allowable exceedance frequency. Therefore, the anti-degradation provision applies, which requires responsible jurisdictions and agencies to maintain existing water quality.

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20. The Implementation Plan for Jurisdictional Group 7 adopts a non-integrated approach, since existing water quality is equivalent to compliance with the Santa Monica Bay Beaches Wet-Weather TMDL.
21. No milestones are proposed in the Implementation Plan, since existing conditions are equivalent to compliance. The Implementation Plan for Jurisdictional Group 7 consists of three primary actions. First, Jurisdictional Group 7 has committed to continue to implement Best Management Practices (BMPs) with the goal of reducing the number of bacterial exceedance days. Second, Jurisdictional Group 7 will review data collected by the County Sanitation Districts of Los Angeles County and explore the feasibility of posting sampling results on a website. Finally, should unanticipated exceedances occur, Jurisdictional Group 7 shall initiate investigations and corrective action through a Memorandum of Understanding established among the responsible jurisdictions and agencies.
22. The Implementation Plan for Jurisdictional Group 7 submitted by the responsible jurisdictions and agencies to the Regional Board was posted on the Regional Board's website in advance of the April 6, 2006 Board hearing. A Notice of Hearing was published and circulated 30 days preceding Board action; Regional Board staff responded to oral and written comments received from the public; and the Regional Board held a public hearing on April 6, 2006 to consider the Implementation Plan for Jurisdictional Group 7.

THEREFORE, be it resolved that pursuant to Regional Board Resolution 2002-022, Attachment A, Amendment to the Water Quality Control Plan – Los Angeles Region to incorporate Implementation Provisions for the Region's Bacteria Objectives and to incorporate the Santa Monica Bay Beaches Wet Weather Bacteria TMDL, Table 7-4.4, "Implementation", adopted by the Regional Board on December 12, 2002 and effective on July 15, 2003, the Regional Board hereby:

1. Acknowledges the submission of an Implementation Plan dated March 15, 2005 by responsible jurisdictions and agencies in Jurisdictional Group 7, including the Cities of Rancho Palos Verdes, Los Angeles, Palos Verdes Estates, Rolling Hills and Rolling Hills Estates per requirements of the Santa Monica Bay Beaches Bacteria Wet Weather TMDL as set forth in Resolution 2002-022, Attachment A, Table 7-4.7.
2. Acknowledges that the responsible jurisdictions and agencies in Jurisdictional Group 7 as identified in (1) have chosen to pursue a non-integrated water resources approach as defined in the Santa Monica Bay Beaches Bacteria Wet Weather TMDL, Table 7-4.4.
3. Acknowledges that the responsible jurisdictions and agencies in Jurisdictional Group 7 as identified in (1) have not included any milestones in the Implementation Plan, as existing water quality conditions at the beaches along the Palos Verdes Peninsula are equivalent to compliance with the Santa Monica Bay Beaches Wet-Weather TMDL.
4. Given the commitments to maintain and improve water quality along the Palos Verdes Peninsula as outlined in the Implementation Plan for Jurisdictional Group 7, the Regional Board strongly supports and encourages the efforts of the responsible jurisdictions and agencies to (1) aggressively address unanticipated exceedances through investigations and corrective action and (2) make timely adjustments and refinements to the Implementation

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Plan to ensure that bacteriological water quality is maintained and improved at the beaches along the Palos Verdes Peninsula.

5. Directs staff to incorporate into the Los Angeles County Municipal Separate Storm Sewer System (MS4) NPDES permit at reissuance explicit requirements for responsible jurisdictions and agencies to submit regular reports to the Board. The regular reports may be submitted as part of the Los Angeles County MS4 Annual Program and Annual Monitoring reports. Reports shall include data and information on (1) any changes in water quality in the receiving water and (2) investigations and corrective actions taken to address unanticipated exceedances, if any. Reports shall also include documentation on changes and refinements to the Implementation Plan based on the results of shoreline monitoring data and other investigations conducted under the Implementation Plan. Data on water quality shall include at a minimum changes in exceedance days compared to historical data; the proportion of wet weather days that exceed the water quality objectives by storm year as defined in the TMDLs; and corresponding rainfall data as set forth in the Santa Monica Bay Beaches Bacterial TMDLs Coordinated Shoreline Monitoring Plan submitted by responsible jurisdictions and agencies.
6. Further directs staff to incorporate into the Los Angeles County MS4 NPDES permit at reissuance specific provisions to reopen the TMDL section of the permit and incorporate, after providing the opportunity for public comment, TMDL-related provisions as well as additional implementation actions, if necessary, to achieve compliance with Santa Monica Bay Beaches Bacteria TMDLs.

I, Jonathan Bishop, 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 April 6, 2006.

Jonathan S. Bishop
Executive Officer

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