

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2002 - 0038

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE LOS ANGELES REGION INCORPORATING A
TOTAL MAXIMUM DAILY LOAD FOR TRASH FOR THE LOS ANGELES RIVER

WHEREAS:

1. The Los Angeles Regional Water Quality Control Board (Los Angeles Regional Board) adopted a Water Quality Control Plan for the Los Angeles Region (Basin Plan) on June 13, 1994 which was approved by the State Water Resources Control Board (State Board) on November 17, 1994 and by the Office of Administrative Law (OAL) on February 23, 1995.
2. On January 25, 2001, the Los Angeles Regional Board adopted Resolution No. 01-006 amending the Basin Plan by establishing a Total Maximum Daily Load for trash for the Los Angeles River (Trash TMDL). The Los Angeles Regional Board reconsidered its action and adopted Resolution No. 01-013 (Attachment A) on September 19, 2001. Resolution No. 01-013 supersedes Resolution No. 01-006.
3. The State Board finds that the Trash TMDL is in conformance with the requirements for TMDL development specified in section 303(d) of the federal Clean Water Act and SWRCB Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California).
4. The State Board recognizes that the numeric targets in a Total Maximum Daily Load are not water quality objectives. The numeric targets translate existing objectives by quantifying the limits those objectives require, considering seasonal variations and a margin of safety. Targets do not create new bases for enforcement against dischargers apart from the objectives they translate. The targets merely establish the bases through which load allocations and wasteload allocations (WLAs) are calculated. WLAs are only enforced for a discharger's own discharges, and then only in the context of its National Pollutant Discharge Elimination System (NPDES) permit, which must be consistent with the assumptions and requirements of the WLA. The assumptions and requirements of the WLAs for this TMDL include enforcement of the WLAs, including the interim annual WLAs, the ultimate WLAs of zero, and the applicable compliance points as set forth in the Implementation Schedule, through the dischargers' applicable NPDES permits.
5. The Los Angeles Regional Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act and other State laws and regulations.
6. The State Board finds that upon the conclusion of baseline monitoring established by the Trash TMDL and again when a 50 percent reduction in trash has been achieved, the Regional Board staff has committed to bringing the Trash TMDL back before the Regional Board, with additional data and information developed during TMDL implementation.

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7. The State Board will work with the Department of Fish and Game to ensure that threatened or endangered species are protected, pursuant to Fish and Game Code section 2055.
8. This Basin Plan amendment does not become effective until approved by the State Board and until the regulatory provisions are approved by OAL. This TMDL must also be approved by the U.S. Environmental Protection Agency (USEPA).

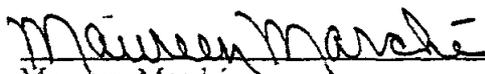
THEREFORE BE IT RESOLVED THAT:

The SWRCB:

1. Approves the amendments to the Los Angeles Water Quality Control Plan as adopted under Los Angeles Regional Board Resolution No. 01-013.
2. Approves the amendments with the understanding that upon the conclusion of baseline monitoring established by the Trash TMDL and again when a 50 percent reduction in trash has been achieved, the Regional Board staff has committed to bringing the Trash TMDL back before the Regional Board, with additional data and information developed during TMDL implementation. The State Board will review any failure to consider the matter, including any new data and information, pursuant to Water Code section 13320(a).
3. Authorizes the Executive Director to submit the amendment adopted under the Los Angeles Regional Board Resolution No. 01-013, as approved, to OAL and USEPA for approval.

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 February 19, 2002.


Maureen Marché
Clerk to the Board