

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

**RESOLUTION NO. 03-009
July 10, 2003**

**Amendment to the Water Quality Control Plan for the Los Angeles Region to include a TMDL for
Nitrogen Compounds and Related Effects in the Los Angeles River**

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 (Regional Board) to develop water quality standards which are sufficient to protect beneficial uses designated 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 establish load and wasteload 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. The Los Angeles River was listed on California's 1998 section 303(d) list, due to impairment for ammonia, nutrients, and their effects such as odor, scum, pH, and algae that do not protect the most sensitive beneficial uses of the water body.
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. The court order directs the USEPA to complete TMDLs for all the Los Angeles Region's impaired waters within 13 years.
6. The elements of a TMDL are described in 40 CFR 130.2 and 130.7 and section 303(d) of the CWA, as well as in USEPA guidance documents (e.g., USEPA, 1991). A TMDL is defined as "the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background" (40 CFR 130.2). Regulations further stipulate that TMDLs must be set at "levels necessary to attain and maintain the applicable narrative and numeric water quality standards with seasonal variations and a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality" (40 CFR 130.7(c)(1)). The regulations in 40 CFR 130.7 also state that

TMDLs shall take into account critical conditions for stream flow, loading and water quality parameters.

7. Upon establishment of TMDLs by the State or USEPA, the State is required to incorporate the TMDLs along with appropriate implementation measures into the State Water Quality Management Plan (40 CFR 130.6(c)(1), 130.7). The Water Quality Control Plan for the Los Angeles Region (Basin Plan), and applicable statewide plans, serve as the State Water Quality Management Plans governing the watersheds under the jurisdiction of the Regional Board.
8. The Los Angeles River is located in Los Angeles County, California. It reaches from Bell Canyon Creek in the western San Fernando Valley to the Los Angeles Harbor in San Pedro. The proposed TMDL addresses documented water quality impairments by nitrogen compounds and nutrient effects such as algae, odors, and scum.
9. The Regional Board's goal in establishing the above-mentioned TMDL is to maintain the warm freshwater (WARM) and wildlife (WILD) habitats and attain the water quality objectives established in the Basin Plan for ammonia, nitrite and nitrate, and narrative objectives for biostimulatory substances, color, solid, suspended, or settleable materials, taste and odor, and floating material which applies to nutrients, algae, odor, scum, and foam. Scientific studies have shown the relationship between ammonia and toxicity and nutrients and eutrophication.
10. Regional Board staff have prepared a detailed technical document that analyzes and describes the specific necessity and rationale for the development of this TMDL. The technical document entitled "Total Maximum Daily Loads for Nitrogen Compounds and Related Effects Los Angeles River and Tributaries" is an integral part of this Regional Board action and was reviewed, considered, and accepted by the Regional Board before acting. Further, the technical document provides the detailed factual basis and analysis supporting the problem statement, numeric targets (interpretation of the numeric water quality objective, used to calculate the load allocations), source analysis, linkage analysis, wasteload allocations (for point sources), load allocation (for nonpoint sources), margin of safety, and seasonal variations and critical conditions of this TMDL.
11. At the Regional Board hearing on July 10, 2003, the Regional Board requested clarification on the TMDL cost analysis presented in the staff report. Regional Board staff noted that the Basin Plan contains a criterion specific objective for ammonia, and compliance with this objective is driving the facility upgrades at the major Publicly Owned Treatment Works (POTWs) that discharge to the Los Angeles River. Based on this information, the Regional Board requested that this resolution note that the costs associated with this TMDL are limited to the costs for additional monitoring and special studies. This TMDL will not cause dischargers any capital expenditures beyond those costs which are attributable to the Basin Plan ammonia objective.

12. Interested persons and the public have had reasonable opportunity to participate in review of the amendment to the Basin Plan. Efforts to solicit public review and comment include at least fifteen workshops held between January 1999 and February 2002; at least two presentations at the Los Angeles and San Gabriel Rivers Watershed Council, public notification 45 days preceding the Board hearing; and responses from the Regional Board staff to oral and written comments received from the public.
13. The amendment is consistent with the State Antidegradation Policy (State Board Resolution No. 89-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Antidegradation Policy (40 CFR 131.12).
14. The basin planning process has been certified as functionally equivalent to the California Environmental Quality Act requirements for preparing environmental documents and is, therefore, exempt from those requirements (Public Resources Code, Section 21000 et seq.), and the required environmental documentation and CEQA environmental checklist have been prepared.
15. The proposed amendment results in no potential for adverse effect (de minimis finding), either individually or cumulatively, on wildlife.
16. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).
17. The Basin Plan amendment incorporating a TMDL for nitrogen and related effects in the Los Angeles River must be submitted for review and approval by the State Water Resources Control Board (State Board), the State Office of Administrative Law (OAL), and the US Environmental Protection Agency (USEPA). The Basin Plan amendment will become effective upon approval by OAI and USEPA. A Notice of Decision will be filed.

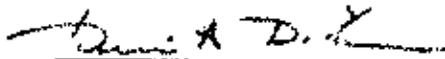
THEREFORE, be it resolved that pursuant to Section 13240 and 13242 of the Water Code, the Regional Board hereby amends the Basin Plan as follows:

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 the Water Quality Control Plan for the Los Angeles Region to incorporate the elements of the Los Angeles River Nitrogen Compounds and Related Effects TMDL as set forth in Attachment A hereto.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the SWRCB in accordance with the requirements of section 13245 of the California Water Code.

3. The Regional Board requests that the SWRCB approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to OAL and the U.S. EPA.
4. If during its approval process the SWRCB or OAL determines 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 Board of any such changes.
5. The Executive Officer is authorized to sign a Certificate of Fee Exemption.
6. Amend the text in the Basin Plan, Plans and Policies (Chapter 5) to add:

"Resolution No. 03-009. Adopted by the Regional Water Quality Control Board on July 10, 2003.
'Amendment to include a TMDL for Nitrogen and Related Effects for the Los Angeles River'
The resolution proposes a TMDL for Nitrogen and Related Effects in the Los Angeles River."
7. The Basin Plan amendment set forth in Attachment A shall only become effective if the water quality objectives revised by Regional Board Resolution 2002-011, or equivalent water quality objectives, have been approved by the OAL and USEPA, and are consistent with the TMDL.

I, Dennis A. Dickerson, 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 July 10, 2003.



Dennis A. Dickerson
Executive Officer