

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

**RESOLUTION NO. 01-014
September 19, 2001**

**Amendment to the Water Quality Control Plan for the Los Angeles Region
to Incorporate a Total Maximum Daily Load for Trash in the Ballona Creek and
Wetland.**

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

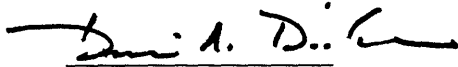
1. The Federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board (Regional Board) to develop water quality objectives which are sufficient to protect beneficial uses for each water body found within its region.
2. A consent decree between the U.S. Environmental Protection Agency (USEPA), Heal the Bay, Inc. and BayKeeper, Inc. was approved on March 22, 1999. This court order directs the USEPA to complete Total Maximum Daily Loads (TMDLs) for all impaired waters within 13 years. A schedule was established in the consent decree for the completion of the first 29 TMDLs within 7 years. The remaining TMDLs will be scheduled by Regional Board staff within the 13-year period.
3. 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 (Report No. EPA/440/4-91/001). A TMDL is defined as the sum of the individual waste load 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.
4. 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). This 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.
5. Ballona Creek is located in Los Angeles County, California. Ballona Creek flows slightly over 10 miles from the City of Los Angeles, through Culver City, reaching the ocean at Playa del Rey. Adjacent to the downstream channel of Ballona Creek are the Marina del Rey Harbor, Ballona Lagoon, Venice Canals, Del Rey Lagoon, and Ballona Wetlands.

6. On January 25, 2001, the Regional Board adopted a Basin Plan Amendment (Resolution 01-006) incorporating the Los Angeles River Trash TMDL into the Water Quality Control Plan (Basin Plan) for the Coastal Watersheds of Los Angeles and Ventura Counties.
7. Staff have since proposed changes to the January 25, 2001 Los Angeles River Trash TMDL to provide clarifying language and greater flexibility in the TMDL implementation. The Los Angeles River Trash TMDL is to be used as a template for the Ballona Creek Trash TMDL.
8. On September 19, 2001, prior to the Board's action on this resolution, public hearings were conducted on the Los Angeles River Trash TMDL and the Ballona Creek Trash TMDL. Notice of the hearing for the Ballona Creek Trash TMDL was published in accordance with the requirements of Water Code section 13244. The first notice was published in the Los Angeles Times on June 21, 22, and 23, 2001, for a September 13, hearing. This hearing was rescheduled for September 19, 2001 and notice of this change was published in the Los Angeles Times on September 6, 2001.
9. The entire administrative record, from the Los Angeles River Trash TMDL, including the transcripts from the January 25, 2001 and September 19, 2001 public hearings, has been incorporated into the administrative record by reference for the Ballona Creek Trash TMDL to be considered for this resolution.
10. The public has had reasonable opportunity to participate in review of the amendment to the Basin Plan. Efforts to solicit public review and comment include release of a preliminary draft of the Los Angeles River Trash TMDL on March 17, 2000, seven public workshops, meetings with every stakeholder who requested such (ten meetings), initial adoption of the Los Angeles River Trash TMDL on January 25, 2001, release of the initial Ballona Creek Trash TMDL on March 9, 2001, a public hearing on September 19, 2001, and responses from the Regional Board staff to oral and written comments received from the public.
11. In amending the Basin Plan, the Regional Board considered the factors set forth in sections 13240 and 13241 of the Water Code.
12. The amendment is consistent with the State Anti-degradation Policy (State Board Resolution No. 69-16), 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 Anti-degradation Policy (40 CFR 131.12).
13. 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.).
14. Revision of water quality objectives for trash is subject to approval by the State Water Resources Control Board, the State Office of Administrative Law, and the US Environmental Protection Agency.

THEREFORE, be it resolved that pursuant to sections 13240 and 13241 of the Water Code, the Regional Board hereby amends the Basin Plan as follows:

1. Amend Chapter 3 and Chapter 7 of the Los Angeles Region Water Quality Control Plan to incorporate the elements of the Ballona Creek Trash TMDL as described in Attachment A attached hereto and incorporated herein by this reference.

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 September 19, 2001.



Dennis A. Dickerson
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Executive Officer