

CONCISE SUMMARY OF REGULATORY PROVISIONS

TITLE 23. Waters

Division 4. Regional Water Quality Control Boards

Chapter 1. Water Quality Control Plans, Policies, and

Guidelines Article 4. Los Angeles Region

§ 3939.43 - A Total Maximum Daily Load for Debris in Nearshore and Offshore Santa Monica Bay

On November 4, 2010, the Los Angeles Regional Water Quality Control Board (Regional Board) adopted Resolution No. R10-010, amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan) by establishing a Total Maximum Daily Load (TMDL) for debris in Nearshore and Offshore Santa Monica Bay. The TMDL establishes numeric targets and wasteload allocations (WLAs) for point source discharges and load allocations (LAs) for nonpoint source discharges that are equal to “zero” trash and “zero” plastic pellets.

To comply with trash WLAs, responsible jurisdictions and agencies may install Executive Officer-certified full capture systems, or partial capture systems in conjunction with best management practices upon Executive Officer approval. Nonpoint source dischargers may achieve compliance with trash LAs by implementing a program of minimum frequency of assessment and collection in conjunction with best management practices. The TMDL establishes an eight-year implementation schedule for point source dischargers of trash and a five-year schedule for nonpoint source dischargers. Final compliance deadlines may be extended to eleven years for point source dischargers and eight years for nonpoint source dischargers if a city or county adopts local ordinances to ban plastic bags, smoking in public places, and single use expanded polystyrene food packaging within three years of the Regional Board adoption of the Debris TMDL.

The TMDL assigns a WLA of zero plastic pellets to industrial facilities regulated through storm water NPDES permits and includes a five-year implementation schedule to achieve the WLA. The TMDL does not assign a plastic pellet WLA to MS4 permittees. Instead, MS4 permittees with industrial facilities or activities related to plastic pellet manufacturing, handling, or transportation under their jurisdiction must monitor for plastic pellets, establish triggers for increased industrial facility inspections, and develop a plan for addressing possible plastic pellet spills.

The Regional Board adopted Resolution No. R19-004 on March 14, 2019 revising the Santa Monica Bay Nearshore and Offshore Debris TMDL in light of the “Amendment to the Water Quality Control Plan for Ocean Waters of California to Control Trash” and “Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries,” known as the statewide Trash Amendments. The Los Angeles Water Board determined that the implementation requirements in the existing Santa Monica Bay Nearshore and Offshore Debris TMDL should not be aligned with the

scope of the statewide Trash Amendments because there is a potential for non-priority land use areas to discharge significant amounts of trash and there are no MFAC programs downstream of all non-priority areas that can effectively collect any trash discharged from non-priority land use areas. In addition, in locations where there is a MFAC program, it was not possible to determine whether trash is accumulating in deleterious amounts. Therefore, municipal storm water dischargers will still be required to address point sources of trash in all land use areas.

The revised TMDL also separates requirements for the California Department of Transportation from requirements for other MS4 permittees, consistent with the statewide Trash Amendments.