DRAFT

September 29, 2006

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION - DIVISION OF WATER QUALITY
[TBD]

ITEM

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION INCORPORATING A TOTAL MAXIMUM DAILY LOAD FOR BACTERIA IN BALLONA CREEK, BALLONA ESTUARY, AND SEPULVEDA CHANNEL

DISCUSSION

On June 8, 2006, the Los Angeles Water Quality Control Board (Los Angeles Water Board) adopted Resolution No. 2006-011 to incorporate a total maximum daily load (TMDL) for bacteria in Ballona Creek, Ballona Estuary, and Sepulveda Channel. Ballona Creek, Ballona Estuary, and Sepulveda Channel are listed on California's 1996 and 1998 Clean Water Act (CWA) section 303(d) lists as not meeting water quality standards due to high coliform bacteria counts. This high coliform bacteria count affects several recreational beneficial uses of these water bodies including contact recreation (REC-1), limited water contact recreation (LREC-1), and non-contact recreation (REC-2). The sources are dry-weather and wet-weather urban runoff discharges from the storm water conveyance system and a non-point source, Del Rey Lagoon. Del Rey Lagoon may be considered for natural source exclusion if its contributing bacteria loads are determined to be a result of wildlife in the area, as opposed to anthropogenic inputs. The amendment sets numeric water quality targets for REC-1, REC-2, and LREC-1 equal to objectives found in the Water Quality Control Plan for the Los Angeles Region (Basin Plan); specifies the allowable maximum number of daily and weekly sampling days which may exceed the single sample limits for the relevant bacterial indicators; specifies a timeframe for compliance with objectives and allocations; assigns waste load allocations for point source dischargers and load allocations for non-point source discharges; and provides an implementation framework for ensuring compliance.

Numeric Targets

The numeric water quality targets are based on four bacteriological water quality objectives for marine and fresh water set forth in the Basin Plan. The objectives include 30-day geometric bacteria density mean limits and single sample limits.

TMDL

Waste load allocations and load allocations are assigned to impaired reaches not meeting water quality standards and to the tributaries to these impaired reaches. In addition, waste load allocations and load allocations are expressed as the number of daily or weekly sample days that may exceed the single sample targets equal to the waste load allocations or load allocations established for the reaches. Different exceedance levels are set for three time periods, summer dry-weather, winter-dry weather, and wet-weather. This expression is the most relevant to public health protection and is consistent with Title 40 Code of Federal Regulations section 130.2(i) and the approach used in the Santa Monica Bay Beaches Bacteria TMDL, already approved by the State Water Resources Control Board (State Water Board).

This TMDL uses the same scientific basis and approach as the Santa Monica Bay Beaches Bacteria TMDL, which was peer reviewed. Therefore, an additional peer review for this proposed TDML was not required.

Implementation

The TMDL will be implemented using a "reference beach approach", which means that a certain number of daily exceedances of the single sample bacteria objectives will be permitted. This approach recognizes that there are natural sources of bacteria that may cause exceedances of the single sample objectives. Compliance with the allowable exceedance days, and the rolling 30-day geometric bacteria density means, must be achieved within six years for the summer and winter-dry weather period and within ten years for the wet-weather period. However, if an Integrated Water Resources Approach is implemented, final compliance for the wet-weather allowable exceedance days and the rolling 30-day geometric mean could be extended to 14 years. The principal regulatory tools for implementing the TMDL will be the Los Angeles County Municipal Storm Water National Pollutant Discharge Elimination System (NPDES) permit, the California Department of Transportation (Caltrans) Storm Water Permit, general NPDES permits, general industrial storm water permits, and general construction storm water permits. The TMDL implementation approach relies on non-structural and structural best management practices to achieve compliance with the waste load allocations. Load allocations for nonpoint sources will be incorporated into Waste Discharge Requirements and Memorandums of Understanding with responsible jurisdictions. Del Rey Lagoon is considered a nonpoint source and subject to a load allocations; the City of Los Angeles is the responsible jurisdiction.

Monitoring

The amendment provides that within 12 months of its effective date, responsible jurisdictions and responsible agencies must submit a coordinated compliance monitoring plan (plan). The plan must provide for analyses of all applicable bacteria indicators for which objectives are established in the Basin Plan and subsequent amendments. The plan must also include a minimum of two sampling locations (mid-stream and downstream) in Ballona Estuary; in Reach 2 of Ballona Creek; at least one location each in Reach 1 of Ballona Creek and Sepulveda Channel; and at the confluence with Centinela Creek and Benedict Canyon Channel, to determine compliance. Similar monitoring at the connecting tide gates of Del Rey Lagoon is also required.

Costs

Two implementation cost estimates were developed, using a variety of potential non-structural and structural measures to control or treat sources of bacteria. Many of the best management practices could also reduce the amount of other contaminants in the runoff, which could help meet other Ballona Creek TMDLs for metals, toxics, and trash. The first implementation cost estimate is for the Preferred Strategy which integrates TMDL compliance with multiple non-structural and structural bacteria source controls, cisterns, or sand filters with an estimated capital cost of $375 million and annual operations and maintenance costs of $12.5 million per year. The second implementation cost estimate is for an Alternative Strategy which focuses on urban runoff treatment plants and non-structural controls, with an estimated capital cost of $917 million and annual operations and maintenance costs of $6.7 million per year.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan in accordance with the Staff Recommendation below?

FISCAL IMPACT

Los Angeles Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL WATER BOARD IMPACT

Yes, Los Angeles Water Board.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Los Angeles Water Board Basin Plan to incorporate a TMDL for bacteria in Ballona Creek, Ballona Estuary, and Sepulveda Channel as adopted in Los Angeles Water Board Resolution No. 2006-011.

2. Authorizes the Executive Director or designee to transmit the amendment and administrative record for this action to the Office of Administrative Law and the TMDL to U.S. Environmental Protection Agency for approval.

DRAFT September 29, 2006

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2006-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION INCORPORATING A TOTAL MAXIMUM DAILY LOAD FOR BACTERIA IN BALLONA CREEK, BALLONA ESTUARY, AND SEPULVEDA CHANNEL

WHEREAS:

1. On June 8, 2006 the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted Resolution No. 2006-011 (Attachment) amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate a total maximum daily load (TMDL) for bacteria in Ballona Creek, Ballona Estuary, and Sepulveda Channel.

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 USEPA to complete TMDLs for all impaired waters within 13 years, including this TMDL, or USEPA will be required to establish TMDLs.

3. Los Angeles Water Board found that the analysis contained in the Final Project Report, the California Environmental Quality Act (CEQA) "Substitute Document" for the proposed Basin Plan amendment, including the CEQA Checklist, the staff report, and the responses to comments prepared by Los Angeles Water Board staff complies with the requirements of the State Water Resources Control Board (State Water Board's) certified regulatory CEQA process, as set fourth in the California Code of Regulations, Title 23, section 3775 et seq.

4. The Los Angeles Water Board found the proposed amendment could have a significant adverse effects on water public services, utilities, and recreation. However, there are feasible alternatives, mitigation measures, or both that would substantially lessen any significant adverse impact. To the extent the alternatives, mitigation measures, or both are not deemed feasible by responsible public agencies, the necessity of implementing the federally required bacteria TMDL and the benefits to the public for enjoying surface waters with reduced bacteria densities in Balona Creek, Ballona Estuary, and Sepulveda Channel outweighs the unavoidable adverse environmental effects, which may result from implementation of this TMDL.

5. Ballona Creek, Ballona Estuary, and Sepulveda Channel are listed on California's 1996 and 1998 Clean Water Act (CWA) section 303(d) lists as impaired due to high coliform bacteria counts.

6. The proposed amendment sets numeric water quality targets for Water Contact Recreation (REC-1) and Non-contact Water Recreation (REC-2), and Limited Water Contact Recreation LREC-1 equal to bacteriological water quality objectives for marine and fresh water, which are set forth in the Basin Plan.

7. The proposed amendment establishes an implementation program to reduce bacteria loadings to achieve the loading capacity and allocation requirements of a TMDL.

8. The proposed amendment includes monitoring requirements to allow the Los Angeles Water Board to assess progress in reducing bacteria loadings.

9. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plan section 13241, which specifies the requirement to adopt water quality objectives and section 13242, which requires a program of implementation of water quality standards. The State Water Board also finds that the TMDL as reflected in the Basin Plan amendment is consistent with the requirements of CWA section 303(d).

10. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). USEPA must also approve the TMDL.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Los Angeles Water Board Basin Plan to incorporate a TMDL for bacteria in Ballona Creek, Ballona Estuary, and Sepulveda Channel as adopted in Los Angeles Water Board Resolution No. 2006-011.

2. Authorizes the Executive Director or designee to transmit the amendment and administrative record for this action to OAL and the TMDL to 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 Board held on [TBD].

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Song Her
Clerk to the Board