



**Linda S. Adams**  
Secretary for  
Environmental Protection

# State Water Resources Control Board

**Tam M. Doduc, Board Chair**  
1001 I Street • Sacramento, California 95814 • (916) 341-5455  
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100  
Fax (916) 341-5621 • <http://www.waterboards.ca.gov>



**Arnold Schwarzenegger**  
Governor

**CORRECTED**  
(Comment Deadline)

**NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT  
ON PROPOSED APPROVAL OF AN AMENDMENT TO THE  
WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN)  
TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR  
TRASH IN THE MALIBU CREEK WATERSHED**

**NOTICE IS HEREBY GIVEN THAT** the State Water Resources Control Board (State Water Board) will accept comments on the proposed approval of an amendment to the Basin Plan that would establish a TMDL for trash in the Malibu Creek Watershed. The amendment, the State Water Board agenda language, and draft resolution are available on the State Water Board's Web site at [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/tmdl.shtml#rb4](http://www.waterboards.ca.gov/water_issues/programs/tmdl/tmdl.shtml#rb4) or can be received by mail by contacting Nick Martorano at (916) 341-5980. The amendment was adopted by the Los Angeles Regional Water Quality Control Board on May 1, 2008. Notice of the State Water Board's meeting, where it will consider the proposed amendment, will be published separately.

Comment letters to the State Water Board must be received by 12:00 noon on February 13, 2009. After the deadline, State Water Board staff will not accept additional written comments unless the State Water Board determines that such comments should be accepted. Please send comments on the proposed State Water Board approval of the amendment to: Jeanine Townsend, Clerk to the Board, by email at ([commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)) (if **less than 15 megabytes in size or less**) or (916) 341-5620 (fax), or addressed to State Water Resources Control Board, 1001 I Street, Sacramento, CA 95814. Please also indicate in the subject line, "**Comment Letter – Malibu Creek Watershed Trash TMDL.**"

Please direct questions about this notice to Nick Martorano, Division of Water Quality, at (916) 341-5980 ([nmartorano@waterboards.ca.gov](mailto:nmartorano@waterboards.ca.gov)) or Steven H. Blum, Senior Staff Counsel, at (916) 341-5177 ([sblum@waterboards.ca.gov](mailto:sblum@waterboards.ca.gov)).

January 21, 2009  
Date

Jeanine Townsend  
Clerk to the Board

# DRAFT

## 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 (BASIN PLAN) TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD FOR TRASH IN THE MALIBU CREEK WATERSHED

#### DISCUSSION

On May 1, 2008, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted Resolution No. R4-2008-007 ([Attachment](#)) amending the Basin Plan to incorporate a total maximum daily load (TMDL) for trash in the Malibu Creek Watershed. The Malibu Creek Watershed is located within both Ventura County and Los Angeles County, and covers approximately 69,900 acres with a drainage area of 109 square miles. It is the most ecologically significant watershed in Los Angeles County. Tributaries of Malibu Creek start in the Santa Monica Mountains and include the following: Lindero Canyon Creek, Lake Lindero, Medea Creek, Palo Comado Canyon Creek, Cheeseboro Canyon Creek, Las Virgenes Creek, Hidden Valley Creek, Lake Sherwood, Potrero Valley Creek, Westlake Lake, Triunfo Creek, Lake Enchanto, Malibou Lake, Malibu Creek, Las Virgenes Creek, Malibu Lagoon and Cold Creek. The dominant land use in the Malibu Creek Watershed is open space, accounting for approximately 82.7 percent. Other land uses include agriculture, recreation, and urbanized land uses of high and low density residential and commercial industrial which accounts for 15.4 percent of the area. Malibu Creek is a receiving water body of urban and stormwater runoff from a network of storm drains and various types of open space throughout the watershed. Among all tributaries and lakes, Malibu Creek from Malibou Lake to Malibu Lagoon, Medea Creek, Lindero Creek, Lake Lindero, and Las Virgenes Creek are identified on the 1998, 2002, and 2006 Clean Water Act 303(d) list of impaired water bodies because they do not meet water quality standards for trash. Litter from adjacent land areas, roadways, and direct dumping and deposition are sources of trash to Malibu Creek Watershed. Point sources such as storm drains are also sources of trash discharged to the Malibu Creek Watershed. The proposed TMDL addresses impairments of water quality caused by trash, and the Implementation Plan is developed to achieve water quality objectives for trash in water bodies of the Malibu Creek Watershed.

The beneficial uses most affected by elevated levels of trash in the Malibu Creek Watershed include the municipal and domestic supply (MUN); groundwater recharge (GWR); water contact recreation (REC-1); non-contact water recreation (REC-2); warm freshwater habitat (WARM); cold freshwater habitat (COLD); wildlife habitat (WILD); rare, threatened or endangered species (RARE); migration of aquatic organisms (MIGR); spawning, reproduction, and/or early development (SPWN); and wetland habitat (WET).

# DRAFT

## TMDL

The amendment establishes the numeric target from which wasteload allocations for point source discharges and load allocations for nonpoint source discharges are calculated. Wasteload allocations are assigned to the California Department of Transportation; Los Angeles County, County of Ventura, Ventura County Watershed Protection District; and the Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Thousand Oaks, and Westlake Village; under the applicable National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permits. Wasteload allocations will be enforced under applicable NPDES and MS4 permits. In addition, wasteload allocations may be issued to additional responsible jurisdictions in the future under Phase 2 of the NPDES MS4 permitting program, or other applicable regulatory programs. Load allocations are assigned to the National Park Service; California Department of Parks and Recreation; County of Los Angeles, County of Ventura, Ventura County Watershed Protection District; Santa Monica Mountains Conservancy; the Cities of Malibu, Agoura Hills, Hidden Hills, Thousand Oaks, Westlake Village, and Calabasas; and land owners in the vicinity of listed water bodies in the Malibu Creek Watershed. Load allocations may be issued to additional responsible jurisdictions in the future under applicable regulatory programs. Load allocations will be implemented through either a conditional waiver of waste discharge requirements, an alternative program implemented through waste discharge requirements, or an individual waiver or another appropriate order of the Los Angeles Water Board. All wasteload allocations and load allocations are set at zero trash.

The numeric target of “zero” trash was derived based on the narrative water quality objectives of “*Floating Material*”, and “*Solid, Suspended, or Settleable Materials*”, specified in the Los Angeles Water Board Basin Plan. The Los Angeles Water Board has defined zero trash as: (1) no trash immediately following each assessment and collection event consistent with an established Minimum Frequency of Assessment and Collection Program (MFAC), or (2) installation and operation of full capture system on conveyances that discharge to the Malibu Creek Watershed through a phased implementation schedule. The wasteload allocations and load allocations are calculated according to baselines determined by using a reference approach or by results of a Trash Monitoring and Reporting Plan (TMRP) approved by the Los Angeles Water Board’s Executive Officer (EO). To comply with wasteload allocations, a responsible jurisdiction may install an adequately-sized and maintained full-capture system that meets the minimum criteria outlined in the amendment; or implement a program of MFAC in conjunction with best management practices (BMPs) upon EO approval. Nonpoint source dischargers may achieve compliance with load allocations by implementing the MFAC/BMPs program. The proposed TMDL establishes an eight-year implementation schedule when responsible jurisdictions choose to install full capture systems. When responsible jurisdictions implement a MFAC/BMPs program (for point or nonpoint sources or both), the water quality objective of zero trash must be attained in five years. The TMDL will be reopened after five years of the effective date to evaluate the effectiveness of the implementation measures.

The TMDL includes monitoring based on a plan to be developed by responsible jurisdictions and approved by the EO. Minimum requirements for trash monitoring include collection and quantification of trash from the surfaces and shoreline of Malibu Creek and its tributaries. The monitoring plan must provide details of the frequency, location, and reporting of trash monitoring for each water body. Responsible jurisdictions must propose a metric (e.g., weight, volume, pieces of trash) to measure the amount of trash in the water body and surrounding area.

# **D R A F T**

## **POLICY ISSUE**

Should the State Water Resources Control Board (State Water Board) approve the amendment to the Basin Plan to incorporate a TMDL for trash in the Malibu Creek Watershed as adopted under Los Angeles Water Board Resolution No. R4-2008-007?

## **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, approval of this resolution will amend the Los Angeles Water Board's Basin Plan.

## **STAFF RECOMMENDATION**

That the State Water Board:

1. Approves the amendment to the Basin Plan as adopted under Los Angeles Water Board Resolution No. R4-2008-007.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board Resolution No. R4-2008-007 to the Office of Administrative Law for approval of the regulatory provisions and to the U.S. Environmental Protection Agency for approval of the TMDL.

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2009-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD FOR TRASH IN THE MALIBU CREEK WATERSHED

### WHEREAS:

1. On May 1, 2008, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted Resolution No. R4-2008-007 ([Attachment](#)) amending the Basin Plan to incorporate a total maximum daily load (TMDL) for trash in the Malibu Creek Watershed.
2. The TMDL for trash in the Malibu Creek Watershed is designed to protect municipal and domestic water supply, groundwater recharge, aquatic life habitat, wildlife habitat, water contact recreation, and non-contact water recreation beneficial uses of the Malibu Creek Watershed and to achieve the narrative water quality objectives established to protect those uses.
3. The 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, the responses to comments prepared by Los Angeles Water Board staff, and the resolution adopted by the Los Angeles Water Board complies with the requirements of the State Water Resources Control Board's (State Water Board's) certified regulatory CEQA process, as set forth in the California Code of Regulations, Title 23, section 3775 et seq.
4. The State Water Board finds that in amending the Basin Plan to establish this TMDL, the Los Angeles Water Board complied with the requirements set forth in sections 13240, 13242, and 13269 of the California Water Code. The State Water Board also finds that the TMDL is consistent with the requirements of federal Clean Water Act section 303(d).
5. The Los Angeles Water Board found that adoption of this amendment would result in no adverse effect on wildlife, and the amendment would be consistent with the State Antidegradation Policy ([State Water Board Resolution No. 68-16](#)) and federal antidegradation requirements.
6. The Los Angeles Water Board established a loading capacity, represented as a numeric target for the Malibu Creek Watershed, at zero trash. Compliance with this trash load will be based on a five or eight year implementation schedule depending on the method of compliance implemented.
7. 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). The TMDL must also be approved by the U.S. Environmental Protection Agency (U.S. EPA).

# **D R A F T**

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under Los Angeles Water Board Resolution No. R4-2008-007.
2. Authorizes the Executive Director or designee to submit the amendment to OAL for approval of the regulatory provisions and to U.S. EPA to approve the TMDL.

## **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 (TBD).

---

Jeanine Townsend  
Clerk to the Board