

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING - DIVISION OF WATER QUALITY
SEPTEMBER 30, 2004

ITEM 5

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION REVISING A TOTAL MAXIMUM DAILY LOAD FOR TRASH FOR BALLONA CREEK AND WETLAND

DISCUSSION

The Los Angeles Regional Water Quality Control Board (Regional Board) adopted the revised Water Quality Control Plan for the Los Angeles Region (Basin Plan) under Resolution No. 94-07 on June 13, 1994. The revised Basin Plan was approved by the State Water Resources Control Board (SWRCB) on November 17, 1994, and by the Office of Administrative Law (OAL) on February 23, 1995.

The Basin Plan sets standards to protect all waters in the Los Angeles Region and prescribes programs to implement these standards. The standards consist of the designated beneficial uses of the waters, narrative and numeric objectives to protect these uses, and the State's Antidegradation Policy.

In 1996, and again in 1998, the Regional Board identified Ballona Creek and Wetland as being impaired due to trash pursuant to section 303(d) of the federal Clean Water Act (CWA). Because the Ballona Creek and Wetland were listed as impaired for trash under section 303(d), CWA required that a Total Maximum Daily Load (TMDL) be established for this water body. A TMDL specifies load allocations that, when implemented, are expected to result in the attainment of applicable water quality standards.

On September 19, 2001, the Regional Board adopted Resolution No. 01-014 establishing a TMDL for trash for Ballona Creek and Wetland by amending Chapters 3 and 7 of the Basin Plan. The Basin Plan amendment was approved by SWRCB on February 19, 2002 under Resolution No. 2002-0039, by OAL on July 18, 2002, and by the U.S. Environmental Protection Agency (USEPA) on August 1, 2002.

The City and the County of Los Angeles, which were assigned wasteload allocations under the Ballona Creek Trash TMDL, both filed petitions and complaints in Los Angeles Superior Court challenging the TMDL. Subsequent negotiations led to a settlement agreement, which became effective on September 23, 2003. On March 4, 2004, the Regional Board adopted Resolution No. 04-023 ([Attachment 1](#)) revising the Ballona Creek Trash TMDL to incorporate negotiated language pursuant to the settlement.

Resolution No. 04-023 adds a definition of "full capture device" to Table 7-3.1 (Ballona Creek Trash TMDL Elements) of the Basin Plan. Full capture devices are mechanical modifications to

storm sewers that may be employed to comply with the TMDL wasteload allocations. The proposed amendment would allow for both single devices and treatment trains or "systems." Full capture devices and systems must at a minimum be sized for the peak flow rate from a one-year, one-hour storm in the subdrainage area.

The equation used to calculate the peak flow from a one-year, one-hour storm is $Q = C x I x A$, where Q is the design flow rate (measured in cubic feet per second); C is the runoff coefficient; I is the design rainfall intensity (measured in inches per hour); and A is the subdrainage area (measured in acres).

The rainfall intensity will, for the purpose of designing the full capture systems, be determined by an attached isohyetal map prepared by the Los Angeles County Hydrologist. The isohyetal map may be updated annually by the Los Angeles County Hydrologist to reflect additional rainfall data gathered during the previous year. Annual updates of the isohyetal map are prospectively incorporated by reference into the Basin Plan.

Additionally, this amendment adds the following footnote to Table 7-3.2 (Ballona Creek Trash TMDL: Implementation Schedule): "Notwithstanding the zero trash target and the default waste load allocations shown in Table 7-3.2, a Permittee will be deemed in compliance with the Trash TMDL in areas served by a Full Capture System within the Ballona Creek and Estuary Watershed."

POLICY ISSUE

Should SWRCB approve the amendment to the Basin Plan in accordance with the Staff Recommendation below?

FISCAL IMPACT

Regional Board and SWRCB staff work associated with or resulting from this action can be accomplished within budgeted resources.

RWQCB IMPACT

Yes, Los Angeles Regional Board.

STAFF RECOMMENDATION

That SWRCB:

1. Approves the amendment to the Basin Plan adopted under Regional Board Resolution No. 04-023.
2. Authorizes the Executive Director or designee to submit the amendment adopted under the Regional Board Resolution No. 04-023, as approved by SWRCB, to OAL and to USEPA for approval.

Policy Review: _____
Fiscal Review: _____
Legal Review: _____

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2004-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL
PLAN FOR THE LOS ANGELES REGION REVISING A TOTAL MAXIMUM
DAILY LOAD FOR TRASH FOR BALLONA CREEK AND WETLAND

WHEREAS:

1. The Los Angeles Regional Water Quality Control Board (Regional Board) adopted the revised Water Quality Control Plan for the Los Angeles Region (Basin Plan) under Resolution No. 94-07 on June 13, 1994. The revised Basin Plan was approved by the State Water Resources Control Board (SWRCB) on November 17, 1994 and by the Office of Administrative Law (OAL) on February 23, 1995.
2. In 1996 and again in 1998, the Regional Board identified Ballona Creek and Wetland as being impaired due to trash pursuant to section 303(d) of the federal Clean Water Act (CWA). Because the Ballona Creek and Wetland were listed as impaired for trash under section 303(d), CWA required that a Total Maximum Daily Load (TMDL) be established for this water body. A TMDL specifies load allocations that, when implemented, are expected to result in the attainment of applicable water quality standards.
3. On September 19, 2001, the Regional Board adopted Resolution No. 01-014 establishing a TMDL for trash for Ballona Creek and Wetland by amending Chapters 3 and 7 of the Basin Plan. The Basin Plan amendment was approved by SWRCB on February 19, 2002 under Resolution No. 2002-0039, by OAL on July 18, 2002, and by the U.S. Environmental Protection Agency (USEPA) on August 1, 2002.
4. The City and the County of Los Angeles both filed petitions and complaints in Los Angeles Superior Court challenging the TMDL. Subsequent negotiations led to a settlement agreement, which became effective on September 23, 2003. On March 4, 2004, the Regional Board adopted Resolution No. 04-023 revising the Ballona Creek Trash TMDL to incorporate the negotiated language.
5. SWRCB finds that the amendment is in conformance with the requirements for TMDL development specified in CWA section 303(d) and SWRCB Resolution No. 68-16.
6. SWRCB finds that the Regional Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act and other State laws and regulations.
7. SWRCB 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 Plans, and section 13242, which requires a program of implementation of water quality objectives.

8. Basin Plan amendments do not become effective until approved by SWRCB and until the regulatory provisions are approved by OAL. In addition, TMDLs must be approved by USEPA and a Notice of Decision must be filed with the Secretary of the California Resources Agency.

THEREFORE BE IT RESOLVED THAT:

SWRCB:

1. Approves the amendment to the Basin Plan adopted under Regional Board Resolution No. 04-023.
2. Authorizes the Executive Director or designee to submit the amendment adopted under the Regional Board Resolution No. 04-023, as approved by SWRCB, to OAL and 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 SWRCB held on September 30, 2004.

Debbie Irvin
Clerk to the Board