

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION--DIVISION OF WATER QUALITY
SEPTEMBER 22, 2005

ITEM 8

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 (TMDL) FOR BACTERIA IN THE MALIBU CREEK WATERSHED

DISCUSSION

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted an updated Water Quality Control Plan (Basin Plan) on June 13, 1994. The Basin Plan was approved by the State Water Resources Control Board (State Water Board) on November 17, 1994 and by the Office of Administrative Law (OAL) on February 23, 1995. On October 25, 2001, the Los Angeles Water Board adopted Resolution No. 01-018 to update the current Basin Plan objectives for bacteria. On July 18, 2002, the State Water Board approved the revised bacterial objectives, which were approved by OAL on September 19, 2002 and by the U.S. Environmental Protection Agency (USEPA) on September 25, 2002.

On December 13, 2004, the Los Angeles Water Board adopted Resolution No. 2004-019R ([Attachment](#)) amending its Basin Plan to incorporate a TMDL for bacteria in the Malibu Creek watershed. This amendment revises Resolution No. 2004-019 and Basin Plan amendment language previously adopted by the Los Angeles Water Board on January 29, 2004. Chapter 3 of the Basin Plan contains water quality objectives for bacteria that shall not be exceeded in waters designated for water contact recreation.

This TMDL is based on bacteria objectives contained in the Basin Plan and takes the same approach as in the Santa Monica Bay, Marina del Rey, and Los Angeles Harbor TMDLs. Implementation of bacteria objectives and numeric targets is achieved using a reference system/antidegradation approach and uses the same summer-dry, winter-dry, and wet weather target periods as these previous TMDLs. Load and wasteload allocations are expressed as allowable days of exceedance for the weather periods sampled at specified monitoring locations and may be found in Table 7-10-2 of the Los Angeles Water Board amendment language. Several sources of bacteria are addressed in this TMDL, including storm water runoff, dry-weather runoff, onsite wastewater treatment systems, and animal wastes.

The responsible jurisdictions and responsible agencies for implementing this TMDL are the County of Los Angeles, County of Ventura, various cities within the Malibu Creek

watershed, the California Department of Transportation (Caltrans), and the California Department of Parks and Recreation. These agencies include the permittees and co-permittees of the municipal storm water permits for Los Angeles County, Ventura County, and Caltrans. Storm water permittees are individually responsible for discharges from their municipal separate storm sewer systems, and the cities and counties that regulate single-family onsite wastewater treatment systems are responsible for compliance with load allocations for those systems within their jurisdictions.

The Los Angeles Water Board Executive Officer is directed to bring this Basin Plan amendment before the Los Angeles Water Board for reconsideration of proposed regulations for onsite wastewater treatment systems within 120 days, or as soon as practical, of adoption by the State Water Board. The Los Angeles Water Board will also reconsider the provisions of this amendment three years after it becomes effective to determine if regulatory provisions need to be revised.

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 can be accomplished within 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 the Malibu Creek watershed as adopted in Los Angeles Water Board Resolution No. 2004-019R.
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.

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2005-APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE LOS ANGELES REGION INCORPORATING A TOTAL MAXIMUM
DAILY LOAD (TMDL) FOR BACTERIA IN THE MALIBU CREEK WATERSHED

WHEREAS:

1. The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted a revised Water Quality Control Plan (Basin Plan) for the Los Angeles region on June 13, 1994, which was approved by the State Water Resources Control Board (State Water Board) on November 17, 1994 and by the Office of Administrative Law (OAL) on February 23, 1995.
2. On December 13, 2004, the Los Angeles Water Board adopted Resolution No. 2004-019R (Attachment) amending the Basin Plan to incorporate a TMDL for bacteria in the Malibu Creek watershed.
3. Los Angeles Regional Water 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.
4. The Los Angeles Water Board found that the additions 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.
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Boards may revise Basin Plans, and section 13242, which requires a program of implementation of water quality objectives. The State Water Board also finds that the TMDL as reflected in the Basin Plan amendment is consistent with the requirements of federal Clean Water Act section 303(d).
6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The TMDL must also be approved by the U.S. Environmental Protection Agency (USEPA).

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 the Malibu Creek watershed as approved in Los Angeles Water Board Resolution No. 2004-019R.

2. Authorizes the Executive Director 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 September 22, 2005.

Debbie Irvin
Clerk to the Board