

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – LOS ANGELES REGIONAL WATER BOARD
JUNE 4, 2013**

ITEM 4

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO REVISE THE TOTAL MAXIMUM DAILY LOAD (TMDL) FOR NITROGEN COMPOUNDS AND RELATED EFFECTS IN THE LOS ANGELES RIVER WATERSHED.

DISCUSSION

The Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) revised the TMDL for Nitrogen Compounds and Related Effects on December 6, 2012 by [Resolution No. R12-010](#). The original TMDL addressed Clean Water Act (CWA) section 303(d) listings for nitrogen compounds (ammonia, nitrate, and nitrite) and related effects such as algae, pH, odor, and scum in the Los Angeles River watershed.

The Los Angeles Water Board originally adopted the Los Angeles River Nitrogen Compounds and Related Effects TMDL in July 2003 by [Resolution No. R03-009](#). The TMDL became effective on March 23, 2004. In December 2003, the Board re-adopted the TMDL by [Resolution No. R03-016](#) and incorporated revised interim waste load allocations. The TMDL then became effective on September 27, 2004.

The TMDL specifies numeric targets for ammonia based on U.S. EPA's "1999 Update of Ambient Water Quality Criteria for Ammonia." U.S. EPA's update allows for the adjustment of ammonia criteria through the use of a water effects ratio (WER) that accounts for site-specific conditions affecting ammonia toxicity. A WER is assumed equal to 1.0 in the absence of a site-specific study.

The principal sources of nitrogen to the Los Angeles River identified in the original TMDL are the Donald C. Tillman (Tillman), Los Angeles-Glendale (LA-Glendale), and Burbank water reclamation plants (WRPs). These WRPs are the three largest POTWs in the Los Angeles River watershed. The current TMDL implementation schedule and permit provisions for the three WRPs required that they achieve compliance with NPDES permit effluent limits for ammonia based on the existing waste load allocations by September 23, 2007. Donald C. Tillman WRP has not been able to consistently meet the existing ammonia effluent limits and currently has a Time Schedule Order (TSO) for relief from mandatory minimum penalties.

The County Sanitation Districts of Los Angeles County, City of Los Angeles, and City of Burbank submitted the final technical report for an ammonia WER study in the Los Angeles, San Gabriel, and Santa Clara Rivers in September 2003. The 2003 WER study, which was conducted under the guidance of a technical advisory committee and per U.S. EPA guidance, demonstrates that the WRPs can discharge ammonia at levels higher than the existing waste load allocations and still fully protect beneficial uses within those watersheds. Resolution No. R07-005, adopted by the Los Angeles Water Board in June 2007, incorporated ammonia site-specific objectives (SSOs) for the Los Angeles, San Gabriel, and Santa Clara Rivers based on the 2003 WER study into the Basin Plan.

On December 6, 2012, the Los Angeles Water Board revised the waste load allocations in the Nitrogen Compounds and Related Effects TMDL to be consistent with its prior incorporation of ammonia SSOs in the Basin Plan. To address anti-degradation and anti-backsliding concerns, the Basin Plan amendment specifies that regardless of the SSOs and SSO-derived waste load allocations, for discharges regulated under the TMDL with effluent concentrations below SSOs, effluent limitations shall ensure effluent concentrations do not exceed the level of water quality that can be reliably maintained by the three WRP's applicable treatment technologies existing at the time of permit issuance, reissuance, or modification unless anti-backsliding requirements in Clean Water Act section 402(o) and State and federal anti-degradation requirements are met.

Effluent limits in NPDES permits must be consistent with the assumptions and requirements of any available waste load allocation established in a TMDL (40 C.F.R. § 122.44(d)(1)(vii)(B)). The revised TMDL is necessary because, although the ammonia SSOs have previously been incorporated into the Basin Plan, the SSOs cannot be utilized in calculating effluent limitations in NPDES permits without first revising the waste load allocations in the TMDL.

A detailed analysis supporting these revisions is contained in the TMDL reconsideration staff report.

POLICY ISSUE

Should the State Water Board approve an amendment to the Basin Plan to revise the TMDL for Nitrogen Compounds and Related Effects in the Los Angeles River?

FISCAL IMPACT

No additional costs are anticipated to result from this Basin Plan Amendment as the WRPs are already meeting the waste load allocations prescribed by the revised TMDL.

REGIONAL BOARD IMPACT

Yes, approval of this revised TMDL 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 adopted under Los Angeles Water Board Resolution No. R12-010.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board Resolution No. R12-010 as approved, and the administrative record for this action, to the Office of Administrative Law and the revised TMDL to the U.S. EPA for approval.

State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012 to implement strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030. In particular, approval of this item will assist in fulfilling Objective 1.1 to implement a statewide strategy to efficiently prepare, adopt, and implement TMDLs, which result in water bodies meeting water quality standards, and adopt and begin implementation of TMDLs for all 2006-listed water bodies by 2019.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2013-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO REVISE THE TOTAL MAXIMUM DAILY LOAD FOR NITROGEN COMPOUNDS AND RELATED EFFECTS IN THE LOS ANGELES RIVER WATERSHED

WHEREAS:

1. On December 6, 2012, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R12-010](#), an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan amendment), to revise the Total Maximum Daily Load (TMDL) for Nitrogen Compounds and Related Effects in the Los Angeles River Watershed.
2. The Los Angeles Water Board previously prepared a California Environmental Quality Act (CEQA) “substitute environmental document” for the establishment of the original TMDL adopted by [Los Angeles Water Board Resolution No. R03-009](#). This document contained the required environmental documentation under the State Water Board’s regulations for the implementation of CEQA, as set forth in the California Code of Regulations, Title 23, sections 3775 through 3781. The Los Angeles Water Board found that the Basin Plan amendment adopted by Resolution No. R12-010 did not alter the environmental analysis that was previously prepared for the establishment of this TMDL because the revised TMDL will not result in different implementation actions than those previously analyzed or different effects upon the environment. Moreover, no additional reasonably foreseeable methods of compliance warrant environmental analysis pursuant to Public Resources Code section 21159 and California Code of Regulations, Title 14, section 15187. As such, the Los Angeles Water Board found that the Basin Plan amendment is consistent with the prior CEQA documentation and determined that no subsequent environmental documents shall be prepared consistent with California Code of Regulations, Title 14, section 15162. The State Water Board concurs with the Los Angeles Water Board’s findings and determinations.
3. The Los Angeles Water Board also adopted the Basin Plan amendment pursuant to the “Necessity” standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
4. The Los Angeles Water Board found the Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining High Quality of Waters in California ([State Water Board Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 C.F.R. § 131.12), in that they do not allow degradation of water quality, but require restoration of water quality and attainment of water quality standards during dry weather and wet weather. Further, the Basin Plan amendment specifies that regardless of the site-specific objectives (SSOs) and SSO-derived wasteload allocations (WLAs), for discharges regulated under the TMDL with effluent concentrations below SSOs, effluent limitations shall ensure effluent concentrations do not exceed the level of water quality that can be reliably maintained by the facility’s applicable treatment technologies existing at the time of permit issuance, reissuance, or modification unless anti-backsliding requirements in Clean Water Act section 402(o) and State and federal anti-degradation requirements are met.

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5. 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 plans, and section 13242, which requires a program of implementation for achieving water quality objectives. The State Water Board also finds that the revised TMDL, as reflected in the Basin Plan amendment, is consistent with the requirements of section 303(d) of the federal Clean Water Act.
6. This 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 revised TMDL must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R12-010.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R12-010 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the revised 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 June 4, 2013.

Jeanine Townsend
Clerk to the Board