

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – LOS ANGELES REGIONAL WATER BOARD
MARCH 4, 2014**

ITEM 5

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO INCORPORATE IMPLEMENTATION PLANS AND SCHEDULES FOR THE LOS CERRITOS CHANNEL METALS TOTAL MAXIMUM DAILY LOAD (TMDL), AND THE SAN GABRIEL RIVER AND IMPAIRED TRIBUTARIES METALS AND SELENIUM TMDL

DISCUSSION

On June 6, 2013, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R13-004](#), an amendment to the Basin Plan, to incorporate implementation plans and schedules for the Los Cerritos Channel Metals TMDL and the San Gabriel River and Impaired Tributaries Metals and Selenium TMDL.

This amendment would incorporate implementation plans and schedules in the Basin Plan for two TMDLs that were previously established by the United States Environmental Protection Agency (U.S. EPA). On March 26, 2007, U.S. EPA established the San Gabriel River and Impaired Tributaries Metals and Selenium TMDL. On March 17, 2010, U.S. EPA established the Los Cerritos Channel Metals TMDL. The U.S. EPA-established TMDLs include the problem statement, numeric targets, source analysis, loading capacity, load allocations, waste load allocations, and margin of safety. An implementation plan is not a required element of a TMDL established by U.S. EPA; therefore, these TMDLs do not include implementation plans or schedules for implementation. This proposed amendment would incorporate implementation plans for these TMDLs into the Basin Plan to provide a schedule for responsible parties to attain the TMDLs.

Background on U.S. EPA Established TMDLs

Los Cerritos Channel was included on the 1998, 2002, 2006, and 2010 California Clean Water Act section 303(d) lists as an impaired waterbody for copper, zinc, and lead. Portions of the San Gabriel River were included on the 1998, 2002, 2006, and 2010 California Clean Water Act section 303(d) lists as impaired for copper, zinc, lead, and selenium. Point sources of metals loading in the Los Cerritos and San Gabriel River watersheds include inputs from municipal, industrial, and construction storm water permittees. In the San Gabriel River watershed, point sources also include five publicly owned treatment works (POTWs) and two power plants. Nonpoint sources include air deposition (and irrigated agriculture in the San Gabriel River Watershed). The U.S. EPA-established TMDLs, including all the elements listed above, are not before the State Water Board for consideration, but are included as background information for the Board's consideration of the implementation plans and schedules.

Implementation

The schedules proposed in the TMDL implementation plans would provide responsible parties with many compliance approaches to pursue including, but not limited to, pollution prevention as envisioned in California Water Code section 13263.3, including product reformulation. The proposed Basin Plan amendment has been coordinated, both in terms of anticipated implementation strategies and schedules of implementation, with State initiatives and policy, including Senate Bill 346, which will result in gradual phase-out of copper in brake pads, similar efforts to support a phase-out of zinc in automobile tires, and the State Water Board's Once Through Cooling Policy. The schedules proposed for these two U.S. EPA-established TMDLs are also consistent with those adopted by the Los Angeles Water Board and approved by the State Water Board in other metals TMDLs, including the Los Angeles River, Ballona Creek, and Calleguas Creek Metals TMDLs. The following is a summary of the implementation plans and schedules for the various sources of metals in the Los Cerritos Channel and San Gabriel River watersheds:

MS4 Permittees (including Caltrans)

The implementation plans for the Los Cerritos Channel and San Gabriel River Metals TMDLs require that MS4 permittees (including Caltrans) demonstrate a progressive reduction in pollutant loading at milestones in 2017, 2020, and 2023, and must meet both the dry-weather and wet-weather wasteload allocations (WLAs) for copper, lead, and zinc by June 30, 2026. The schedule is based on the expected phase-out of copper in brake pads in accordance with Senate Bill 346, which prohibits the sale in California of motor vehicle brake friction materials containing more than 5% copper by weight after January 1, 2021, and prohibits the sale of such friction materials containing more than 0.5% copper by weight after January 1, 2025. The proposed implementation plans allow for flexible compliance approaches to attain the TMDLs.

General Industrial and Construction Storm Water Permits

The U.S. EPA-established TMDLs assign dry-weather WLAs equal to zero to unauthorized non-storm water discharges, which are prohibited by the existing statewide general industrial and construction storm water permits. The proposed implementation plans clarify that non-storm water discharges from construction or industrial activities authorized by permits are exempt from the dry-weather WLA equal to zero. Instead, these authorized non-storm water discharges have to comply with concentration-based limits equal to numeric targets. The proposed implementation plans explain that WLAs will be incorporated into permits as effluent limitations or discharge prohibitions consistent with the assumptions and requirements of the WLAs.

Non-Storm Water NPDES Permits

The proposed implementation plans specify effluent limitations that are consistent with the concentration-based WLAs established for non-storm water point sources in the TMDLs. For the minor and general NPDES permits, WLAs may be translated into daily maximum and monthly average effluent limitations by applying appropriate methodologies subject to Los Angeles Water Board Executive Officer approval, such as procedures from the State Water Board's Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California.

Nonpoint Sources

The proposed implementation plans explain that nonpoint sources will be regulated through the authority contained in the California Water Code, in conjunction with the State Water Board's Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program, and the Conditional Waiver for Discharges from Irrigated Lands.

Recommendations for Other Agencies

Other governmental agencies and organizations may implement and adopt regulations that reduce and eliminate the discharges of metals to the San Gabriel River watershed and the Los Cerritos Channel Freshwater Watershed. The Los Angeles Water Board will reconsider these TMDL implementation plans in light of any revised regulations that may impact metals loading to these watersheds.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan to incorporate implementation plans and schedules for the San Gabriel River and Impaired Tributaries Metals and Selenium TMDL, and the Los Cerritos Channel Metals TMDL?

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 BOARD IMPACT

Yes, approval of Los Angeles Water Board Resolution No. R13-004 will amend the Los Angeles Water Board's Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approve the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R13-004.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R13-004 to the Office of Administrative Law.

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 Action 1 to prepare, adopt, and take steps to carry out Total Maximum Daily Loads (TMDLs), designed to meet water quality standards, for all impaired water bodies on the 2006 list.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2014-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO INCORPORATE IMPLEMENTATION PLANS AND SCHEDULES FOR THE LOS CERRITOS CHANNEL METALS TOTAL MAXIMUM DAILY LOAD (TMDL), AND THE SAN GABRIEL RIVER AND IMPAIRED TRIBUTARIES METALS AND SELENIUM TMDL

WHEREAS:

1. On June 6, 2013, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R13-004](#), an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan amendment), to incorporate implementation plans and schedules for the Los Cerritos Channel Metals TMDL and the San Gabriel River and Impaired Tributaries Metals and Selenium TMDL.
2. The Los Angeles Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) "Substitute Environmental Documents" for the proposed Basin Plan amendment, including the CEQA Checklist, the final staff report entitled "Final Staff Report for the Implementation Plans and Schedules for the Los Cerritos Channel and San Gabriel River Metals TMDLs", and the responses to comments complies with 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 State Water Board has reviewed the Substitute Environmental Documents for the Basin Plan amendment and concurs with the Los Angeles Water Board's findings and determinations, including the Statement of Overriding Considerations.
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 CFR section 131.12), in that it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards.
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.
6. 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).

D R A F T

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R13-004.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R13-004 to OAL for approval of the regulatory provisions.

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 March 4, 2014.

Jeanine Townsend
Clerk to the Board