

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION  
November 16, 2023  
Resolution No. 23-006**

**AMENDMENT TO THE WATER QUALITY CONTROL PLAN TO INCORPORATE  
SITE-SPECIFIC CHLORIDE OBJECTIVES FOR REACH 6 OF THE LOS ANGELES  
RIVER**

**WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region, finds that:**

1. The Water Quality Control Plan for the Los Angeles Region (Basin Plan) is the Los Angeles Regional Water Quality Control Board's (Los Angeles Water Board) master water quality control plan for the coastal watersheds of Los Angeles and Ventura Counties. The Basin Plan designates beneficial uses of waters of the State, establishes water quality objectives to protect those beneficial uses and prevent nuisance, and describes implementation programs to achieve water quality objectives.
2. The Basin Plan may be amended in accordance with California Water Code section 13240 et seq.
3. This amendment to the Basin Plan was developed in accordance with the Porter-Cologne Water Quality Control Act (Wat. Code, division 7, chapter 4, article 3), including California Water Code section 13241.
4. The Water Quality Objective (WQO) in the 1994 Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan) for chloride for the Los Angeles River was 150 mg/L for the following reaches:
  - a. Rio Hondo above Santa Ana Freeway
  - b. Between Figueroa Street and Los Angeles River Estuary (Willow Street). Includes Rio Hondo below Santa Ana Freeway
  - c. Above Figueroa Street
5. In 1990, the Los Angeles Water Board adopted Resolution No. 90-004 Effects of Drought-Induced Water Supply Changes and Water Conservation Measures on Compliance with Waste Discharge Requirements within the Los Angeles Region. This resolution, commonly referred to as the Drought Policy, was intended to provide short-term and temporary relief to Publicly Owned Treatment Works (POTWs) who were unable to comply with limits for chloride due to increased chloride levels in the supply waters imported into the Region during drought. The

Drought Policy was renewed twice, once in June 1993 and again in February 1995. It was set to expire on February 27, 1997, or earlier if it was determined that imported water supply chloride levels had returned to pre-drought conditions.

6. On January 27, 1997, after working with a group of technical advisors to develop a long-term solution to the chloride compliance problems experienced by POTWs in the Region, the Los Angeles Water Board adopted an amendment to the Basin Plan in Resolution No. 97-02. The Basin Plan amendment revised the chloride WQO for various surface waters to be the lesser of (i) levels necessary to fully protect beneficial uses, or (ii) baseline levels of chloride in water supply plus a chloride loading factor. For the reaches and tributaries of the Los Angeles River subject to the Basin Plan amendment, the level of chloride necessary to protect the most sensitive beneficial use was greater than the baseline levels of chloride in water supply plus a chloride loading factor. Thus, the Basin Plan amendment increased the WQO for chloride from 150 mg/L to 190 mg/L based on the baseline levels of chloride in the water supply plus a chloride loading factor for the following specific reaches and tributaries of the Los Angeles River:
  - a. Between the Sepulveda Flood Control Basin and Figueroa Street (including the Burbank Western Channel only) and
  - b. Between Figueroa Street and the estuary (including Rio Hondo below the Santa Ana Freeway).

Reaches and tributaries upstream of the Sepulveda Flood Control Basin were not included in this Basin Plan amendment. At the time of adoption of the Basin Plan amendment, there were no POTW discharges into those reaches and tributaries.

7. Shortly after the adoption of Resolution No. 97-02, the Los Angeles Water Board adopted Order No. 98-027, to amend the chloride effluent limitations for those POTWs who had applied for relief under the Drought Policy and who discharged to reaches and tributaries subject to the revised chloride water quality objective in the Basin Plan amendment. Consistent with the revised water quality objective, the NPDES permits for the Whittier Narrows Water Reclamation Plant (WRP), the Pomona WRP, the San Jose Creek WRP, the Los Angeles-Glendale WRP, the D.C. Tillman WRP, and the Burbank WRP, were updated to include a revised chloride effluent limitation.
8. The Las Virgenes Municipal Water District (hereafter LVMWD) owns and operates the Tapia Water Reclamation Facility (hereafter Tapia WRF), a wastewater treatment plant located at 731 Malibu Canyon Road, Calabasas, California.
9. The Tapia WRF discharges tertiary-treated wastewater to the Los Angeles River and Malibu Creek under waste discharge requirements contained in Order No. R4-

2017-0124, adopted by the Los Angeles Water Board on June 01, 2017. Order No. R4-2017-0124 serves as a permit under the National Pollutant Discharge Elimination System (NPDES No. CA0056014) and regulates the discharge of treated wastewater to Malibu Creek (through Discharge Points 001, 002 and 003) and to the Los Angeles River upstream of the Sepulveda Flood Control Basin via Arroyo Calabasas Creek (through Discharge Point 005), both waters of the United States and the State of California. Order No. R4-2017-0124 expires on July 31, 2022, but may be administratively extended until it is renewed.

10. Tapia WRF was designed and built to discharge treated effluent to Malibu Creek and was permitted to solely discharge to Malibu Creek until 1999.
11. To limit the effects of excessive flows from Malibu Creek to Malibu Lagoon, the Los Angeles Water Board incorporated seasonal discharge prohibitions from Tapia WRF to Malibu Creek.
12. LVMWD constructed a new discharge line from Tapia WRF to Reach 6 of the Los Angeles River to discharge at a new discharge point, designated Discharge 005.
13. The Los Angeles Water Board adopted Order No. 99-066 permitting Tapia WRF to discharge tertiary treated effluent to Dry Canyon Creek, a tributary to Arroyo Calabasas which in turn discharges into Reach 6 of the Los Angeles River. The effluent limitation for chloride in Order 99-066 was set at 190 mg/L erroneously relying upon Resolution 98-027 as the rationale. (Note that the WQO for chloride upstream of the Sepulveda Basin is 150 mg/L).
14. The Los Angeles Water Board Adopted Order 00-46 in 2000, requiring LVMWD to move Discharge 005 from Dry Creek (a softbottom channel) to Arroyo Calabasas (a fully lined channel), but the effluent limitation of 190 mg/L remained the same.
15. The NPDES permits for Tapia WRF were renewed in 2005 and 2010, retaining the chloride effluent limitation of 190 mg/L.
16. In 2017, a review of the Basin Plan led to the clarification that Resolution 98-027 was not applicable to Discharge Point 005, because the Basin Plan amendment predated the construction of Discharge Point 005 and because the outfall is located upstream of the Sepulveda Flood Control Basin.
17. The Los Angeles Water Board adopted Order No. R4-2017-0124, assigning Discharge Point 005 a chloride effluent limitation of 150 mg/L based on the water quality objectives for Reach 6 of the Los Angeles River, as designated in the Basin Plan.

18. In 2017, LVMWD submitted a request for approval of a time schedule pursuant to Water Code section 13300, to pursue the development of a site-specific objective (SSO) and to receive an interim effluent limitation for chloride of 190 mg/L since they would be unable to immediately comply with the final effluent limitation of 150 mg/L.
19. Since LVMWD was unable to immediately comply with the effluent limitations for chloride for discharges to the Los Angeles River upstream of the Sepulveda Flood Control Basin, and based on the rationale submitted by LVMWD, the Los Angeles Water Board adopted Time Schedule Order (TSO) No. R4-2017-0125 on June 1, 2017, to provide LVMWD with interim effluent limitations for chloride and a schedule of milestones to put LVMWD on a path to compliance. The TSO included time and milestones for LVMWD to conduct studies and analyses to support the development of a discharge-specific variance or an SSO for chloride like the WQO for reaches and tributaries subject to the 1997 Basin Plan amendment. In adopting the TSO, the Board intended for staff to schedule for its consideration a discharge-specific variance or an SSO for chloride as soon as possible following completion of the milestones including a Chloride Source Investigation, a Chloride Source Evaluation, an Identification of Options Report, and a Recommendation Report. TSO No. R4-2017-0125 was set to expire on July 31, 2022.
20. The Los Angeles Water Board staff did not complete a Basin Plan amendment to incorporate revised chloride objectives before TSO No. R4-2017-0125 was to expire. Therefore, the Los Angeles Water Board adopted TSO No. R4-2017-0125-A01 on July 14, 2022, extending the TSO through July 31, 2027. The TSO extension included several additional milestones to be completed, including an updated analysis based on California Water Code section 13241 and an updated antidegradation analysis to support consideration and/or development of a site-specific chloride objective, along with a work plan identifying strategies to reduce chloride in the effluent to achieve the existing chloride effluent limit of 150 mg/l if the Los Angeles Water Board did not adopt a site-specific chloride objective.
21. All milestone documents required by TSO No. R4-2017-0125 and TSO No. R4-2017-0125-A01 were submitted to the Los Angeles Water Board by December 31, 2022.
22. Following the submittal of the milestone documents, the Los Angeles Water Board staff reviewed the data and historical information contained in the milestone documents.
23. The review of the TSO supporting materials submitted by LVMWD is documented in the staff report entitled "Proposed Amendment to the Water Quality Control Plan to Incorporate a Site-Specific Chloride Objective for Reach 6 of the Los Angeles

River.” The staff report is an integral part of this Los Angeles Water Board action and was reviewed, considered, and accepted by the Los Angeles Water Board before acting. In summary, it concluded:

- a. The majority of the potable source water in the LVMWD service area originates from the State Water Project (SWP); therefore, increases in salt content in the SWP water will have a direct impact on the chloride concentrations in Tapia WRF’s discharge. From 2013 through 2017, the chloride concentrations of imported water steadily increased from 48 to 98 mg/L and remain elevated.
  - b. Water supply chloride concentrations is the largest contributor to effluent chloride concentrations.
  - c. Other chloride contributions to Tapia WRF effluent could be reduced but would not address the major contributing source (supply water).
  - d. Beneficial uses in Reach 6 are the same as beneficial uses in lower reaches of the river that receive POTW effluent and have a chloride water quality objective set at 190 mg/L.
24. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Los Angeles Water Boards’ basin planning process as a “certified regulatory program” that adequately satisfies the CEQA (Public Res. Code, § 21000 et seq.) requirements for preparing environmental documents (Cal. Code Regs., tit. 14, § 15251, subd. (g); Cal. Code Regs., tit. 23, § 3782). The Los Angeles Water Board staff has prepared “substitute environmental documents (SED)” for this project that contain the required environmental documentation under the State Water Board’s CEQA regulations (Cal. Code Regs., tit. 23, § 3777.) The SED includes the staff report, the environmental checklist, the comments and responses to comments, the Basin Plan amendment language, and this resolution. The project itself is the revision of the water quality objective for chloride in Reach 6 of the Los Angeles River. The project will not have a significant impact on the environment.
25. Pursuant to Fish and Game Code section 711.4, subdivision (c)(2)(A), this Basin Plan amendment results in no effect, either individually or cumulatively, on fish or wildlife.
26. The public has had reasonable opportunity to participate in review of the amendment to the Basin Plan. A notice of a California Environmental Quality Act (CEQA) Scoping meeting and stakeholder meeting was sent to interested persons on July 18, 2023. On July 26, 2023, Los Angeles Water Board staff held a stakeholder and CEQA scoping meeting to solicit comments on the development of the Basin Plan amendment. At the meeting, the CEQA checklist of environmental issues was also discussed. This meeting fulfilled the requirements under CEQA (Public Res. Code, § 21083.9).

27. A draft of the TMDL documents was released for public comment on August 28, 2023. A Notice of Hearing was published in the Los Angeles Times on August 28, 2023. A draft of the staff report, tentative resolution, proposed Basin Plan amendment language, and environmental checklist were released for public comment to allow a 45-day public comment period in advance of the public hearing. The Los Angeles Water Board responded to written and oral comments received from the public on the proposed action. On November 16, 2023, prior to the Los Angeles Water Board's action on this resolution, a public hearing was held. The public had an opportunity to provide oral comments and testimony during the hearing.
28. The Los Angeles Water Board has satisfied the outreach requirements set forth in Water Code section 189.7 by conducting outreach in potentially affected disadvantaged and tribal communities. On June 29, 2023, the Los Angeles Water Board Staff sent formal letters to tribes that are traditionally and culturally affiliated with the geographic area of the Basin Plan amendment notifying them of the proposed Basin Plan amendment, regulatory background and the project location. No requests for further consultation were received.
29. In amending the Basin Plan to revise the chloride water quality objectives for Reach 6 of the Los Angeles River, the Los Angeles Water Board considered factors set forth in section 13240, 13241, and 13242 of the California Water Code that are evaluated in the staff report. Based on its considerations of these factors and the information provided in the SED, the Los Angeles Water Board concludes that the incorporation of a site-specific water quality objective for chloride of 190 mg/L in Reach 6 is protective of beneficial uses.
30. When adopting or modifying water quality objectives, Water Code section 13149.2 of the requires the Los Angeles Water Board to make a concise, programmatic finding on potential environmental justice, tribal impact, and racial equity considerations related to the adoption. The Board reviewed readily available information and information raised to the Board by interested persons concerning anticipated water quality impacts in disadvantaged or tribal communities resulting from adoption of this water quality objective. Based on the available information and the information provided in the SED and the staff report, the Los Angeles Water Board determines that there are not anticipated water quality impacts due to the adoption of the Basin Plan amendment.
31. The amendment is consistent with the State *Antidegradation* Policy (State Water Board Resolution No.68-16), in that the changes to the water quality objective (i) is consistent with the maximum benefit to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the

amendment is consistent with the federal *Antidegradation Policy* (40 CFR 131.12). A detailed antidegradation analysis is contained in the staff report supporting this action.

32. The Basin Plan amendment must be submitted for review and approval by the State Water Board, Office of Administrative Law (OAL) and U.S. EPA. Once approved by the State Water Board, the amendment will be submitted to OAL and U.S. EPA. The Basin Plan amendment will become effective for state law purposes upon approval by OAL. For purposes of federal law, the Basin Plan will be effective upon approval by both OAL and U.S. EPA. A Notice of Decision will be filed.

THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to Sections 13240, 13241 and 13242 of the California Water Code, the Los Angeles Water Board, after considering the entire record, including oral testimony at the hearing, adopts the Amendment to Chapter 3 of the Basin Plan, as set forth in Attachment A hereto, to revise the chloride water quality objective for the Los Angeles River above Sepulveda Basin (Reach 6) to 190 mg/L.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Water Board in accordance with the requirements of section 13245 of the Water Code.
3. The Los Angeles Water Board requests that the State Water Board approve the Basin Plan Amendment in accordance with the requirements of section 13245 and 13246 of the Water Code and forward the approved amendment and record to OAL and finally, for review and approval pursuant to CWA section 303(d), and section 303(c) as appropriate, to the U.S. EPA.
4. If during its approval process, the Los Angeles Water Board staff, the State Water Board or State Water Board staff, or OAL determine that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Los Angeles Water Board of any such changes.
5. The Executive Officer is authorized to request a "No Effect Determination" from the Department of Fish and Wildlife, and/or transmit payment of the applicable fee as may be required to the Department of Fish and Wildlife.

I, Susana Arredondo, Executive Officer, do hereby certify that the foregoing is full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on November 16, 2023.

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for Susana Arredondo  
Executive Officer