

CONCISE SUMMARY OF REGULATORY PROVISIONS

TITLE 23. Waters

Division 4. Regional Water Quality Control Boards

Chapter 1. Water Quality Control Plans, Policies, and Guidelines

Article 4. Los Angeles Region

ADOPT:

§ 3939.58 - “Basin Plan Amendment to Revise the Implementation Schedules for Municipal Separate Storm Sewer System (MS4) Dischargers for Certain TMDLs in the Los Angeles Region.”

On March 11, 2021, the Los Angeles Regional Water Quality Control Board adopted Resolution No. R21-001, amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to revise the final near-term wet-weather TMDL implementation schedules for MS4 dischargers, including Caltrans, in the Santa Monica Bay Beaches Bacteria TMDL; the Marina del Rey Harbor Mothers’ Beach and Back Basins Bacteria TMDL; the Malibu Creek and Lagoon Bacteria TMDL; the Malibu Creek Nutrients TMDL; the Malibu Creek and Lagoon Sedimentation and Nutrients TMDL to Address Benthic Community Impairments; the Ballona Creek Estuary Toxic Pollutants TMDL; the Marina del Rey Harbor Toxic Pollutants TMDL; the Ballona Creek, Ballona Estuary, and Sepulveda Channel Bacteria TMDL; and the Ballona Creek Metals TMDL. On September 21, 2021, the State Water Resources Control Board approved the Basin Plan amendment, Resolution No. 2021-0037, adopted under Los Angeles Water Board Resolution No. R21-001.

The amendments extend wet-weather implementation deadlines for the nine TMDLs listed above and do not change any other elements of the TMDLs. Dry-weather implementation deadlines were not considered for extension because there has been a prohibition on non-stormwater discharges in MS4 permits since the 1990s, and because MS4 permittees have had success complying with, or are approaching compliance with, most dry-weather deadlines. The recommended extensions seek to balance the two aims of (1) restoring water quality and protecting public health and the environment in a reasonable timeframe and (2) recognizing the unprecedented impact of the COVID-19 pandemic on cities and counties. Recommendations for deadline extensions considered the fiscal impact of the COVID-19 pandemic and economic recovery forecasts, the original length of the TMDL schedule, the status of water quality, the water quality improvement projects that have been completed, and the projects that have been planned in Enhanced Watershed Management Programs (EWMPs) under the MS4 permits, TMDL Implementation Plans, and Stormwater Resource Plans, along with federal guidance that TMDLs be achieved in a reasonable period of time. The resulting MS4 wet-weather deadline extensions require the Santa Monica Bay Bacteria TMDL Jurisdictional Group 2&3, the Ballona Creek Watershed TMDL MS4 dischargers and the Malibu Creek Watershed TMDL dischargers to comply by July 15, 2026, and the Santa Monica Bay Bacteria TMDL North Santa Monica Bay Coastal Watershed Group, the Santa Monica Bay Bacteria TMDL Beach Cities Group, and the Marina del Rey TMDL dischargers to comply by July 15, 2024.