



California Regional Water Quality Control Board

Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Arnold Schwarzenegger
Governor

TO: Darrin Polhemus, Chief
DIVISION OF WATER QUALITY
STATE WATER RESOURCES CONTROL BOARD

FROM: Tracy J. Egoscue
Executive Officer
Los Angeles Regional Water Quality Control Board

DATE: March 4, 2009

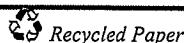
**SUBJECT: MINOR, NON-SUBSTANTIVE CHANGES TO THE BASIN PLAN
AMENDMENT ADOPTED UNDER LOS ANGELES REGIONAL WATER
QUALITY CONTROL BOARD RESOLUTION NO. R4-2008-007**

The Los Angeles Regional Water Quality Control Board (Regional Board) adopted an amendment to the Los Angeles Water Quality Control Plan (Basin Plan) on May 1, 2008 under Resolution No. R4-2008-007 that establishes a Total Maximum Daily Load for trash in Malibu Lagoon, Malibu Creek, Malibou Lake, Medea Creek Reaches 1 and 2, Lindero Creek Reaches 1 and 2, Lake Lindero, and Las Virgenes Creek of the Malibu Creek Watershed (Malibu Creek Watershed Trash TMDL). The amendment is tentatively scheduled for consideration at the March 17, 2009 meeting of the State Water Resources Control Board (State Board).

Regional Board Resolution No. R4-2008-007 states that the Executive Officer has authority to make minor, non-substantive changes to the language of the adopted Basin Plan Amendment if Regional Board staff, the State Board, or the Office of Administrative Law determines that such changes are necessary for approval of the amendment. I am hereby making the minor, non-substantive corrections to the amendment language recommended by the Regional Board and State Board staff for consistency or clarification. The changes are shown below using underline text to show insertions and ~~strikeout~~ text to show deletions. A copy of the revised Basin Plan Amendment with language shown in strikeout/underline format (Attachment 1) and the final Basin Plan Amendment (Attachment 2) are also attached.

On April 1, 2008, County of Los Angeles Department of Public Works (LACDPW) submitted a comment letter prior to the Regional Board's adoption of the Malibu Creek Watershed Trash TMDL. In this letter, LACDPW requested that the language of "[T]he Counties of Los Angeles and

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Ventura will act as third parties to identify private property dischargers in unincorporated County lands." to be deleted. Since the cited language has no substantive value, neither will it change the regulation, Regional Board staff agreed to revise the staff report. However, the Basin Plan Amendment was not updated accordingly. On February 12, 2009, LACDPW requested that the State Board correct the Basin Plan Amendment language to be consistent with the Staff Report. Because the cited language has no substantive value, nor will it change the regulation, to maintain consistency, the following non-substantive change is made.

Table 7-31.1 Malibu Creek Watershed Trash TMDL: Elements, Implementation Section, last paragraph under Nonpoint Sources:

~~"The Counties of Los Angeles and Ventura will act as third parties to identify private property dischargers in unincorporated County lands.~~ Within six months of the effective date of this TMDL, the Executive Officer shall require responsible jurisdictions to submit either a notice of intent to be regulated under the conditional waiver with their proposed MFAC/BMP Program and Trash Monitoring and Reporting Plan (TMRP), or a report of waste discharge."

Please call me at (213) 576-6605 if you have any questions about this matter. You may also contact Eric Wu at (213) 576-6683, who is the lead staff on this matter, or Samuel Unger, Section Chief of the Regional Programs, at (213) 576-6622.

Attachments

cc: Deborah J. Smith, LARWQCB
Samuel Unger, LARWQCB
Eric Wu, LARWQCB
Michael Levy, OCC
Steven Blum, OCC
Rik Rasmussen, DWQ
Nick Martorano, DWQ



Darrin Polhemus

March 4, 2009

Attachment 1

Strikeout/Underline Version of Revised Basin Plan Amendment

Attachment A to Resolution No. R4-2008-007

**Proposed Amendments
to the
Water Quality Control Plan – Los Angeles Region
for the
Malibu Creek Watershed Trash TMDL**

Amendments:

Table of Contents

Add:

Chapter 7. Total Maximum Daily Loads (TMDLs)

7-31 Malibu Creek Watershed Trash TMDL

List of Figures, Tables and Inserts

Add:

Chapter 7. Total Maximum Daily Loads (TMDLs)

Tables

7-31 Malibu Creek Watershed Trash TMDL

7-31.1. Malibu Creek Watershed Trash TMDL, Elements

7-31.2a. Malibu Creek Watershed Trash TMDL, Implementation
Schedule – Point Sources

7-31.2b. Malibu Creek Watershed Trash TMDL, Implementation
Schedule – Minimum Frequency of Assessment and Collection
Program

Chapter 7. Total Maximum Daily Loads (TMDLs) Malibu Creek Watershed Trash TMDL

This TMDL was adopted by:

The Regional Water Quality Control Board on May 1, 2008.

The State Water Resources Control Board on [Insert Date].

The Office of Administrative Law on [Insert Date].

The U.S. Environmental Protection Agency on [Insert Date].

The elements of the TMDL are presented in Table 7-31.1 and the

Implementation Plan in Tables 7-31.2a and 7-31.2b.

Table 7-31.1 Malibu Creek Watershed Trash TMDL: Elements

Element	Malibu Creek Watershed Trash TMDL
Problem Statement	Discharges of trash into Malibu Creek, Malibu Lagoon, Malibu Lake, Medea Creek (Reach 1 and Reach 2), Lindero Creek (Reach 1 and Reach 2), Lake Lindero, and Las Virgenes Creek violate water quality objectives and impair beneficial uses. The waterbodies above were listed in the 1998, 2002, 2004, and 2006 303(d) lists of impaired waterbodies for trash. Relevant water quality objectives in the Water Quality Control Plan Los Angeles Region include Floating Material and Solid, Suspended, or Settleable Materials. The following designated beneficial uses are impaired by trash: municipal and domestic supply (MUN), ground water recharge (GWR), contact water recreation (REC-1), non-contact water recreation (REC-2), warm freshwater habitat (WARM), cold freshwater habitat (COLD), migration of aquatic organisms (MIGR), wildlife habitat (WILD), rare, threatened, or endangered species (RARE), spawning, reproduction, and or early development (SPWN), and wetland habitat (WET).
Numeric Target <i>(interpretation of the narrative water quality objective, used to calculate the load allocations)</i>	Zero trash in the above listed subwatersheds of the Malibu Creek Watershed, and on the shorelines of those waterbodies. Zero is defined for nonpoint sources as no trash immediately following each assessment and collection event consistent with an established Minimum Frequency of Assessment and Collection Program (MFAC Program). The MFAC Program is established at an interval that prevents trash from accumulating in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections. For point sources, zero is defined as no trash discharged into the listed waterbodies of the Malibu Creek Watershed and on the shoreline of those waterbodies.
Source Analysis	Litter from adjacent land areas, roadways and direct dumping and deposition are sources of trash to Malibu Creek Watershed. Point sources such as storm drains are also sources of trash discharged to Malibu Creek Watershed.
Loading Capacity	Zero, as defined in the Numeric Target.
Waste Load Allocations (for point sources)	Waste Load Allocations (WLAs) are assigned to the California Department of Transportation (Caltrans, permittee for Statewide National Pollutant Discharge Elimination System (NPDES) Storm Water Permit, No. 99-06-DWQ), Los Angeles County (principal permittee for NPDES Los Angeles County Municipal Separate Storm Sewer System (MS4) permit, No. CAS004001), and the Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, and Westlake Village (co-permittees for NPDES Los Angeles County MS4 permit) under the NPDES Los Angeles County MS4 permit, and to Ventura County Watershed Protection District (principal permittee for NPDES Ventura County

	<p>MS4 permit, No. 004002), County of Ventura, and City of Thousand Oaks (co-permittees for NPDES Ventura County MS4 permit) under the NPDES Ventura County MS4 permit.</p> <p>WLAs are zero trash. WLAs may be issued to additional responsible jurisdictions in the future under Phase 2 of the USEPA Stormwater Permitting Program, or other applicable regulatory programs.</p>
Load Allocations (for nonpoint sources)	<p>Load Allocations (LAs) are assigned to the National Park Service, California Department of Parks and Recreation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Santa Monica Mountains Conservancy, Cities of Malibu, Agoura Hills, Hidden Hills, Thousand Oaks, Westlake Village, and Calabasas, and land owners in the vicinity of listed waterbodies in the Malibu Creek Watershed. LAs are zero trash. LAs may be issued to additional responsible jurisdictions in the future under applicable regulatory programs.</p>
Implementation	<p>Implementation of the trash TMDL for Malibu Creek Watershed includes structural and non-structural best management practices (BMPs) and a program of minimum frequency of assessment and collection (MFAC) to address point and nonpoint trash sources.</p> <p>Point Sources</p> <p>WLAs shall be implemented through storm water permits and via the authority vested in the Executive Officer by section 13267 of the Porter-Cologne Water Quality Control Act (Water Code section 13000 et seq.).</p> <p>If point source dischargers comply with WLAs by implementing an Executive Officer certified full capture system on conveyances that discharge to the listed subwatersheds of the Malibu Creek Watershed through a progressive implementation schedule of full capture devices, they will be deemed in compliance with the WLA.</p> <p>In certain circumstances, (if approved by the Executive Officer), point source dischargers may alternatively comply with WLAs by implementing a program for installing partial capture systems (PCS) in conjunction with best management practices. Compliance through implementation of a PCS/BMP program must demonstrate attainment of WLAs through trash monitoring in accordance with the Trash Monitoring and Reporting Plan (TMRP) approved by the Executive Officer.</p> <p>1. Compliance with the final WLA may be achieved through an adequately sized and maintained full capture system, once the Executive Officer has certified that the</p>

system meets the following minimum criteria. A full capture system, at a minimum, consists of any device or series of devices that traps all particles retained by a 5 mm mesh screen and has a design treatment capacity of not less than the peak flow rate (Q) resulting from a one-year, one-hour, storm in the sub-drainage area. The rational equation is used to compute the peak flow rate:

$Q = C \times I \times A$, where

Q = design flow rate (cubic feet per second, cfs);

C = runoff coefficient (dimensionless);

I = design rainfall intensity (inches per hour); and

A = subdrainage area (acres).

Point sources discharges that choose to comply via a full capture system must demonstrate a phased implementation of full capture devices over an 8-year period until the final WLA of zero is attained. Zero will be deemed to have been met if full capture systems have been installed on all conveyances discharging to the listed subwatersheds of the Malibu Creek Watershed.

Irrespective of whether point sources employ a full capture system, they may comply with the WLA in any lawful manner.

2. Compliance through a PCS/BMP program may be proposed to the Regional Board for incorporation into the relevant NPDES permit.

Nonpoint Sources

LAs shall be implemented through either (1) a conditional waiver from waste discharge requirements, (2) an alternative program implemented through waste discharge requirements, or (3) an individual waiver or another appropriate order of the Regional Board.

Non-point source dischargers may achieve compliance with the LAs by implementing a MFAC/BMP program approved by the Executive Officer. Responsible jurisdictions that are responsible for both point and nonpoint sources will be deemed in compliance with both the WLAs and LAs if an MFAC/BMP program, approved by the Executive Officer, is implemented.

1) Conditional Waiver: Pursuant to Water Code section 13269, waste discharge requirements are waived for any responsible jurisdiction that implements a MFAC/BMP Program which, to the satisfaction of the Executive Officer, meets the following criteria:

- a) The MFAC/BMP Program includes an initial minimum frequency of trash assessment and

collection and suite of structural and/or nonstructural BMPs. The MFAC/BMP program shall include collection and disposal of all trash found in the water and on the shoreline.

Responsible jurisdictions shall implement an initial suite of BMPs based on current trash management practices in land areas that are found to be sources of trash to Malibu Creek Watershed. For individual subwatershed in the Malibu Creek Watershed, the initial minimum frequency shall be set as follows:

Malibu Creek (from Malibu Lagoon to Malibou Lake)

1. Within City of Malibu, the waterbody, shorelines and areas adjacent to Malibu Creek: once per week and within 72 hours after critical conditions.
2. Within the County of Los Angeles and in the State Parks: once per month, and within 72 hours after critical conditions.

Malibu Lagoon

1. The waterbody, shorelines, beach and areas adjacent to Malibu Lagoon: twice per week during high visitation seasons from May 15 through October 15.
2. The waterbody, shorelines, beach and areas adjacent to Malibu Lagoon: once per week from October 15 through May 15, and within 72 hours after critical conditions.

Malibou Lake

Once per month for the waterbody, shorelines and the adjacent lands, and within 72 hours after critical conditions.

Medea Creek Reach 1 (Malibou Lake to confluence with Lindero Creek)

Twice per month for the waterbody, shorelines and the adjacent areas, and within 72 hours after critical conditions.

Medea Creek Reach 2 (above confluence)

1. Once per week on the waterbody, shorelines and the adjacent areas from the confluence with Lindero Creek to the intersection with Thousand Oaks Blvd., and within 72 hours after critical conditions.
2. Twice per month above the intersection with Thousand Oaks Blvd., and within 72 hours after critical conditions.

Lindero Creek Reach 1 (Confluence with Medea Creek to Lake Lindero)

Twice per month for Lindero Creek Reach 1

including the waterbody, shorelines and the adjacent areas, and within 72 hours after critical conditions.

Lindero Creek Reach 2 (Above Lake Lindero)

Twice per month for Lindero Creek Reach 2 including the waterbody, shorelines and the adjacent areas, and within 72 hours after critical conditions.

Lake Lindero

Twice per month for the waterbody, shorelines and the adjacent land, and within 72 hours after critical conditions.

Las Virgenes Creek

1. Within the State Parks northerly to the intersection with Mulholland Highway: once per month, and within 72 hours after critical conditions.
 2. Once per week for the waterbody, shorelines and the adjacent areas between Mulholland Highway and Juan Bautista De Anza Park at Los Hills Road in the City of Calabasas, and within 72 hours after critical conditions.
 3. Twice per week for the waterbody, shorelines and the adjacent areas for the rest of City of Calabasas.
 4. Once per month for section in Los Angeles County along Ventura Freeway and within 72 hours after critical conditions.
 5. Within Ventura County, once every two months for the waterbody, shorelines and the adjacent areas, and within 72 hours after critical conditions.
- b) The MFAC/BMP Program includes reasonable assurances that it will be implemented by the responsible jurisdiction.
 - c) The MFAC/BMP Program includes a Trash Monitoring and Reporting Plan, as described below, and a requirement that the responsible jurisdictions will self-report any non-compliance with its provisions. The results and report of the Trash Monitoring and Reporting Plan must be submitted to Regional Board on an annual basis.
 - d) MFAC protocols may be based on SWAMP protocols for rapid trash assessment, or alternative protocols proposed by dischargers and approved by the Executive Officer.
 - e) Implementation of the MFAC/BMP program should include a Health and Safety Plan to protect personnel. The MFAC/BMP shall not require responsible jurisdictions to access and collect trash from areas where personnel are prohibited.

The Executive Officer may approve or require a revised assessment and collection frequency, location, and definition of the critical conditions under the waiver:

- (a) To prevent trash from accumulating in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections;
- (b) To reflect the results of trash assessment and collection;
- (c) If the amount of trash collected does not show a decreasing trend, where necessary to prevent nuisance or adverse effects on beneficial uses, such that a shorter interval between collections is warranted; or
- (d) If the amount of trash collected is decreasing such that a longer interval between collections is warranted.

At the end of the implementation period, a revised MFAC/BMP program may be required if the Executive Officer determines that the amount of trash accumulating between collections is causing nuisance or otherwise adversely affecting beneficial uses.

With regard to (a), (b) or (c), above, the Executive Officer is authorized to allow responsible jurisdictions to implement additional structural or non-structural BMPs in lieu of modifying the monitoring frequency.

Any waivers implementing the TMDL shall expire pursuant to Water Code section 13269 five years after the effective date of this TMDL, unless reissued. The Regional Board may reissue this waiver through an order consistent herewith, instead of readopting these regulatory provisions.

(2) Alternatively, responsible jurisdictions may propose, or the Regional Board may impose, an alternative program which would be implemented through waste discharge requirements, an individual waiver, a cleanup and abatement order, or any other appropriate order or orders, provided the program is consistent with the assumptions and requirements of the reductions described in Table 7-31.2b, below.

~~The Counties of Los Angeles and Ventura will act as third parties to identify private property dischargers in unincorporated County lands. Within six months of the effective date of this TMDL, the Executive Officer shall require responsible jurisdictions to submit either a notice of intent to be regulated under the conditional waiver with their proposed MFAC/BMP Program and Trash Monitoring and Reporting Plan (TMRP), or a report of waste discharge.~~

<p><i>Monitoring and Reporting Plan</i></p>	<p>Responsible jurisdictions will develop a TMRP for Executive Officer approval that describes the methodologies that will be used to assess and monitor trash in the listed subwatersheds of the Malibu Creek Watershed and/or within responsible jurisdiction land areas. The TMRP shall include a plan to establish the trash Baseline WLAs for non-Caltrans entities, or an alternative to the default trash baseline for Caltrans to prioritize installation of full capture devices. The default trash baseline WLA for Caltrans is 2136 gallons per year.</p> <p>Requirements for the TMRP shall include, but are not limited to, assessment and quantification of trash collected from the surfaces and shoreline of the listed waterbodies in the Malibu Creek Watershed or from responsible jurisdiction land areas. The monitoring plan shall provide details of the frequency, location, and reporting of trash monitoring. Responsible jurisdictions shall propose a metric (e.g., weight, volume, pieces of trash) to measure the amount of trash in the listed subwatersheds of the Malibu Creek Watershed and on the land area surrounding these subwatersheds, as defined in the Executive Officer approved TMRP.</p> <p>The TMRP shall include a prioritization of areas that have the highest trash generation rates. The TMRP shall give preference to this prioritization when scheduling the installation of full capture devices, BMPs, or trash collection programs.</p> <p>The TMRP shall also include an evaluation of effectiveness of the MFAC/BMP program to prevent trash from accumulating in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections, proposals to enhance BMPs, and a revised MFAC for Executive Officer review.</p> <p>Responsible Jurisdictions in Table 7-31.2a and 7-31.2b may cooperate and coordinate their TMRP activities for Malibu Creek Watershed.</p>
<p><i>Margin of Safety</i></p>	<p>Zero is a conservative numeric target which contains an implicit margin of safety.</p>
<p><i>Seasonal Variations and Critical Conditions</i></p>	<p>Discharge of trash from the conveyances occurs primarily during or shortly after a major rain event. Discharge of trash from nonpoint sources occurs during all seasons, but can be increased during or shortly after high wind events, which are defined as periods of wind advisories issued by the National Weather Service.</p>

**Table 7-31.2a Malibu Creek Watershed Trash TMDL: Implementation
Schedule - Point Sources**

Task No.	Task	Responsible Jurisdiction	Date
1	Submit Trash Monitoring and Reporting Plan, including a plan for defining the trash baseline WLA and a proposed definition of "major rain event".	California Department of Transportation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village and Thousand Oaks.	6 months from effective date of TMDL. If a plan is not approved by the Executive Officer within 9 months, the Executive Officer will establish an appropriate monitoring plan.
2	Implement Trash Monitoring and Reporting Plan.	California Department of Transportation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village and Thousand Oaks.	6 months from receipt of letter of approval from Regional Board Executive Officer, or the date a plan is established by the Executive Officer.
3	Submit results of Trash Monitoring and Reporting Plan, recommend trash baseline WLA, and propose prioritization of Full Capture System installation or implementation of other measures to attain the required trash reduction.	California Department of Transportation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village and Thousand Oaks.	One year from receipt of letter of approval for the Trash Monitoring and Reporting Plan from Regional Board Executive Officer, and annually thereafter.
4	Installation of Full Capture Systems or other measures to achieve 20% reduction of trash from Baseline WLA*.	California Department of Transportation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village and Thousand Oaks.	Four years from effective date of TMDL.
5	Installation of Full Capture Systems or other measures to achieve 40% reduction of trash from Baseline	California Department of Transportation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Cities of Agoura Hills, Calabasas, Hidden	Five years from effective date of TMDL.

	WLA*.	Hills, Malibu, Westlake Village and Thousand Oaks.	
6	Evaluate the effectiveness of Full Capture Systems or other measures, and reconsider the WLA*.	Regional Board.	Five years from effective date of TMDL.
7	Installation of Full Capture Systems or other measures to achieve 60% reduction of trash from Baseline WLA*.	California Department of Transportation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village and Thousand Oaks.	Six years from effective date of TMDL.
8	Installation of Full Capture Systems or other measures to achieve 80% reduction of trash from Baseline WLA*.	California Department of Transportation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village and Thousand Oaks.	Seven years from effective date of TMDL.
9	Installation of Full Capture Systems or other measures to achieve 100% reduction of trash from Baseline WLA*.	California Department of Transportation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village and Thousand Oaks.	Eight years from effective date of TMDL.

* Compliance with percent reductions from the Baseline WLA will be assumed wherever full capture systems are installed in corresponding percentages of the conveyance discharging to Malibu Creek Watershed. Installation will be prioritized based on the greatest point source loadings.

**Table 7-31.2b Malibu Creek Watershed Trash TMDL: Implementation Schedule
Minimum Frequency of Assessment and Collection Program * - Nonpoint Sources**

Task No.	Task	Responsible Jurisdiction	Date
1	Conditional Waiver in effect.	National Park Service, California Department of Parks and Recreation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Santa Monica Mountains Conservancy, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village, and Thousand Oaks, and land owners in the vicinity of the waterbodies addressed in the Nonpoint Source Implementation Section of this Basin Plan Amendment.	Regional Board adoption of TMDL.
2	Submit Notice of Intent to Comply with Conditional Waiver of Discharge Requirements, including MFAC/BMP Program and Trash Monitoring and Reporting Plan.	National Park Service, California Department of Parks and Recreation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Santa Monica Mountains Conservancy, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village, and Thousand Oaks, and land owners in the vicinity of the waterbodies addressed in the Nonpoint Source Implementation Section of this Basin Plan Amendment.	Six months from TMDL effective date. If a plan is not approved by the Executive Officer within 9 months, the Executive Officer will establish an appropriate monitoring plan.
3	Implement MFAC/BMP Program.	National Park Service, California Department of Parks and Recreation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Santa Monica Mountains Conservancy, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village, and Thousand Oaks, and land owners in the vicinity of the waterbodies addressed in the Nonpoint Source Implementation Section of this Basin Plan Amendment.	6 months from receipt of letter of approval from Regional Board Executive Officer, or the date a plan is established by the Executive Officer.
4	Submit annual TMRP reports including proposal for revising MFAC/BMP for Executive	National Park Service, California Department of Parks and Recreation, County of Los Angeles, County of Ventura,	One year from receipt of letter of approval for the Trash Monitoring

	Officer approval.	Ventura County Watershed Protection District, Santa Monica Mountains Conservancy, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village, and Thousand Oaks, and land owners in the vicinity of the waterbodies addressed in the Nonpoint Source Implementation Section of this Basin Plan Amendment.	and Reporting Plan from Regional Board Executive Officer, and annually thereafter.
5	Reconsideration of Trash TMDL based on evaluation of effectiveness of MFAC/BMP program.	Regional Board.	Five years from effective date of TMDL.

* At Task 3, all Responsible Jurisdictions must be attaining the zero trash target after each required trash assessment and collection event. At Task 4, all Responsible Jurisdictions must demonstrate full compliance and attainment of the zero trash target's requirement that trash is not accumulating in deleterious amounts between the required trash assessment and collection events. Based on Responsible Jurisdiction monitoring reports, the Executive Officer may adjust the minimum frequency of assessment and collection as necessary to ensure compliance between the required trash assessment and collection events.

Darrin Polhemus

March 4, 2009

Attachment 2

Final Basin Plan Amendment

Attachment A to Resolution No. R4-2008-007

**Proposed Amendments
to the
Water Quality Control Plan – Los Angeles Region
for the
Malibu Creek Watershed Trash TMDL**

Amendments:

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7-31.2a. Malibu Creek Watershed Trash TMDL, Implementation
Schedule – Point Sources

7-31.2b. Malibu Creek Watershed Trash TMDL, Implementation
Schedule – Minimum Frequency of Assessment and Collection
Program

Chapter 7. Total Maximum Daily Loads (TMDLs) Malibu Creek Watershed Trash TMDL

This TMDL was adopted by:

The Regional Water Quality Control Board on May 1, 2008.

The State Water Resources Control Board on [Insert Date].

The Office of Administrative Law on [Insert Date].

The U.S. Environmental Protection Agency on [Insert Date].

The elements of the TMDL are presented in Table 7-31.1 and the

Implementation Plan in Tables 7-31.2a and 7-31.2b.

Table 7-31.1 Malibu Creek Watershed Trash TMDL: Elements

Element	Malibu Creek Watershed Trash TMDL
<i>Problem Statement</i>	Discharges of trash into Malibu Creek, Malibu Lagoon, Malibou Lake, Medea Creek (Reach 1 and Reach 2), Lindero Creek (Reach 1 and Reach 2), Lake Lindero, and Las Virgenes Creek violate water quality objectives and impair beneficial uses. The waterbodies above were listed in the 1998, 2002, 2004, and 2006 303(d) lists of impaired waterbodies for trash. Relevant water quality objectives in the Water Quality Control Plan Los Angeles Region include Floating Material and Solid, Suspended, or Settleable Materials. The following designated beneficial uses are impaired by trash: municipal and domestic supply (MUN), ground water recharge (GWR), contact water recreation (REC-1), non-contact water recreation (REC-2), warm freshwater habitat (WARM), cold freshwater habitat (COLD), migration of aquatic organisms (MIGR), wildlife habitat (WILD), rare, threatened, or endangered species (RARE), spawning, reproduction, and or early development (SPWN), and wetland habitat (WET).
<i>Numeric Target</i> <i>(interpretation of the narrative water quality objective, used to calculate the load allocations)</i>	Zero trash in the above listed subwatersheds of the Malibu Creek Watershed, and on the shorelines of those waterbodies. Zero is defined for nonpoint sources as no trash immediately following each assessment and collection event consistent with an established Minimum Frequency of Assessment and Collection Program (MFAC Program). The MFAC Program is established at an interval that prevents trash from accumulating in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections. For point sources, zero is defined as no trash discharged into the listed waterbodies of the Malibu Creek Watershed and on the shoreline of those waterbodies.
<i>Source Analysis</i>	Litter from adjacent land areas, roadways and direct dumping and deposition are sources of trash to Malibu Creek Watershed. Point sources such as storm drains are also sources of trash discharged to Malibu Creek Watershed.
<i>Loading Capacity</i>	Zero, as defined in the Numeric Target.
<i>Waste Load Allocations (for point sources)</i>	Waste Load Allocations (WLAs) are assigned to the California Department of Transportation (Caltrans, permittee for Statewide National Pollutant Discharge Elimination System (NPDES) Storm Water Permit, No. 99-06-DWQ), Los Angeles County (principal permittee for NPDES Los Angeles County Municipal Separate Storm Sewer System (MS4) permit, No. CAS004001), and the Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, and Westlake Village (co-permittees for NPDES Los Angeles County MS4 permit) under the NPDES Los Angeles County MS4 permit, and to Ventura County Watershed Protection District (principal permittee for NPDES Ventura County

	<p>MS4 permit, No. 004002), County of Ventura, and City of Thousand Oaks (co-permittees for NPDES Ventura County MS4 permit) under the NPDES Ventura County MS4 permit.</p> <p>WLAs are zero trash. WLAs may be issued to additional responsible jurisdictions in the future under Phase 2 of the USEPA Stormwater Permitting Program, or other applicable regulatory programs.</p>
Load Allocations (for nonpoint sources)	<p>Load Allocations (LAs) are assigned to the National Park Service, California Department of Parks and Recreation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Santa Monica Mountains Conservancy, Cities of Malibu, Agoura Hills, Hidden Hills, Thousand Oaks, Westlake Village, and Calabasas, and land owners in the vicinity of listed waterbodies in the Malibu Creek Watershed. LAs are zero trash. LAs may be issued to additional responsible jurisdictions in the future under applicable regulatory programs.</p>
Implementation	<p>Implementation of the trash TMDL for Malibu Creek Watershed includes structural and non-structural best management practices (BMPs) and a program of minimum frequency of assessment and collection (MFAC) to address point and nonpoint trash sources.</p> <p>Point Sources</p> <p>WLAs shall be implemented through storm water permits and via the authority vested in the Executive Officer by section 13267 of the Porter-Cologne Water Quality Control Act (Water Code section 13000 et seq.).</p> <p>If point source dischargers comply with WLAs by implementing an Executive Officer certified full capture system on conveyances that discharge to the listed subwatersheds of the Malibu Creek Watershed through a progressive implementation schedule of full capture devices, they will be deemed in compliance with the WLA.</p> <p>In certain circumstances, (if approved by the Executive Officer), point source dischargers may alternatively comply with WLAs by implementing a program for installing partial capture systems (PCS) in conjunction with best management practices. Compliance through implementation of a PCS/BMP program must demonstrate attainment of WLAs through trash monitoring in accordance with the Trash Monitoring and Reporting Plan (TMRP) approved by the Executive Officer.</p> <p>1. Compliance with the final WLA may be achieved through an adequately sized and maintained full capture system, once the Executive Officer has certified that the</p>

system meets the following minimum criteria. A full capture system, at a minimum, consists of any device or series of devices that traps all particles retained by a 5 mm mesh screen and has a design treatment capacity of not less than the peak flow rate (Q) resulting from a one-year, one-hour, storm in the sub-drainage area. The rational equation is used to compute the peak flow rate:

$Q = C \times I \times A$, where

Q = design flow rate (cubic feet per second, cfs);

C = runoff coefficient (dimensionless);

I = design rainfall intensity (inches per hour); and

A = subdrainage area (acres).

Point sources discharges that choose to comply via a full capture system must demonstrate a phased implementation of full capture devices over an 8-year period until the final WLA of zero is attained. Zero will be deemed to have been met if full capture systems have been installed on all conveyances discharging to the listed subwatersheds of the Malibu Creek Watershed.

Irrespective of whether point sources employ a full capture system, they may comply with the WLA in any lawful manner.

2. Compliance through a PCS/BMP program may be proposed to the Regional Board for incorporation into the relevant NPDES permit.

Nonpoint Sources

LAs shall be implemented through either (1) a conditional waiver from waste discharge requirements, (2) an alternative program implemented through waste discharge requirements, or (3) an individual waiver or another appropriate order of the Regional Board.

Non-point source dischargers may achieve compliance with the LAs by implementing a MFAC/BMP program approved by the Executive Officer. Responsible jurisdictions that are responsible for both point and nonpoint sources will be deemed in compliance with both the WLAs and LAs if an MFAC/BMP program, approved by the Executive Officer, is implemented.

1) Conditional Waiver: Pursuant to Water Code section 13269, waste discharge requirements are waived for any responsible jurisdiction that implements a MFAC/BMP Program which, to the satisfaction of the Executive Officer, meets the following criteria:

- a) The MFAC/BMP Program includes an initial minimum frequency of trash assessment and

collection and suite of structural and/or nonstructural BMPs. The MFAC/BMP program shall include collection and disposal of all trash found in the water and on the shoreline.

Responsible jurisdictions shall implement an initial suite of BMPs based on current trash management practices in land areas that are found to be sources of trash to Malibu Creek Watershed. For individual subwatershed in the Malibu Creek Watershed, the initial minimum frequency shall be set as follows:

Malibu Creek (from Malibu Lagoon to Malibou Lake)

1. Within City of Malibu, the waterbody, shorelines and areas adjacent to Malibu Creek: once per week and within 72 hours after critical conditions.
2. Within the County of Los Angeles and in the State Parks: once per month, and within 72 hours after critical conditions.

Malibu Lagoon

1. The waterbody, shorelines, beach and areas adjacent to Malibu Lagoon: twice per week during high visitation seasons from May 15 through October 15.
2. The waterbody, shorelines, beach and areas adjacent to Malibu Lagoon: once per week from October 15 through May 15, and within 72 hours after critical conditions.

Malibou Lake

Once per month for the waterbody, shorelines and the adjacent lands, and within 72 hours after critical conditions.

Medea Creek Reach 1 (Malibou Lake to confluence with Lindero Creek)

Twice per month for the waterbody, shorelines and the adjacent areas, and within 72 hours after critical conditions.

Medea Creek Reach 2 (above confluence)

1. Once per week on the waterbody, shorelines and the adjacent areas from the confluence with Lindero Creek to the intersection with Thousand Oaks Blvd., and within 72 hours after critical conditions.
2. Twice per month above the intersection with Thousand Oaks Blvd., and within 72 hours after critical conditions.

Lindero Creek Reach 1 (Confluence with Medea Creek to Lake Lindero)

Twice per month for Lindero Creek Reach 1

including the waterbody, shorelines and the adjacent areas, and within 72 hours after critical conditions.

Lindero Creek Reach 2 (Above Lake Lindero)

Twice per month for Lindero Creek Reach 2 including the waterbody, shorelines and the adjacent areas, and within 72 hours after critical conditions.

Lake Lindero

Twice per month for the waterbody, shorelines and the adjacent land, and within 72 hours after critical conditions.

Las Virgenes Creek

1. Within the State Parks northerly to the intersection with Mulholland Highway: once per month, and within 72 hours after critical conditions.
 2. Once per week for the waterbody, shorelines and the adjacent areas between Mulholland Highway and Juan Bautista De Anza Park at Los Hills Road in the City of Calabasas, and within 72 hours after critical conditions.
 3. Twice per week for the waterbody, shorelines and the adjacent areas for the rest of City of Calabasas.
 4. Once per month for section in Los Angeles County along Ventura Freeway and within 72 hours after critical conditions.
 5. Within Ventura County, once every two months for the waterbody, shorelines and the adjacent areas, and within 72 hours after critical conditions.
- b) The MFAC/BMP Program includes reasonable assurances that it will be implemented by the responsible jurisdiction.
 - c) The MFAC/BMP Program includes a Trash Monitoring and Reporting Plan, as described below, and a requirement that the responsible jurisdictions will self-report any non-compliance with its provisions. The results and report of the Trash Monitoring and Reporting Plan must be submitted to Regional Board on an annual basis.
 - d) MFAC protocols may be based on SWAMP protocols for rapid trash assessment, or alternative protocols proposed by dischargers and approved by the Executive Officer.
 - e) Implementation of the MFAC/BMP program should include a Health and Safety Plan to protect personnel. The MFAC/BMP shall not require responsible jurisdictions to access and collect trash from areas where personnel are prohibited.

The Executive Officer may approve or require a revised assessment and collection frequency, location, and definition of the critical conditions under the waiver:

- (a) To prevent trash from accumulating in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections;
- (b) To reflect the results of trash assessment and collection;
- (c) If the amount of trash collected does not show a decreasing trend, where necessary to prevent nuisance or adverse effects on beneficial uses, such that a shorter interval between collections is warranted; or
- (d) If the amount of trash collected is decreasing such that a longer interval between collections is warranted.

At the end of the implementation period, a revised MFAC/BMP program may be required if the Executive Officer determines that the amount of trash accumulating between collections is causing nuisance or otherwise adversely affecting beneficial uses.

With regard to (a), (b) or (c), above, the Executive Officer is authorized to allow responsible jurisdictions to implement additional structural or non-structural BMPs in lieu of modifying the monitoring frequency.

Any waivers implementing the TMDL shall expire pursuant to Water Code section 13269 five years after the effective date of this TMDL, unless reissued. The Regional Board may reissue this waiver through an order consistent herewith, instead of readopting these regulatory provisions.

(2) Alternatively, responsible jurisdictions may propose, or the Regional Board may impose, an alternative program which would be implemented through waste discharge requirements, an individual waiver, a cleanup and abatement order, or any other appropriate order or orders, provided the program is consistent with the assumptions and requirements of the reductions described in Table 7-31.2b, below.

Within six months of the effective date of this TMDL, the Executive Officer shall require responsible jurisdictions to submit either a notice of intent to be regulated under the conditional waiver with their proposed MFAC/BMP Program and Trash Monitoring and Reporting Plan (TMRP), or a report of waste discharge.

<p>Monitoring and Reporting Plan</p>	<p>Responsible jurisdictions will develop a TMRP for Executive Officer approval that describes the methodologies that will be used to assess and monitor trash in the listed subwatersheds of the Malibu Creek Watershed and/or within responsible jurisdiction land areas. The TMRP shall include a plan to establish the trash Baseline WLAs for non-Caltrans entities, or an alternative to the default trash baseline for Caltrans to prioritize installation of full capture devices. The default trash baseline WLA for Caltrans is 2136 gallons per year.</p> <p>Requirements for the TMRP shall include, but are not limited to, assessment and quantification of trash collected from the surfaces and shoreline of the listed waterbodies in the Malibu Creek Watershed or from responsible jurisdiction land areas. The monitoring plan shall provide details of the frequency, location, and reporting of trash monitoring. Responsible jurisdictions shall propose a metric (e.g., weight, volume, pieces of trash) to measure the amount of trash in the listed subwatersheds of the Malibu Creek Watershed and on the land area surrounding these subwatersheds, as defined in the Executive Officer approved TMRP.</p> <p>The TMRP shall include a prioritization of areas that have the highest trash generation rates. The TMRP shall give preference to this prioritization when scheduling the installation of full capture devices, BMPs, or trash collection programs.</p> <p>The TMRP shall also include an evaluation of effectiveness of the MFAC/BMP program to prevent trash from accumulating in deleterious amounts that cause nuisance or adversely affect beneficial uses between collections, proposals to enhance BMPs, and a revised MFAC for Executive Officer review.</p> <p>Responsible Jurisdictions in Table 7-31.2a and 7-31.2b may cooperate and coordinate their TMRP activities for Malibu Creek Watershed.</p>
<p>Margin of Safety</p>	<p>Zero is a conservative numeric target which contains an implicit margin of safety.</p>
<p>Seasonal Variations and Critical Conditions</p>	<p>Discharge of trash from the conveyances occurs primarily during or shortly after a major rain event. Discharge of trash from nonpoint sources occurs during all seasons, but can be increased during or shortly after high wind events, which are defined as periods of wind advisories issued by the National Weather Service.</p>

**Table 7-31.2a Malibu Creek Watershed Trash TMDL: Implementation
Schedule - Point Sources**

Task No.	Task	Responsible Jurisdiction	Date
1	Submit Trash Monitoring and Reporting Plan, including a plan for defining the trash baseline WLA and a proposed definition of "major rain event".	California Department of Transportation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village and Thousand Oaks.	6 months from effective date of TMDL. If a plan is not approved by the Executive Officer within 9 months, the Executive Officer will establish an appropriate monitoring plan.
2	Implement Trash Monitoring and Reporting Plan.	California Department of Transportation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village and Thousand Oaks.	6 months from receipt of letter of approval from Regional Board Executive Officer, or the date a plan is established by the Executive Officer.
3	Submit results of Trash Monitoring and Reporting Plan, recommend trash baseline WLA, and propose prioritization of Full Capture System installation or implementation of other measures to attain the required trash reduction.	California Department of Transportation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village and Thousand Oaks.	One year from receipt of letter of approval for the Trash Monitoring and Reporting Plan from Regional Board Executive Officer, and annually thereafter.
4	Installation of Full Capture Systems or other measures to achieve 20% reduction of trash from Baseline WLA*.	California Department of Transportation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village and Thousand Oaks.	Four years from effective date of TMDL.
5	Installation of Full Capture Systems or other measures to achieve 40% reduction of trash from Baseline	California Department of Transportation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Cities of Agoura Hills, Calabasas, Hidden	Five years from effective date of TMDL.

	WLA*.	Hills, Malibu, Westlake Village and Thousand Oaks.	
6	Evaluate the effectiveness of Full Capture Systems or other measures, and reconsider the WLA*.	Regional Board.	Five years from effective date of TMDL.
7	Installation of Full Capture Systems or other measures to achieve 60% reduction of trash from Baseline WLA*.	California Department of Transportation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village and Thousand Oaks.	Six years from effective date of TMDL.
8	Installation of Full Capture Systems or other measures to achieve 80% reduction of trash from Baseline WLA*.	California Department of Transportation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village and Thousand Oaks.	Seven years from effective date of TMDL.
9	Installation of Full Capture Systems or other measures to achieve 100% reduction of trash from Baseline WLA*.	California Department of Transportation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village and Thousand Oaks.	Eight years from effective date of TMDL.

* Compliance with percent reductions from the Baseline WLA will be assumed wherever full capture systems are installed in corresponding percentages of the conveyance discharging to Malibu Creek Watershed. Installation will be prioritized based on the greatest point source loadings.

**Table 7-31.2b Malibu Creek Watershed Trash TMDL: Implementation Schedule
Minimum Frequency of Assessment and Collection Program * - Nonpoint Sources**

Task No.	Task	Responsible Jurisdiction	Date
1	Conditional Waiver in effect.	National Park Service, California Department of Parks and Recreation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Santa Monica Mountains Conservancy, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village, and Thousand Oaks, and land owners in the vicinity of the waterbodies addressed in the Nonpoint Source Implementation Section of this Basin Plan Amendment.	Regional Board adoption of TMDL.
2	Submit Notice of Intent to Comply with Conditional Waiver of Discharge Requirements, including MFAC/BMP Program and Trash Monitoring and Reporting Plan.	National Park Service, California Department of Parks and Recreation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Santa Monica Mountains Conservancy, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village, and Thousand Oaks, and land owners in the vicinity of the waterbodies addressed in the Nonpoint Source Implementation Section of this Basin Plan Amendment.	Six months from TMDL effective date. If a plan is not approved by the Executive Officer within 9 months, the Executive Officer will establish an appropriate monitoring plan.
3	Implement MFAC/BMP Program.	National Park Service, California Department of Parks and Recreation, County of Los Angeles, County of Ventura, Ventura County Watershed Protection District, Santa Monica Mountains Conservancy, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village, and Thousand Oaks, and land owners in the vicinity of the waterbodies addressed in the Nonpoint Source Implementation Section of this Basin Plan Amendment.	6 months from receipt of letter of approval from Regional Board Executive Officer, or the date a plan is established by the Executive Officer.
4	Submit annual TMRP reports including proposal for revising MFAC/BMP for Executive	National Park Service, California Department of Parks and Recreation, County of Los Angeles, County of Ventura,	One year from receipt of letter of approval for the Trash Monitoring

	Officer approval.	Ventura County Watershed Protection District, Santa Monica Mountains Conservancy, Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village, and Thousand Oaks, and land owners in the vicinity of the waterbodies addressed in the Nonpoint Source Implementation Section of this Basin Plan Amendment.	and Reporting Plan from Regional Board Executive Officer, and annually thereafter.
5	Reconsideration of Trash TMDL based on evaluation of effectiveness of MFAC/BMP program.	Regional Board.	Five years from effective date of TMDL.

* At Task 3, all Responsible Jurisdictions must be attaining the zero trash target after each required trash assessment and collection event. At Task 4, all Responsible Jurisdictions must demonstrate full compliance and attainment of the zero trash target's requirement that trash is not accumulating in deleterious amounts between the required trash assessment and collection events. Based on Responsible Jurisdiction monitoring reports, the Executive Officer may adjust the minimum frequency of assessment and collection as necessary to ensure compliance between the required trash assessment and collection events.