



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

July 2, 2014

Samuel Unger
Executive Officer
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, California 90013

Dear Mr. Unger:

Thank you for submitting three Los Angeles Regional Water Quality Control Board (Regional Board) Basin Plan Amendments (BPAs) on September 16, 2013 for approval by the U.S. Environmental Protection Agency (EPA). The BPAs were for revisions to five Total Maximum Daily Loads (TMDLs) in the Los Angeles region for indicator bacteria and the implementation provisions for water contact recreation (REC-1) bacteria objectives of the five TMDLs. The three amendments include the following TMDLs:

- Amendment to revise the TMDLs for Bacteria in the (1) Santa Monica Bay Beaches, (2) the Marina Del Rey Harbor Mothers' Beach and Back Basins, and (3) the Los Angeles Harbor Inner Cabrillo Beach and Main Ship Channel
- Amendment to revise the TMDLs for Bacteria in (4) Malibu Creek and Lagoon
- Amendment to revise the TMDLs for Bacteria in (5) Ballona Creek, Ballona Estuary, and Sepulveda Channel

The Regional Board requested the EPA to approve amendments to the five TMDLs under Clean Water Act (CWA) Section 303(d)(2) and to amend Chapter 3 of the Basin Plan to modify the implementation provisions for water contact recreation bacteria objectives under CWA section 303(c)(2). The Regional Board, State Water Resources Control Board (State Board), and Office of Administrative Law (OAL) approved BPAs for these items on the following dates:

Amendments for Santa Monica Bay Beaches, the Marina Del Rey Harbor Mothers' Beach and Back Basins, and the Los Angeles Harbor Inner Cabrillo Beach and Main Ship Channel TMDLs

- Regional Board adoption on June 7, 2012 (Resolution No. R12-007)
- State Board adoption on March 19, 2013 (Resolution No. 2013-0008)
- OAL approval on November 7, 2013 (2013-0927-03S)

Amendment for Malibu Creek and Lagoon TMDLs

- Regional Board adoption on June 7, 2012 (Resolution No. R12-009)
- State Board adoption on March 19, 2013 (Resolution No. 2013-0008)
- OAL approval on November 8, 2013 (2013-0927-05S)

Amendment for Ballona Creek, Ballona Estuary, and Sepulveda Channel TMDLs

- Regional Board adoption on June 7, 2012 (Resolution No. R12-008)
- State Board adoption on March 19, 2013 (Resolution No. 2013-0008)
- OAL approval on November 8, 2013 (2013-0927-04S)

EPA is providing final review and approval of all of the revised bacteria TMDLs above pursuant to CWA Section 303(d)(2). The revised TMDLs include three primary technical revisions which include (a) an adjustment of the allowable exceedance days in winter dry weather; (b) the removal of the need for a calculation of a dry weather only geometric mean; and (c) a revision of the geometric mean calculation. The revisions are based on additional data and information considered since the original TMDL approvals.

We are not taking action at this time on your request for approval of the bacteria objectives under 303(c) because the submittal did not provide detailed and adequate information for our review. Our staffs have had follow-up discussions and are continuing further discussions.

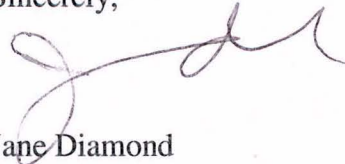
The revised TMDLs address the pollutants of concern (indicator bacteria) and appropriately use the reference system and antidegradation approach to develop numeric targets and load and wasteload allocations to protect recreational uses in the waters identified. The TMDLs appropriately consider seasonal variation and critical conditions, and provide adequate margins of safety. The State has provided adequate opportunities for public review and comment on the TMDLs, and demonstrated how public comments were considered in the final TMDLs. We find the TMDLs, upon complete implementation, will result in attainment of the applicable water quality standards in Santa Monica Bay Beaches, Marina del Rey Harbor Mother's Beach and Back Basins, Los Angeles Harbor Inner Cabrillo Beach and Main Ship Channel, Malibu Creek and Lagoon, and Ballona Creek, Ballona Estuary and Sepulveda Channel. All the federal required elements are adequately addressed.

The TMDL submittals contain the State's implementation strategy to achieve the bacteria TMDLs. EPA reviewed the strategy and schedule, which informed our review and approval of the submitted TMDLs. However, we are not taking any action on the implementation strategy, as CWA Section 303(d) and its implementing regulations do not provide for EPA to approve or disapprove implementation plans submitted with TMDLs.

Nevertheless, implementation is a critical next-step to realize improvements in water quality in the watershed. EPA supports the State's proposed implementation approaches, including use of regulatory authorities, to more effectively protect and restore water quality. We encourage the Regional Board to continue its work with stakeholders to implement these strategies consistent with California's Nonpoint Source Management Plan as approved by EPA under the Clean Water Act Section 319. We remain available to provide support where possible to assist both the regulated community and the Regional Board in fostering ongoing watershed stewardship to achieve the TMDLs by July 15, 2021 for all the identified waterbodies in these amendments.

If you have any questions concerning this approval, please call me at (415) 972-3275 or Cindy Lin at (213) 244-1803.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jane Diamond', written in a cursive style.

Jane Diamond
Director, Water Division

cc: Rik Rasmussen, SWRCB
Deb Smith, LA RWQCB
Kangshi Wang, LA RWQCB
Jenny Newman, LA RWQCB
Man Voong, LA RWQCB
L.B. Nye, LA RWQCB

