STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2003 - 0023

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION INCORPORATING A TOTAL MAXIMUM DAILY LOAD FOR NITROGEN COMPOUNDS AND RELATED EFFECTS IN CALLEGUAS CREEK, ITS TRIBUTARIES, AND MUGU LAGOON

WHEREAS:

- 1. The Los Angeles Regional Water Quality Control Board (Regional Board) adopted a Water Quality Control Plan for the Los Angeles Region (Basin Plan) on June 13, 1994 which was approved by the State Water Resources Control Board (State Board) on November 17, 1994 and by the Office of Administrative Law (OAL) on February 23, 1995.
- 2. On October 24, 2002, the Regional Board adopted Resolution No. 02-017 (attached) amending the Basin Plan by establishing a Total Maximum Daily Load (TMDL) for nitrogen compounds and related effects in Calleguas Creek, its tributaries, and Mugu Lagoon (Nitrogen TMDL).
- 3. The State Board finds that provisions of the amendment as adopted warranted minor nonsubstantive clarification of the language of various provisions.
- 4. Regional Board Resolution No. 02-017 delegated to the Regional Board Executive Officer authority to make minor, non-substantive corrections to the adopted amendment if needed for clarity or consistency. The Regional Board Executive Officer has made the necessary corrections to the amendment by memorandum dated January 29, 2003.
- 5. The State Board finds that the Nitrogen TMDL is in conformance with the requirements for TMDL development specified in section 303(d) of the federal Clean Water Act and State Board Resolution No. 68-16.
- 6. The Regional Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act and other State laws and regulations.
- 7. This Basin Plan amendment does not become effective until approved by the State Board and until the regulatory provisions are approved by OAL. The U.S. Environmental Protection Agency (USEPA) must also approve the Nitrogen TMDL.
- 8. This Basin Plan amendment furthermore relies on the ammonia objectives set forth by the Regional Board in Resolution No. 2002-011 adopted on April 25, 2002 and will only become effective if the State Board, OAL, and USEPA approve these objectives.

THEREFORE BE IT RESOLVED THAT:

The State Board:

- 1. Approves the amendment to the Basin Plan as adopted under Regional Board Resolution No. 02-017 and as corrected by the Regional Board Executive Officer.
- 2. Authorizes the Executive Director or designee to submit the amendment adopted under Regional Board Resolution No. 02-017, as approved, and the administrative record for this action to OAL and the TMDL to USEPA for approval.

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 19, 2003.

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Clerk to the Board

State of California California Regional Water Quality Control Board, Los Angeles Region

RESOLUTION NO. 02-017 October 24, 2002

Amendment to the Water Quality Control Plan for the Los Angeles Region to include a TMDL for Nitrogen Compounds and Related Effects in Calleguas Creek

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

- 1. The federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board (Regional Board) to develop water quality standards which include beneficial use designations and criteria to protect beneficial uses for each water body found within its region.
- 2. The Regional Board carries out its CWA responsibilities through California's Porter-Cologne Water Quality Control Act and establishes water quality objectives designed to protect beneficial uses contained in the Water Quality Control Plan for the Los Angeles Region (Basin Plan).
- 3. Section 303(d) of the CWA requires states to identify and to prepare a list of water bodies that do not meet water quality standards and then to establish load and waste load allocations, or a total maximum daily load (TMDL), for each water body that will ensure attainment of water quality standards and then to incorporate those allocations into their water quality control plans.
- 4. Calleguas Creek was listed on California's 1998 section 303(d) list, due to impairment for nitrogen compounds and their effects that do not protect the most sensitive beneficial uses of the water body.
- 5. A consent decree between the U.S. Environmental Protection Agency (USEPA), Heal the Bay, Inc., and BayKeeper, Inc. was approved on March 22, 1999. The court order directs the USEPA to complete TMDLs for all the Los Angeles Region's impaired waters within 13 years.
- 6. The elements of a TMDL are described in 40 CFR 130.2 and 130.7 and section 303(d) of the CWA, as well as in USEPA guidance documents (e.g., USEPA, 1991). A TMDL is defined as "the sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background" (40 CFR 130.2). Regulations further stipulate that TMDLs must be set at "levels necessary to attain and maintain the applicable narrative and numeric water quality standards with seasonal variations and a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality" (40 CFR 130.7(c)(1)). The regulations in 40 CFR 130.7 also state that TMDLs shall take into account critical conditions for stream flow, loading and water quality parameters.
- 7. Upon establishment of TMDLs by the State or USEPA, the State is required to incorporate the TMDLs along with appropriate implementation measures into the State Water Quality Management Plan (40 CFR 130.6(c)(1), 130.7). The Basin Plan, and applicable statewide plans serve as the State Water Quality Management Plans governing the watersheds under the jurisdiction of the Regional Board.

- 8. Calleguas Creek is located in Ventura County, California. It reaches from the Simi Hills east of the City of Simi Valley to Mugu Lagoon south of the City of Oxnard.
- 9. The Regional Board's goal in establishing the above-mentioned TMDL is to maintain the warm water fish and wildlife habitat (WARM, WILD) and groundwater recharge (GWR) beneficial uses of Calleguas Creek as established in the Basin Plan. Additionally, ammonia is known to cause toxicity to aquatic organisms.
- 10. Interested persons and the public have had reasonable opportunity to participate in review of the amendment to the Basin Plan. Efforts to solicit public review and comment include ten public workshops held between January 1999 and February 2002; public notification 45 days preceding the Board hearing; and responses from the Regional Board staff to oral and written comments received from the public.
- 11. The amendment is consistent with the State Antidegradation Policy (State Board Resolution No. 68-16), in that the changes to water quality objectives (i) consider maximum benefits 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).
- 12. The basin planning process has been certified as functionally equivalent to the California Environmental Quality Act requirements for preparing environmental documents and is, therefore, exempt from those requirements (Public Resources Code section 21000 et seq.), and the required environmental documentation and environmental checklist have been prepared.
- 13. The proposed amendment results in no potential for adverse effect (de minimis finding), either individually or cumulatively, on wildlife.
- 14. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
- 15. The Basin Plan amendment incorporating a TMDL for nitrogen compounds and related effects for the Calleguas Creek watershed must be submitted for review and approval by the State Water Resources Control Board (State Board), the State Office of Administrative Law (OAL), and the US Environmental Protection Agency (USEPA). The Basin Plan amendment will become effective upon approval by OAL and USEPA. A Notice of Decision will be filed.

THEREFORE, be it resolved that pursuant to Section 13240 and 13241 of the Water Code, the Regional Board hereby amends the Basin Plan as follows:

- 1. Pursuant to sections 13240 and 13241 of the California Water Code, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to Chapter 7 the Water Quality Control Plan for the Los Angeles Region to incorporate the elements of the Calleguas Creek Nitrogen Compounds and Related Effects TMDL as set forth in Attachment A hereto.
- 2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the SWRCB in accordance with the requirements of section 13245 of the California Water Code.

- 3. The Regional Board requests that the SWRCB approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to OAL and the USEPA.
- 4. If during its approval process the SWRCB or OAL determines 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 Board of any such changes.
- 5. The Executive Officer is authorized to sign a Certificate of Fee Exemption.
- 6. Amend the text in the Basin Plan, Plans and Policies (Chapter 5) to add:

"Resolution No. 02-017. Adopted October 24, 2002. 'Amendment to include a TMDL for Nitrogen Compounds and Related Effects for Calleguas Creek' The resolution proposes a TMDL for nitrogen compounds and related effects in Calleguas Creek."

7. The Basin Plan amendment set forth in Attachment A shall only become effective if the water quality objectives revised by Regional Board Resolution 2002-011, or equivalent water quality objectives, have been approved by the OAL and USEPA, and are consistent with the TMDL.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on October 24, 2002.

Dennis A. Dickerson Executive Officer

Attachment A to Resolution No. 02-017

Proposed Amendment to the Water Quality Control Plan – Los Angeles Region

to Incorporate the

Calleguas Creek Nitrogen Compounds and Related Effects TMDL

Proposed for adoption Adopted by the California Regional Water Quality Control Board, Los Angeles Region on October 24, 2002.

Amendments

Table of ContentsAdd:

Chapter 7. Total Maximum Daily Loads (TMDLs) Summaries

7-7 — Calleguas Creek Nitrogen Compounds and Related Effects TMDL

List of Figures, Tables, and Inserts

Add:

Chapter 7. -Total Maximum Daily Loads (TMDLs)

Tables

- 7-7 Calleguas Creek Nitrogen Compounds and Related Effects TMDL
- 7-7.1. Calleguas Creek Nitrogen Compounds and Related Effects TMDL: Elements
- 7-7.2. <u>Calleguas Creek Nitrogen Compounds and Related Effects TMDL</u>: Implementation Schedule

Chapter 7. -Total Maximum Daily Loads (TMDLs) Summaries Calleguas Creek Nitrogen Compounds and Related Effects TMDL

This TMDL was adopted by:

The Regional Water Quality Control Board on [October 24, 2002].

This TMDL was approved by:

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 following table summarizes the key elements of this TMDL.

Element	Calleguas Creek Nitrogen Compound and	d Related Effe	ects	
Problem Statement	Elevated ammonia and nitrogen concentrations (ammonia, nitrite and nitrate) concentrations are causing impairments of the warm water fish and habitat, wildlife habitat, and groundwater recharge beneficial uses of Calleguas Creek. Nitrite and nitrate contribute to eutrophic effects such			
Numeric Target (Interpretation of the numeric water quality objective, used to calculate the load allocations)	as low dissolved oxygen and algae growth. Ammonia contributes to toxicity.			
	 Mugu Lagoon Calleguas Creek, South Calleguas Creek, North Revlon Slough Beardsley Channel Arroyo Las Posas Arroyo Simi Tapo Canyon Conejo Creek (Confluence with Callegua Creek to Santa Rosa Rd.) Conejo Creek (Santa Rosa Road to Thousand Oaks City Limit) Conejo Creek, Hill Canyon Reach Conejo Creek, North Fork Arroyo Conejo (South Fork Conejo Creek Arroyo Santa Rosa 	8.4 8.4 3.2	2.92.43.02.92.92.62.41.93.53.43.11.73.42.4	

Table 7-7.1. Calleguas Creek Nitrogen Compounds and Related Effects TMDL: Elements

	2. Nitrate and nitrite	as nitrogen	$(NO_3-N and$	$1 NO_2 - N$)		
				oncentration (mg-N/L)			
	* NO ₃ -N				1	.0	
	* NO ₂ -N				1	.U 1	
	* $NO_3 - N + NO_2 - N$	N				10	
	Numeric targets to address narrative objectives required to protect warm freshwater and wildlife habitat are believed to be sufficientintended to implement the narrative objectives and may be revised based on the results of monitoring and special studies conducted pursuant to the implementation plan.					urm	
Source Analysis	The principal sources of nitrogen into Calleguas Creek are discharges from the POTWs in the watershed and runoff from agricultural activities in the watershed.						
Linkage Analysis	Linkage between nitrogen sources and the in-stream water quality was established through a mass continuity model based on an evaluation of recent hydrodynamic and water quality data.						
Waste Load	The Basin Plan Amendment clearly identifies the TMDLs and all load						
Allocations (for	and wasteload allocations. The numeric target using the entire historical						
point sources)	record, proposed The waste load allocations (WLAs) are listed as follows: Concentration (mg-N/L)			ows:			
			NH ₃ -N			3-N NO	O_2-N
	NO_3-N+NO_2-N			1			
	POTWs	$MDEL^{2}$ (mg - N/L)	AMEL ² D (lb/day)	oaily WLA	(<i>mg</i> -	<mark>₩</mark> /L)	
	Hill Canyon WTP ³	5.6 3.1	254	9.0	0.9	9.0	
	 Simi Valley WQCF⁴ Moorpark WTP 9.0 	3.3 2.4 6.4	220 2.6	9.0 59	0.9	9.0 9.0	0.9
	• Camarillo WRP ⁵ 9.0	7.8	3.5	177		9.0	0.9
	• Camrosa WRF ⁶ 9.0	7.2	3.0	33		9.0	0.9

¹ MDEL: Maximum daily effluent limitation

² AMEL: Average monthly effluent limitation

³ WTP: Wastewater Treatment Plant

⁴ WQCF: Water Quality Control Facility

⁵ WRP: Water Reclamation Plant

⁶ WRF: Water Reclamation Facility

	The ammonia objective is based on the average monthly effluent limit as calculated in accordance with Resolution 02-011. It is noted that for compliance purposes, Resolution 02-011 also provides maximum daily effluent limits. Calculation of the maximum daily effluent limit is provided in the Staff Report			
Load Allocation (for non point	The source analysis indicates that an agricultural discharge is the major non-point source of oxidized nitrogen to Calleguas Creek and its			
(for non point sources)	tributaries. This source is particularly significant in Revolon Slough and other agricultural drains in the lower Calleguas watershed where there are no point sources of ammonia and oxidized nitrogen. Load allocations for non-point sources are: $\frac{NO_3 itrate}{NO_2 itrite} N + NO_2 itrite}{NO_2 itrite} N$			
	Agriculture 9.0			
	Other Nonpoint Source 9.0			
Implementation	 Refer to Table 7-7.2 Several of the POTWs in the Calleguas Creek watershed will require additional time to meet the oxidized-nitrogen (nitrate, nitrite, and nitrate + nitriteNO₃-N, NO₂-N, and NO₃-N + NO₂-N) waste load allocations. To allow time for completion of denitrification facilities which are integral to this TMDL, to meet the nitrogen waste load allocations, interim limits will be allowed the amendment to the Basin Plan made by this TMDL allows for higher interim loads that translate as the interim effluent limits as follows for a period of four years from the effective date of the TMDL during which the POTWs will be required to meet the effluent limit for-NO₃-N + NO₂-N Nitrate-N+NitriteNonly. Effluent Limits for the individual compounds NO₃-N and NO₂-N are not required during the interim period.:			
	 Hill Canyon WWTP 36.03 38.32 Simi Valley WQCFP 31.60 32.17 Moorpark WWTP 31.5 32.01 Camarillo WRP 36.23 37.75 Olsen Rd. WRP N/A N/A*The monthly average and daily maximum interim limits are based on the 95th and 99th percentiles of effluent performance data reported in the Calleguas Creek Characterization Study The waste load allocations for ammonia will be applicable on the effective date of the TMDL. Interim limits for ammonia will be applicable for no more than 2 years starting from October 24, 2002 for 			

	POTWs that are not able to achieve immediate compliance with the assigned waste load allocations. The interim limits for ammonia may be established at the discretion of the Regional Board when a POTW's NPDES permit is reissued.	
Margin of Safety	An implicit margin of safety is incorporated through conservative model assumptions and statistical analysis. In addition, an explicit margin of safety is incorporated by reserving 10% of the load, calculated on a concentration basis, from allocation to POTW effluent sources.	
Seasonal	A low flow critical condition is identified for this TMDL based on a	
Variations and	<i>ns and</i> review of flow data for the past twenty years. This flow condition was	
Critical	identified because less assimilative capacity is available to dilute effluent	
Conditions	discharge.	

Table 7-7.2. Implementation Schedule

IMPLEMENTATION TASKS, MILESTONES AND PROVISIONS*		COMPLETION DATE
1.	WLA for ammonia apply to POTWs.	Effective Date of TMDL
2.	Interim Limits for $NO_{3nitrate}$ -N + $NO_{2nitrite}$ -N	
2.	apply to POTWs.	
3.	Formation of Nonpoint Source BMP Evaluation	
0.	Committee.	
4.	Submittal of Non pPoint Source Monitoring	1 year after Effective Date
	Workplan by Calleguas Creek Watershed	of TMDL
	Management Planning – Water Resources/Water	
	Quality (CCWMP) Sub C committee. This	
	monitoring is to evaluate nutrient loadings	
	associated with agricultural drainage and other	
	nonpoint sources. The monitoring program will	
	include both dry and wet weather discharges from	
	agricultural, urban and open space sources. In	
	addition, groundwater discharge to Calleguas	
	Creek will also be analyzed for nutrients to	
	determine the magnitude of these loading and the	
	need for load allocations. A key objective of these	
	special studies will be to determine the	
	effectiveness of agricultural BMPs in reducing	
	nutrient loadings. Consequently, flow and	
	analytical data for nutrients will be required to	
	estimate loadings from non-point sources.	
5.	Submittal of Watershed Monitoring Workplan by	
	CCWMP Calleguas Creek Watershed	
	Management Planning-SubCcommittee. In	
	addition to the analytical parameters and flow data	
	requirements, the watershed monitoring program	
	will establish sampling locations from which	
	representative samples can be obtained, including	
	all listed tributaries. Monitoring results will be	
	compared to the numeric instream targets	
	identified in this TMDL to determine the	
	effectiveness of the TMDL. Data on the extent	
	and distribution of algal mats, scum and odors will	
I	be included in the watershed monitoring program.	

^{*} The The Calleguas Creek Watershed Management Plan – Water Resources/Water Quality (CCWMP) Subcommittee has offered to complete tasks 4 through 9 and 11. In the event the CCWMP Subcommittee fails to timely complete these tasks, the Regional Board will consider whether to amend this Implementation Plan to assign tasks to responsible dischargers in the regulatory approach. The Regional Board also reserves its right to take any other appropriate actions including, but not limited to, exercising its authorities under Water Code section 13267.

IN	IPLEMENTATION TASKS, MILESTONES AND PROVISIONS [*]	COMPLETION DATE
6.	The data will be used to provide further verification of the model and refine the TMDL to address nutrient effects as appropriate. Submittal of Special Studies Workplan by CCWMPCalleguas Creek Watershed Management Planning SubCcommittee. These special studies include:	
	Monitoring of minor point sources for nutrients to confirm assumptions that the loadings from these sources are minor;	
	Monitoring of greenhouse discharges and runoff to assess loadings from these sources;	
	Monitoring of groundwater extraction and discharges in the Arroyo Santa Rosa subwatershed and other areas that may add significant nutrient loadings to Calleguas Creek; and	
	Additional studies of the type and extent of algae impairment in Calleguas Creek and Mugu Lagoon.	
7.	Complete Special Studies for minor sources, greenhouses, and groundwater loadings.	3 years after Effective Date of TMDL
8.	Completion of ammonia Water Effect Ratio (WER) studies.	
9.	Complete planning and preparation for construction of TMDL remedies to reduce non- point source nitrogen loads.	
10.	Interim Limits for NO_3 nitrate-N + NO_2 nitrite-N expire and WLAs for nitrateNO ₃ -N, nitriteNO ₂ -N, NO_3 nitrate-N + NO_2 nitrite-N apply to POTWs.	4 years after Effective Date of TMDL
11.	Complete Special Studies for algae impairments of Calleguas Creek, its tributaries and Mugu Lagoon.	5 years after Effective Date of TMDL
12.	Regional Board consideration of revised water quality objectives for nitrogen compounds based on monitoring data, special studies, and ammonia WER, if appropriate.	6 years after Effective Date of TMDL
13.	Final achievement of ammonia and oxidized nitrogen standards.	7 years after Effective Date of TMDL