

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – LOS ANGELES REGIONAL WATER BOARD
FEBRUARY 19, 2013**

ITEM 4

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR ALGAE, EUTROPHIC CONDITIONS, AND NUTRIENTS IN THE VENTURA RIVER, INCLUDING THE ESTUARY, AND ITS TRIBUTARIES.

DISCUSSION

The Los Angeles Water Board adopted a TMDL for algae, eutrophic conditions, and nutrients in the Ventura River, including the Estuary, and its tributaries on December 6, 2012 as [Resolution No. R12-011](#). The TMDL addresses Clean Water Act (CWA) section 303(d) listings for algae, eutrophic conditions, nitrogen, and low dissolved oxygen in the Ventura River Estuary, Ventura River Reaches 1 and 2, San Antonio Creek and Cañada Larga. The algae and nutrient-related impairments are caused by excessive loading of nutrients, particularly nitrogen and phosphorus, especially during the dry season when algae growth primarily occurs. Nutrient loading and the resulting ecological responses in the Ventura River, Estuary and tributaries result in impairments of beneficial uses associated with recreation activities (water contact and non-contact) and aquatic life (warm and cold freshwater habitat; estuarine and wetland habitat; rare, threatened or endangered species; migration of aquatic organisms; spawning, reproduction, and/or early development).

The Ventura River watershed is located in the northwestern portion of Ventura County with a small portion in the southeastern portion of Santa Barbara County. The watershed drains an area of about 220 square miles with an elevation ranging from 6,000 feet to sea level.

A 1999 consent decree between U.S. EPA, Heal the Bay, and Los Angeles Waterkeeper (formerly Santa Monica BayKeeper) directs the U.S. EPA to ensure that TMDLs for all impaired waters on the 1998 CWA 303(d) list in the Los Angeles Region be established within 13 years of the consent decree. The consent decree combined waterbody pollutant combinations in the Los Angeles Region into 92 TMDL analytical units. This TMDL addresses Analytical Unit 88. In 2010, the consent decree was modified to include an extension for Analytical Unit 88 until March 2013. This is the last TMDL the State Water Board will consider under the consent decree.

This TMDL sets dissolved oxygen and pH numeric targets equal to their numeric water quality objectives in the Basin Plan. This TMDL also sets numeric targets for algal and phytoplankton biomass and percent cover as a numeric interpretation of the water quality condition that will demonstrate attainment of the narrative water quality objective for biostimulatory substances. The method to develop these numeric targets is based on the California Nutrient Numeric Endpoints (NNE) approach, developed by U.S. EPA Region 9 and the State and Regional Water Quality Control Boards.

The TMDL further establishes waste load allocations (WLAs) and load allocations (LAs) addressing point and nonpoint sources of nutrients in the Ventura River watershed in order to attain numeric targets. Although nutrients are loaded from the watershed to the Ventura River and Estuary year-round, nutrients loaded in the *dry season* (May 1 to September 30) are predominately responsible for the impairments. However, the TMDL assigns *dry-weather* allocations (including dry-weather days outside of the dry season of May 1 to September 30) to ensure that the river is protected during warm spring and/or autumn periods. Wet-weather WLAs are also assigned to meet water quality objectives and/or maintain existing water quality. Dry and wet weather allocations are assigned to discharges from the Ojai Valley waste water treatment plant, Ventura County MS4, Caltrans, agriculture sources, horses/intensive livestock activities, grazing activities, general industrial and construction stormwater permittees, onsite wastewater treatment systems, and other NPDES permittees.

The TMDL allows for an implementation schedule of up to 6-12 years to meet the load and waste load allocations, depending on the source. Discharge monitoring to demonstrate compliance with allocations shall be included in the regulatory mechanisms for each source, and ambient monitoring to assess watershed-wide waterbody conditions shall be conducted either individually or cooperatively among all dischargers.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan to establish a TMDL for algae, eutrophic conditions, and nutrients in the Ventura River, including the Estuary, and its tributaries?

FISCAL IMPACT

The Los Angeles Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL BOARD IMPACT

Yes, approval of this resolution will amend the Los Angeles Water Board's Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan adopted under Los Angeles Water Board Resolution No. R12-011.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board Resolution No. R12-011 as approved, and the administrative record for this action to the Office of Administrative Law and the TMDL to the U.S. EPA for approval.

State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012 to implement strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030. In particular, approval of this item will assist in fulfilling Objective 1.1 to implement a statewide strategy to efficiently prepare, adopt, and implement TMDLs, which result in water bodies meeting water quality standards, and adopt and begin implementation of TMDLs for all 2006-listed water bodies by 2019.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2013-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD FOR ALGAE, EUTROPHIC CONDITIONS, AND NUTRIENTS IN THE VENTURA RIVER, INCLUDING THE ESTUARY, AND ITS TRIBUTARIES

WHEREAS:

1. On December 6, 2012, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R12-011](#), an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan amendment), to incorporate a Total Maximum Daily Load (TMDL) for algae, eutrophic conditions, and nutrients in the Ventura River, including the Estuary, and its tributaries.
2. The Los Angeles Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) "Substitute Environmental Documents" for the proposed Basin Plan amendment, including the CEQA Checklist, the final staff report entitled "Algae, Eutrophic conditions, and Nutrients Total Maximum Daily Loads for Ventura River and its Tributaries," and the responses to comments complies with the State Water Board's regulations for the implementation of CEQA, as set forth in the California Code of Regulations, Title 23, sections 3775 through 3781. The State Water Board has reviewed the Substitute Environmental Documents for the Basin Plan amendment and concurs with the Los Angeles Water Board's findings and determinations, including the Statement of Overriding Considerations.
3. The Los Angeles Water Board also adopted the Basin Plan amendment pursuant to the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
4. The Los Angeles Water Board found the Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining High Quality of Waters in California ([State Water Board Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 C.F.R. § 131.12), in that it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards during dry weather and maintenance of existing water quality and attainment of water quality standards in wet weather.
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise basin plans, and section 13242, which requires a program of implementation for achieving water quality objectives, and section 13141, which requires an estimate of the total cost of the implementation of an agricultural water quality control program, along with an identification of potential sources of financing. The State Water Board also finds that the TMDL as reflected in the Basin Plan amendment is consistent with the requirements of section 303(d) of the federal Clean Water Act.

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6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The TMDL must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).
7. Los Angeles Water Board staff determined that minor, non-substantive changes to the language of the Basin Plan amendment were necessary to correct minor clerical errors or to improve clarity and consistency. The Los Angeles Water Board's Executive Officer made these minor non-substantive changes in a [memorandum](#) dated January 8, 2013. The memorandum contains correcting language to the Implementation Plan section of the Basin Plan amendment in order to be consistent with the total phosphorus load and waste load allocations and to accurately reflect the intention of the Los Angeles Water Board.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R12-011.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R12-011 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL.

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 February 19, 2013.

Jeanine Townsend
Clerk to the Board