

~ Public Hearing ~

**Adoption of Revisions to
Organochlorine Compounds
TMDLs for the San Diego
Creek/Newport Bay Watershed,
Resolution No. R8-2011-0037**

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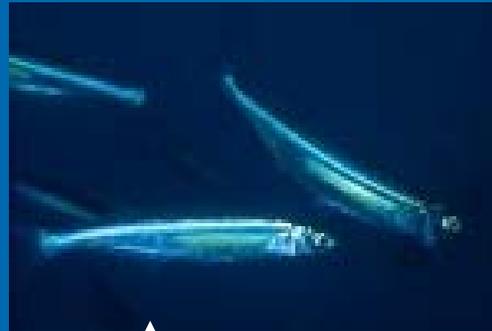
PRESENTATION OUTLINE

- Basin Plan amendment (BPA) - Organochlorine Compounds (OCs) TMDLs for San Diego Creek, Upper and Lower Newport Bay (San Diego Creek/Newport Bay)
- Revisions to OCs TMDLs BPA
 - Proposed Revisions to the BPA
 - Comments Received
 - Staff Recommendation

Effects of Organochlorine Compounds



Benthic Organisms



Fish



Birds

Organochlorine compounds:

- Not water soluble
- Found in fatty tissues
- Bioaccumulate and biomagnify

USEPA 2002 "TECHNICAL" TMDLs

- Toxic Pollutants in San Diego Creek, Upper and Lower Newport Bay
- Established organochlorine compounds TMDLs - dieldrin, DDT, chlordane, PCBs, toxaphene
- No Implementation Plan

Regional Board Organochlorine Compounds TMDLs

<u>Waterbody</u>	<u>Pollutant</u>
San Diego Creek and tributaries	Toxaphene, DDT, <i>Chlordane*</i> , <i>PCBs*</i>
Upper Newport Bay	Chlordane, DDT, PCBs
Lower Newport Bay	Chlordane, DDT, PCBs

* These TMDLs were established for informational purposes only

Organochlorine Compounds TMDL Components

- Problem Statement/Impairment Assessment
- Numeric Targets (sediment, tissue, water column)
- Source Analysis and Existing Loads
- Linkage Analysis/Loading Capacity
- TMDLs/Waste Load Allocations/Load Allocations
- Critical Conditions
- Implementation Plan

Organochlorine Compounds TMDLs Implementation Plan

- Revise existing WDRs and NPDES Permits
- Develop and Implement an Agricultural BMP and Monitoring Program
- Evaluate Potential Sources from open spaces
- Evaluate, develop and implement effective sediment and erosion control BMPs

OCs TMDLs Implementation Plan (cont'd)

- Allows development of a coordinated Work Plan
 - Integrate IP Tasks
 - Address uncertainties
 - Coordinate with other TMDL implementation
- Special Studies and Monitoring
- Compliance Schedule
 - Requires compliance as soon as possible, but no later than 2015

Basin Planning Requirements: California Environmental Quality Act (CEQA)

- Addressed during adoption of the first OCs
TMDLs BPA
- Substitute Environmental Document
 - Staff reports
 - Environmental Checklist
- Findings of Fact/Statement of Overriding Considerations

CEQA Requirements Findings of Fact/Statement of Overriding Considerations

- Attachment 1 to Resolution No. R8-2007-0024
 - Declaration of overriding economic, social and other considerations
 - Benefits of TMDLs outweigh environmental effects
 - Implementation of TMDLs corrects water quality impairment

Proposed Revisions to Organochlorine Compounds TMDL Basin Plan Amendment

- Minor, non-substantive clarifications and corrections
- Revise the Final Compliance Date

Revision of Final Compliance Date

- Adopted Basin Plan Amendment
 - The TMDLs are to be achieved as soon as possible but no later than **December 31, 2015.**
 - Assumed approval by State Board and Office of Administrative Law (OAL) in 2008
 - No more than 7 years from OAL approval

Revision of Final Compliance Date

➤ Proposed Revision

- The TMDLs are to be achieved as soon as possible but no later than *(seven years from the date of OAL approval of this Basin Plan Amendment (BPA)).*

Revision of Final Compliance Date

- Proposed Revision in Errata Sheet
 - The TMDLs are to be achieved as soon as possible but no later than December 31, 2020.

Comments Received

US Environmental Protection Agency ~

- Supports adopting Basin Plan Amendment
- Clarification in tentative Resolution
- Provide recommendations for the implementation of Wasteload Allocations in permits
- Organochlorine Compounds compliance monitoring should not be tied to the adoption of other TMDLs (eg, selenium)

Comments Received (Cont'd)

Orange County Coastkeeper ~

- Recommend “in no event later than Dec. 31, 2020”
- Clarify that WQS must be applied in the water column under the TMDL
- Require that construction sample for all legacy pollutants
- Organochlorine Compounds compliance monitoring should not be tied to the adoption of other TMDLs (ie, selenium)

Errata Sheet

- Change final TMDL compliance language to “The TMDLs are to be achieved as soon as possible but no later than Dec. 31, 2020”
- Changes to tentative Resolution No. R8-2011-0037

Recommendation

Adopt Resolution No. R8-2011-0037
with Errata Sheet

QUESTIONS?

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