



## A COOPERATIVE STRATEGY FOR RESOURCE MANAGEMENT & PROTECTION

January 26, 2017

Electronic Submission: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

**Subject: Comment Letter – Calleguas Creek Watershed Metals and Selenium TMDL**

Dear Ms. Townsend:

The Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed (Stakeholders) appreciate the opportunity to support State Water Resources Control Board (State Water Board) approval of the amendment to the Basin Plan to revise the Total Maximum Daily Load for Metals and Selenium in the Calleguas Creek, Its Tributaries, and Mugu Lagoon (Basin Plan Amendment). The Stakeholders worked closely with Regional Board staff to develop the TMDL modifications. While supportive of the approval of the Basin Plan Amendment, the Stakeholders wish to take this opportunity to highlight the success of the TMDL in reducing impairments in the Calleguas Creek Watershed and note the need for the State Water Board and Regional Water Boards to consider how to better address successful TMDLs in the future.

As discussed in the Staff Report for the Basin Plan Amendment, all reaches of the Calleguas Creek Watershed, except copper in Revolon Slough, are no longer impaired for copper and nickel and could be delisted. There have been no exceedances of copper or nickel in over 5 years and only 1 exceedance of nickel in the past 8 years. This success resulted in the need to modify allocations in the TMDL to reflect that further load reductions were not needed to remove the impairments. While Regional Water Board staff agreed with the need and willingly prepared the Basin Plan Amendment, the Stakeholders and Regional Board staff differed in the preferred approach to modifying the TMDL. In the development of the Basin Plan Amendment,

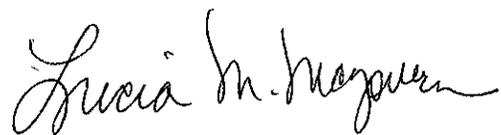
the Stakeholders requested that the TMDL be modified to remove the allocations in the reaches that were no longer impaired, consistent with what was done for zinc during the development of the original TMDL. Regional Board staff preferred an approach based on existing discharge concentrations that was ultimately adopted. In addition, Stakeholders raised concerns about the interpretation of the applicability of the adopted copper water effects ratios for the watershed.

While a compromise was reached and the Stakeholders are supporting the approval of the Basin Plan Amendment by the State Water Board, the modification process highlighted that there is not clear guidance on what happens once a waterbody is no longer impaired. While all parties agree that it is important to ensure the waterbodies do not become impaired again in the future, it is critical that dischargers are not put in a situation where they are potentially out of compliance when impairments no longer exist. Setting allocations based on existing conditions as a consistent practice for addressing this situation is not practical or appropriate for all types of dischargers in a TMDL, particularly agricultural and stormwater dischargers that have intermittent discharges. Thus, the Stakeholders request that the State Water Board provide better guidance for addressing TMDL allocations in waterbodies that are no longer impaired. This will allow dischargers to focus resources on improving conditions in reaches with ongoing impairments without worrying about non-compliance for waterbodies meeting objectives.

In conclusion, the Stakeholders support the approval of the Basin Plan Amendment, but request the State Water Board consider identifying better alternatives for implementing allocations in waterbodies that are meeting water quality objectives because of TMDL implementation. Hopefully we all will be celebrating more of these successes in the future and it is important to ensure that dischargers are not at risk of being out of compliance with allocations and associated effluent limitations when the waterbody impairments no longer exist.

Thank you for your time and consideration of these comments. If you have questions, please contact me at (805) 388-5334.

Sincerely,

A handwritten signature in black ink, reading "Lucia M. McGovern". The signature is written in a cursive, flowing style.

Lucia McGovern

Chair of Stakeholders Implementing TMDLs in Calleguas Creek Watershed