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STATE WATER RESOURCES CONTROL BOARD BOARD MEETING SESSION – DIVISION OF WATER QUALITY [DATE - TBD], 2009

ITEM

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO REVISE THE WASTE LOAD ALLOCATIONS FOR THE CALLEGUAS CREEK WATERSHED NITROGEN COMPOUNDS AND RELATED EFFECTS TOTAL MAXIMUM DAILY LOAD (TMDL)

DISCUSSION

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted [Resolution No. R4-2008-009](#) on September 11, 2008 revising the waste load allocations for the Calleguas Creek Watershed Nitrogen Compounds and Related Effects TMDL. The Los Angeles Water Board previously adopted an amendment to the Basin Plan, Resolution 02-017, to include a TMDL for Nitrogen compounds and related effects in the Calleguas Creek watershed on October 24, 2002. The TMDL was approved by the State Water Resources Control Board (State Water Board) on March 19, 2003, the Office of Administrative Law (OAL) on June 5, 2003, and the U.S. Environmental Protection Agency (U.S. EPA) on June 20, 2003. The Calleguas Creek Nitrogen Compounds and Related Effects TMDL included concentration-based maximum daily effluent limits (MDEL), average monthly effluent limits (AMEL), and mass-based daily waste load allocations for ammonia for publicly owned treatment works (POTWs) including Hill Canyon Wastewater Treatment Plant, Simi Valley Water Quality Control Facility, Moorpark Wastewater Treatment Plant, Camarillo Water Reclamation Plant, and Camrosa Water Reclamation Facility.

The National Pollutant Discharge Elimination System (NPDES) permits for the Hill Canyon Wastewater Treatment Plant, Simi Valley Water Quality Control Facility, Moorpark Wastewater Treatment Plant, Camarillo Water Reclamation Plant, and Camrosa Water Reclamation Facility will be under consideration for renewal by the Los Angeles Water Board in the near future. The Calleguas Creek Nitrogen Compounds and Related Effects TMDL waste load allocations will be incorporated into the permits in conformance with the Clean Water Act and related federal regulations. In preparing the NPDES permit renewals, Los Angeles Water Board staff identified a typographical error in the mass-based daily waste load allocations for ammonia in the Calleguas Creek Nitrogen Compounds and Related Effects TMDL. Translating a concentration-based limit into a mass-based daily limit requires multiplying the concentration-based limit by the flow rate. However, the mass-based daily waste load allocations for ammonia were incorrectly calculated as the product of the daily flow rate and the AMEL, rather than the daily flow rate and the MDEL.

When the original TMDL was adopted (2002), the practice at that time was to calculate the flow rate of a POTW and include it in the Basin Plan as a static factor. Current practice, however, recognizes that POTW flow rates are dynamic. As a result, current mass-based limits that are incorporated into the Basin Plan will often be expressed as an equation that includes Q , or the

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flow rate, as one of its factors. The use of the POTW effluent flow rate to calculate mass based waste load allocations is consistent with other TMDLs recently approved by U.S. EPA. This Basin Plan amendment corrects the mass-based daily waste load allocations for ammonia so that they are based upon the MDEL, and updates the waste load allocations to be consistent with the current practice of recognizing that flow is variable. The mass-based waste load allocations for ammonia are corrected to be based on the MDEL and the actual POTW effluent flow rate at the time the monitoring is conducted.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan to revise the waste load allocations for the Calleguas Creek Watershed Nitrogen Compounds and Related Effects TMDL as adopted by Los Angeles Water Board Resolution No. R4-2008-009?

FISCAL IMPACT

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 WATER 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 as adopted under Los Angeles Water Board Resolution No. R4-2008-009.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board Resolution No. R4-2008-009 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL.

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 Action 1 to prepare, adopt, and take steps to carry out Total Maximum Daily Loads, designed to meet water quality standards, for all impaired water bodies on the 2006 list.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2009-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO REVISE THE WASTE LOAD ALLOCATIONS FOR THE CALLEGUAS CREEK WATERSHED NITROGEN COMPOUNDS AND RELATED EFFECTS TOTAL MAXIMUM DAILY LOAD (TMDL)

WHEREAS:

1. On October 24, 2002, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted an amendment to the Basin Plan, [Resolution No. 02-017](#), to include a TMDL for Nitrogen compounds and related effects in the Calleguas Creek watershed. The TMDL was approved by the State Water Resources Control Board (State Water Board) on March 19, 2003, the Office of Administrative Law (OAL) on June 5, 2003, and the U.S. Environmental Protection Agency (U.S. EPA) on June 20, 2003.
2. On September 11, 2008, the Los Angeles Water Board adopted [Resolution No. R4-2008-009](#) amending the Basin Plan to revise the waste load allocations for the Calleguas Creek Watershed Nitrogen Compounds and Related Effects TMDL.
3. The Los Angeles Water Board found that the analysis contained in the Final Project Report, the California Environmental Quality Act (CEQA) "substitute documentation" for the proposed Basin Plan amendment, including the CEQA Checklist, the staff report, and the responses to comments prepared by Los Angeles Water Board staff and Resolution R4-2008-009 adopted by the Los Angeles Water Board complies with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in the California Code of Regulations, Title 23, section 3775 et seq.
4. The State Water Board finds that, in amending the Basin Plan, the Los Angeles Water Board complied with the requirements set forth in sections 13240, 13245, and 13246 of the California Water Code. The State Water Board also finds that the regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, Subdivision (b).
5. The Los Angeles Water Board found that adoption of this amendment would result in no adverse effect on wildlife, and the amendment would be consistent with the State Antidegradation Policy ([State Water Board Resolution No. 68-16](#)) and Federal Antidegradation Policy (40 Code of Federal Regulations 131.12).
6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The TMDL must also be approved by 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, non-substantive errors, to improve clarity and consistency. The Los Angeles Water Board's Executive Officer made these minor changes in a memorandum dated January 23, 2009.

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THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan as adopted under Los Angeles Water Board Resolution No. R4-2008-009 as corrected by the Los Angeles Water Board Executive Officer on January 23, 2009.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board Resolution No. R4-2008-009 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 **TBD**.

Jeanine Townsend
Clerk to the Board