

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

RESOLUTION 04-004

May 6, 2004

Revision of Interim waste load allocations and implementation plan for chloride in the Amendment to the Water Quality Control Plan for the Los Angeles Region to include a TMDL for Chloride in the Upper Santa Clara River, Resolution 03-008

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 are sufficient to protect beneficial uses designated 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. At a public meeting on October 24, 2002, the Regional Board considered amending the Basin Plan to include a Total Maximum Daily Load (TMDL) for chloride in the Upper Santa Clara River. The proposed TMDL included interim waste load allocations for chloride for the Valencia and Saugus Water Reclamation Plants (WRPs) which are owned and operated by the County Sanitation Districts of Los Angeles County (CSDLAC). These interim waste load allocations provide the discharger the necessary time to implement chloride source reduction, complete site specific objective studies, and make appropriate modifications to the WRP, as necessary, to meet the water quality objective for chloride. The interim waste load allocations proposed in the TMDL were based on a statistical evaluation of the WRP's performance in the three years preceding October 2002.
4. The Regional Board considered the entire record, including written and oral comments received from the public and the Regional Board staff's response to the written comments. Resolution 02-018, the TMDL for chloride in the Upper Santa Clara River, was adopted by Regional Board on October 24, 2002. Resolution 02-018 assigned waste load allocations (WLAs) to major POTWs, minor point sources, and MS4s permittees discharging to specific reaches of the Santa Clara River.
5. At a public workshop on February 4, 2003, the State Board considered the TMDL for chloride in the Upper Santa Clara River, the entire record, including written and oral comments received from the public and the State Board staff's response to the written comments. At a public meeting on February 19, 2003 the State Board adopted SWRCB Resolution 2003-0014 (the "Remand Resolution") which remanded the TMDL to the Regional Board and directed the Regional Board to

reconsider several matters associated with the TMDL implementation plan, including the duration of the interim waste load allocations. The State Board resolution did not recommend that the Regional Board consider revision of the interim waste load allocations.

6. In response to the Remand Resolution, Regional Board staff revised the TMDL Implementation Plan to address issues identified in the Remand Resolution. At a public hearing on July 10, 2003, the Regional Board considered the revised TMDL for chloride in the Upper Santa Clara River. The Regional Board considered the entire record, including written and oral comments received from the public, the Regional Board staff's response to the written comments, and the Remand Resolution. At the public hearing, the Regional Board directed staff to reconsider interim waste load allocations and evaluate how any changes would affect avocados and groundwater.
7. On July 10, 2003, the Regional Board adopted Resolution 03-008 to revise the Basin Plan to include a TMDL in the Upper Santa Clara River. Resolution 03-008 contained interim waste load allocations for the Saugus and Valencia WRPs and assigned waste load allocations (WLAs) to major POTWs, minor point sources, and MS4s permittees discharging to specified reaches of the Santa Clara River.
8. During the time that the State and Regional Boards were considering the chloride TMDL, the National Pollutant Discharge Elimination System (NPDES) permits for the Valencia and Saugus Water Reclamation Plants (WRPs) were under consideration for renewal by the Regional Board. Time Schedule Orders adopted contemporaneously with the NPDES permits also included interim discharge limits for chloride ("NPDES Interim Limits") which differed from the TMDL interim waste load allocations. The NPDES Interim Limits are based on the chloride concentration of the water served from Castaic Lake for municipal supply in the Santa Clarita Valley plus a loading factor of 134 mg/L of the Valencia WRP and 114 mg/L for the Saugus WRP, measured as a twelve month rolling average. The loading values are the highest measured at each plant in the last 5 years.
9. Staff finds that the effects of the NPDES Interim Limits relative to TMDL interim waste load allocations on groundwater and avocados are minor. Potential fiscal impacts could be addressed through the mechanisms of the TMDL. The purpose of this Basin Plan Amendment is to modify the interim waste load allocations in the Chloride TMDL to conform to those in the Saugus and Valencia Time Schedule Orders adopted by the Regional Board on November 6, 2003.
10. The item summary, as well as CEQA checklist and tentative Basin Plan Amendment were released for public comment on December 30, 2003. The revised interim waste load allocations are proposed in attachment A to this resolution.
11. The amendment is consistent with the State Antidegradation Policy (State Board Resolution No. 89-16), 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 proposed amendment results in no potential for adverse effect (de minimis finding), either individually or cumulatively, on wildlife.
13. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).
14. The Basin Plan amendment incorporating a revision for interim waste load allocations for chloride in the Santa Clara River Chloride TMDL 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 U.S. Environmental Protection Agency (U.S. EPA). The Basin Plan amendment will become effective upon approval by OAL and U.S. EPA. A Notice of Decision will be filed.
15. The TMDL Implementation Plan includes a task to develop site specific objectives for chloride to protect beneficial uses. The studies supporting the proposed site specific objectives are to be completed within three years after the effective date of the TMDL. The three-year timeline is reasonable in light of existing information; however, depending on the data requirements that are recommended by technical experts pursuant to Implementation Task 4, the completion dates for the development of appropriate thresholds for chloride and associated implementation tasks may need to be revised in order to provide sufficient time to complete the necessary scientific studies. The Implementation Plan has been modified to recognize that the Regional Board will re-evaluate the implementation schedule 12 months after the effective date of the TMDL, and take action to amend the schedule if there is sufficient technical justification.
16. The Regional Board recognizes that certain completion dates provided in the TMDL Implementation Plan are estimates and that there are uncertainties associated with implementation of some of the tasks, particularly for those related to the development and implementation of appropriate control measures for meeting the water quality objective. For example, should additional treatment facilities be required, the time needed for actions including, but not limited to, gaining regulatory approval for measures selected for implementation, completion of CEQA requirements, and acquisition of land and easements, are subject to uncertainties and factors outside the control of responsible parties. In recognition of these uncertainties, the implementation plan has been modified to recognize that the Regional Board will re-evaluate the schedule 9 years after the effective date of the TMDL.

THEREFORE, be it resolved that pursuant to Section 13240 and 13242 of the Water Code, the Regional Board hereby amends the Basin Plan as follows:

1. The revised implementation plan in attachment A of this Resolution supersedes the implementation plan contained in Resolution 03-008.
2. Pursuant to sections 13240 and 13242 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 revisions of the interim waste load

allocations and implementation plan in the Santa Clara River Chloride TMDL, Table 7-8.1, Implementation Section as set forth in Attachment A hereto.

3. 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.
4. 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 Office of Administrative Law (OAL) and the United State Environmental Protection Agency (U.S. EPA).
5. 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 consistently, the Executive Officer may make such changes, and shall inform the Board of any such changes.
6. The Executive Officer is authorized to sign a Certificate of Fee Exemption.
7. Amend the text in the Basin Plan, Plans and Policies (Chapter 5) to add:

"Resolution 04-004. Adopted by the Regional Water Quality Control Board on May 6, 2004.

'Amendment to revise the interim waste load allocations and implementation plan in the TMDL for Chloride in the Upper Santa Clara River, Resolution 03-008'.

The resolution proposes revisions for the interim waste load allocations for chloride and a revised implementation plan for the Upper Santa Clara River."

I, Dennis 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 May 6, 2004.



Dennis A. Dickerson
Executive Officer