

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

RESOLUTION NO. R4-2005-009

July 7, 2005

Amendment to the *Water Quality Control Plan for the Los Angeles Region* to
Incorporate a Total Maximum Daily Load for Toxicity, Chlorpyrifos, and Diazinon
in Calleguas Creek its Tributaries and Mugu Lagoon

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region, finds that:

- The Federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) to develop water quality objectives, which are sufficient to protect beneficial uses for each water body found within its region.
2. A consent decree between the U.S. Environmental Protection Agency (USEPA), Heal the Bay, Inc. and BayKeeper, Inc. was approved on March 22, 1999. This court order directs the USEPA to complete Total Maximum Daily Loads (TMDLs) for all impaired waters within 13 years. A schedule was established in the consent decree for the completion of the first 29 TMDLs within 7 years, including completion of a TMDL to reduce toxicity, chlorpyrifos, and diazinon in the Calleguas Creek Watershed by March 22, 2006. The remaining TMDLs will be scheduled by Regional Board staff within the 13-year period.
 3. The elements of a TMDL are described in 40 CFR 130.2 and 130.7 and section 303(d) of the CWA, as well as in USEPA guidance documents (Report No. EPA/440/4-91/001). A TMDL is defined as the sum of the individual waste load allocations for point sources, load allocations for nonpoint sources and natural background (40 CFR 130.2). Regulations further stipulate that TMDLs must be set at levels necessary to attain and maintain the applicable narrative and numeric water quality standards with seasonal variations and a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality (40 CFR 130.7(c)(1)). The regulations in 40 CFR 130.7 also state that TMDLs shall take into account critical conditions for stream flow, loading and water quality parameters.
 4. The numeric targets in this TMDL are not water quality objectives and do not create new bases for enforcement against dischargers apart from the water quality objectives they translate. The targets merely establish the bases through which load allocations (LAs) and waste load allocations (WLAs) are calculated. WLAs are only enforced for a discharger's own discharges, and then only in the context of its National Pollutant Discharge Elimination System (NPDES) permit, which must be consistent with the assumptions and requirements of the WLA. The Regional Board will develop permit requirements through a subsequent permit action that will allow all interested persons, including but not limited to municipal storm water dischargers, to provide comments on how the WLA will be translated into permit requirements.
 5. Upon establishment of TMDLs by the State or USEPA, the State is required to incorporate the TMDLs along with appropriate implementation measures into the State Water Quality

Management Plan (40 CFR 130.6(c)(1), 130.7). This Water Quality Control Plan for the Los Angeles Region (Basin Plan), and applicable statewide plans, serves as the State Water Quality Management Plans governing the watersheds under the jurisdiction of the Regional Board.

6. The SWRCB adopted Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (also known as the State Implementation Plan or SIP) on March 2, 2000. The SIP was amended by Resolution No. 2000-30, on April 26, 2000, and the Office of Administrative Law approved the SIP on April 28, 2000. The SIP applies to discharges of toxic pollutants in the inland surface waters, enclosed bays and estuaries of California which are subject to regulation under the State's Porter-Cologne Water Quality Control Act (Division 7 of the Water Code) and the Federal Clean Water Act. This policy also establishes the following: implementation provisions for priority pollutant criteria promulgated by USEPA through the CTR and for priority pollutant objectives established by Regional Water Quality Control Boards in their water quality control plans (Basin Plans) and chronic toxicity control provisions.
7. On May 18, 2000, the U.S. EPA promulgated the numeric criteria for priority pollutants for the State of California, known as the California Toxics Rule (CTR) and as codified as 40 CFR section 131.38.
8. The Calleguas Creek Watershed is located in southeast Ventura County, California, and in a small portion of western Los Angeles County, and drains an area of approximately 343 square miles from the Santa Susana Pass in the east, to Mugu Lagoon in the southwest. Current land use is approximately 26 percent agriculture, 24 percent urban, and 50 percent open space. The tributaries and the streams of the Calleguas Creek Watershed are divided into fourteen segments, or reaches. The 2002 Clean Water Act 303(d) list identified six reaches as impaired for water column toxicity, two for sediment toxicity, two for chlorpyrifos in fish tissue, and one for organophosphate pesticides in water. These listings were approved by the State Water Resources Control Board on February 4, 2003.
9. The Regional Board's goal in establishing the Calleguas Creek Toxicity TMDL is to determine and set forth measures needed to prevent impairment of water quality due to water column toxicity in all impaired reaches by requiring reductions in diazinon and chlorpyrifos from both point and non-point sources, and by developing a numeric target for unknown causes of toxicity.
10. Calleguas Creek stakeholders have been actively engaged with US EPA and the Regional Board on a variety of watershed planning initiatives in the Calleguas Creek Watershed. Key stakeholders have formed the Calleguas Creek Watershed Management Plan (CCWMP), an established, stakeholder-led watershed management group that has been continually operating since 1996. The Calleguas Creek Watershed Management Plan has broad participation from Federal, State and County agencies, municipalities, POTWs, water purveyors, groundwater management agencies, and agricultural and environmental groups. As part of its mission to address issues of long-range comprehensive water resources; land use; economic development; open space preservation, enhancement and management, the CCWMP proposed to US EPA and Regional Board to take the lead on development of the TMDLs.
11. Regional Board staff have participated in the development of a detailed technical document that analyzes and describes the specific necessity and rationale for the development of this TMDL. The technical document entitled "Calleguas Creek Watershed Toxicity TMDL"

prepared by Larry Walker Associates and is an integral part of this Regional Board action and was reviewed, considered, and accepted by the Regional Board as a supporting background report before acting. Further, the technical document provides the detailed factual basis and analysis supporting the problem statement, numeric targets (interpretation of the narrative and numeric water quality objectives used to calculate the pollutant allocations), source analysis, linkage analysis, waste load allocations (for point sources), load allocation (for nonpoint sources), margin of safety, and seasonal variations and critical conditions of this TMDL.

12. On May 5, 2005, prior to the Board's action on this resolution, public hearings were conducted on the Calleguas Creek Watershed Toxicity, Chlorpyrifos and Diazinon TMDL. Notice of the hearing for the Calleguas Creek Watershed Toxicity, Chlorpyrifos and Diazinon TMDL was published in accordance with the requirements of Water Code Section 13244. This notice was published in the Ventura County Star on April 26, the Daily News Los Angeles on April 26, and the Signal Newspaper on April 27, 2005
13. The public has had reasonable opportunity to participate in the review of the amendment to the Basin Plan. A draft of the Calleguas Creek Watershed Toxicity TMDL was released for public comment on April 26, 2005; a Notice of Hearing was published and circulated 45 days preceding Board action; Regional Board staff responded to oral and written comments received from the public; and the Regional Board held a public hearing on July 7, 2005 to consider adoption of the TMDL.
14. In amending the Basin Plan, the Regional Board considered the factors set forth in Sections 13240 and 13242 of the California Water Code.
15. The amendment is consistent with the State Antidegradation Policy (State Board Resolution No. 68-16), in that it does not authorize any lowering of water quality and is designed to implement existing water quality objectives. Likewise, the amendment is consistent with the federal Antidegradation Policy (40 CFR 131.12).
16. The basin planning process has been certified as functionally equivalent to the California Environmental Quality Act requirements for preparing environmental documents (Public Resources Code, Section 21000 et seq.) and as such, the required environmental documentation and CEQA environmental checklist have been prepared. A CEQA Scoping hearing was conducted on May 31, 2005 in the City of Thousand Oaks, 2100 E. Thousand Oaks Blvd., Thousand Oaks, California. A notice of the CEQA Scoping hearing was sent to interested parties including cities and/or counties with jurisdiction in or bordering the Calleguas Creek watershed.
17. The proposed amendment could have a significant adverse effect on the environment. However, there are feasible alternatives and/or feasible mitigation measures that would substantially lessen any significant adverse impact.
18. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, Section 11353, Subdivision (b).
19. The Basin Plan amendment incorporating a TMDL for Toxic Pollutants in Calleguas Creek watershed 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 USEPA. The Basin Plan amendment will become effective upon approval by USEPA. A Notice of Decision will be filed State of California Secretary of Resources.

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

1. 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 amendments to Chapter 7 of the Water Quality Control Plan for the Los Angeles Region, as set forth in Attachment A hereto, to incorporate the elements of the Calleguas Creek Watershed Toxicity TMDL.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Board in accordance with the requirements of section 13245 of the California Water Code.
3. The Regional Board requests that the State Board approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to OAL and the USEPA.
4. If during its approval process Regional Board staff, the State Board or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.
5. The Executive Officer is authorized to sign a Certificate of Fee Exemption.

I, Jonathan S. Bishop, 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 July 7, 2005.


Jonathan S. Bishop
Executive Officer

7/15/05
Date