

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
DECEMBER 14, 2010**

ITEM 9

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR POLYCHLORINATED BIPHENYLS (PCBS), ORGANOCHLORINE PESTICIDES (PESTICIDES) AND SEDIMENT TOXICITY IN MCGRATH LAKE

DISCUSSION

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted [Resolution No. R09-006](#) on October 1, 2009 incorporating a TMDL for PCBs, pesticides and sediment toxicity in McGrath Lake. A schedule for development of TMDLs in the Los Angeles Region was established in a consent decree (Heal the Bay Inc., et al. v. Browner C 98-4825 SBA) approved on March 22, 1999. The consent decree combined water body pollutant combinations in the Los Angeles Region into 92 TMDL analytical units. In accordance with the consent decree, the McGrath Lake PCBs, Organochlorine Pesticides and Sediment Toxicity TMDL addresses the listings for sediment DDT, dieldrin, chlordane and toxicity under analytical unit 25.

McGrath Lake is a small, black dune lake located in coastal Ventura County. Situated at the southern end of McGrath State Beach Park, the lake is south of the McGrath State Beach Campground and west of Harbor Blvd. Much of the adjacent area to the east is utilized for agricultural operations, such as strawberries, celery and cut flowers. The dominant land use in the McGrath watershed is agriculture, accounting for approximately 78% of the total land use. McGrath Lake is located within the McGrath Lake sub-watershed, which is approximately 1,200 acres and part of the larger Santa Clara River watershed. Prior to agricultural development within the region, the lake and surrounding area was part of the extensive wetland and floodplain complex of the Santa Clara River Delta. Tile drains installed in the region allowed for extensive agricultural operations and have greatly reduced the flooded soils and resulting wetlands. In 1958, Harbor Boulevard was built east of the park and lake, further disrupting the hydrological inputs to McGrath Lake. The lake is a receiving water for tile drain discharge, irrigation runoff, and stormwater from agricultural operations in the sub-watershed. An artificial discharge of lake water to McGrath State Beach occurs through the use of pumps to keep flooding of the fields east of Harbor Blvd to a minimum.

The Regional Board's goal in establishing the TMDL for PCBs, Organochlorine Pesticides and Sediment Toxicity in McGrath Lake is to protect the recreation (REC 1 and REC 2), aquatic life (EST, WILD, RARE, WET) and commercial and sportfishing (COMM) beneficial uses of McGrath Lake by achieving the numeric and narrative water quality objectives set to protect those uses. Numeric targets for the TMDL are based on narrative and numeric water quality objectives (WQOs) provided in the Basin Plan and 40 CFR 131.38 (California Toxics Rule or CTR).

Water column targets for PCBs, chlordane, DDT, and dieldrin are based on the CTR water quality criteria for protection of human health (organisms only). These criteria are more stringent than those for the protection of aquatic life and thus will protect both aquatic life and fish consumption beneficial uses. The sediment numeric targets are derived from the Effects Range-Low (ER-Ls) guidelines compiled by the National Oceanographic and Atmospheric Administration (NOAA). The sediment toxicity impairment is addressed by these numeric targets, which are protective of aquatic life in sediment.

Los Angeles Water Board staff have prepared a detailed technical document that analyzes and describes the specific necessity and rationale for the development of this TMDL. The technical document entitled "McGrath Lake PCBs, Organochlorine Pesticides and Sediment Toxicity TMDL" is an integral part of this Los Angeles Water Board action and was reviewed, considered, and accepted by the Los Angeles Water Board 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 waste load and load allocations), source analysis, linkage analysis, waste load allocations (for point sources), load allocations (for non-point sources), margin of safety, and seasonal variations and critical conditions of this TMDL.

At the time of TMDL adoption, there are no point source discharges to McGrath Lake. Therefore, no wasteload allocations (WLAs) have been assigned in this TMDL. If future development results in stormwater discharges in the McGrath Lake subwatershed, the absence of a WLA would require that stormwater discharges cannot be directed into McGrath Lake. If it was determined that point source discharges would be directed to McGrath Lake, then the McGrath Lake TMDL would need to be amended. Load allocations (LAs) addressing non-point sources of pesticides and PCBs are assigned to discharges from the Central Ditch to the lake and internal sources from the lake sediments. The lake sediments are defined as bed sediments in the main body of the lake and the riparian corridor west of Harbor Boulevard.

The TMDL includes an implementation schedule which requires development of a monitoring and reporting program (MRP) by responsible parties. The monitoring program will consist of two phases. The first phase will focus on sampling the Central Ditch (for the first 10 years of the TMDL implementation schedule) and will be conducted by the responsible parties for the Central Ditch LAs. In Phase 2 the sampling, analysis and flow measurements begun in Phase 1 will continue. Additionally, samples will be collected from within the lake. Water column and surficial sediment (top 2 cm) samples will be collected at the northern end of the lake and from the deepest portion of the lake. All samples will be collected in accordance with SWAMP protocols. Cooperative parties shall only commence, participate or fund the Phase 2 monitoring as prescribed by the McGrath Lake Work Plan (MLWP) developed pursuant to a Memorandum of Agreement (MOA) entered into by and between "cooperative parties" and the Los Angeles Water Board.

Compliance with this TMDL will require the elimination of pollutant loads in toxic amounts from the Central Ditch to the lake and identification and implementation of strategies to remediate the contaminated sediments at the bottom of the lake. The TMDL contains a 14 year implementation schedule for cooperative parties to implement a MOA to jointly develop the MLWP to implement strategies to remediate the contaminated lake sediments and achieve lake sediment load allocations.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan to incorporate a TMDL for PCBs, pesticides and sediment toxicity in McGrath Lake as adopted by Los Angeles Water Board Resolution No. R09-006?

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. R09-006.
2. Directs the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board Resolution No. R09-006 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL and the Surface Water Quality Objectives.

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 TMDLs, designed to meet water quality standards, for all impaired water bodies on the 2006 list.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2010-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR POLYCHLORINATED BIPHENYLS (PCBS), ORGANOCHLORINE PESTICIDES (PESTICIDES) AND SEDIMENT TOXICITY IN MCGRATH LAKE

WHEREAS:

1. On October 1, 2009, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted an amendment to the Basin Plan, [Resolution No. 09-006](#), to incorporate a TMDL for PCBs, pesticides and sediment toxicity in McGrath Lake.
2. The TMDL for PCBs, pesticides and sediment toxicity in McGrath Lake is designed to protect the recreation (REC 1 and REC 2), aquatic life (EST, WILD, RARE, WET) and commercial and sportfishing (COMM) beneficial uses of McGrath Lake by achieving the numeric and narrative water quality objectives set forth to protect those uses.
3. The Los Angeles Water Board found that the analysis contained in the Final Project Report, the California Environmental Quality Act (CEQA) "Substitute Environmental Document" 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 R09-006 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 and 13242 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 is consistent with the Antidegradation Policy ([State Water Board Resolution No. 68-16](#)) and Federal Antidegradation Policy (40 CFR 131.12), in that it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards.
6. Numeric targets expressed as loading capacities for the TMDL are based on the water quality objectives provided in the Basin Plan. Compliance with the targets will be based on a fourteen-year implementation schedule.
7. On July 22, 2010, the Los Angeles Water Board Executive Officer initiated an [EO correction](#) for minor non-substantive changes to the Basin Plan amendment adopted under Los Angeles Water Board Resolution R09-006 for clarity and consistency.
8. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The TMDL must also be approved by the U.S. Environmental Protection Agency (U.S. EPA).

D R A F T

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. R09-006.
2. Directs the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board Resolution No. R09-006 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 December 14, 2010.

Jeanine Townsend
Clerk to the Board