California Regional Water Quality Control Board, Los Angeles Region

STAFF REPORT

2001 Triennial Review:

Prioritization of Basin Planning Issues

April 16, 2001

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1 INTRODUCTION

The California Water Code and the federal Clean Water Act direct the Regional Boards to periodically review their Water Quality Control Plans, also known as Basin Plans. This process is known as a Triennial Review. The 2001 Triennial Review began in fall 2000 with a series of three public workshops on October 17-18, 2000 at which we asked interested parties to identify the basin planning issues of most importance to them. We also held a number of internal meetings with Regional Board staff and management.

As background, the Basin Plan implements a number of state and federal laws – including the Porter-Cologne Act and the federal Clean Water Act. The Basin Plan has three primary functions:

1) to designate beneficial uses for surface and ground waters (our region has 24 beneficial uses, including uses such as municipal and domestic water supply; groundwater recharge; water contact recreation; commercial and sport fishing; and warm freshwater habitat),
2) to set narrative and numeric objectives that must be attained to protect beneficial uses and conform to the state's antidegradation policy (water quality objectives are the limits – e.g., concentrations of lead or bacteria – that are established to protect beneficial uses; the antidegradation policy protects existing water quality, even if it is better than what is required to protect beneficial uses), and
3) to describe implementation programs, plans, and policies to implement water quality standards and protect the Region's waters.

During the Triennial Review, basin planning issues are formally identified and ranked during a public hearing. This list of priorities is then adopted by the Regional Board and transmitted to the State Board. (See Appendix A for the tentative Board Resolution.) These revisions might relate to any of the three areas listed above. These modifications to the Basin Plan are then implemented through *future* Basin Plan amendments, according to their relative priority and available resources.

Amending the Basin Plan involves preparing a staff report outlining alternatives and environmental impacts and, in the case of water quality standards, economic impacts; a CEQA environmental checklist; and the actual amendment (i.e., changes to the Basin Plan). Amendments are mailed out for public review 45 days in advance of the public hearing, typically held at a regularly scheduled Regional Board meeting. Amendments must be adopted by the Regional Board, and approved by the State Board and Office of Administrative Law, as well as by EPA if the amendment involves water quality standards or implementation provisions for standards.

The following staff report briefly summarizes basin planning issues that need to be addressed and an estimate of the resources necessary to complete the work to resolve each issue. The issues are grouped into five categories: 1) revisions to beneficial uses, 2) revisions to water quality objectives, 3) TMDLs, 4) revisions to implementation policies and plans, and 5) other issues. Each issue is assigned a priority level: high priority (H), medium priority (M), low priority (L), not a priority at this time (N/P), and not applicable to basin planning (N/A). Initial priorities were assigned by management based on several criteria, including: 1) the Regional Board's overall priorities for the Region, 2) state or federal requirements or recommendations (e.g., new legislation, new EPA criteria guidance, court orders, requirements as follow-up to EPA review of previous Basin Plan amendments), 3) known environmental impacts with inadequate controls, 4) the need for additional regulatory flexibility for special circumstances, 5) relationship to TMDLs, and 6) consistency with previous EPA, OAL, State Board or Regional Board decisions.

2 ISSUES: REVISIONS TO BENEFICIAL USES

Beneficial uses include both existing and potential uses of our surface and ground waters. Beneficial uses include both human uses of water bodies (e.g., swimming, drinking water) and non-human uses (e.g., aquatic and wildlife habitat). Beneficial uses form the cornerstone of water quality protection. Once the Regional Board designates beneficial uses, appropriate water quality objectives can be established (see Section 3). Together, beneficial uses and water quality objectives form water quality standards, along with the state's antidegradation policy.

"Existing" beneficial uses are those that have been attained for a water body on, or after, November 28, 1975, the date when the U.S. EPA issued the first water quality standards regulation. Existing uses may be further classified as "intermittent," if the stream only flows during certain periods of the year and, therefore, only supports the use intermittently. Beneficial uses may be designated as "potential," whether or not they have been attained on a water body, for several reasons, including (1) plans to put the water to such future use, (2) potential to put the water to such a future use, (3) designation of a use by the Regional Board as a regional water quality goal, or (4) public desire to put the water to such future use.

Both the California Water Code and federal Clean Water Act mandate that beneficial uses be designated for all water bodies. Twenty-four beneficial uses have been identified in the Los Angeles Region (including the coastal watersheds of Los Angeles and Ventura counties). These beneficial uses are defined in Chapter 2 of the Basin Plan for the Los Angeles Region.

Specifically, 40 Code of Federal Regulations (CFR) Section 131.10 describes States' responsibilities for designating and protecting beneficial uses. This Section, in part, outlines minimum attainability criteria; lists six factors of which at least one must be satisfied to justify removal of designated uses that are not existing uses; prohibits removal of existing uses; and establishes conditions and requirements for conducting use attainability analyses.

In the following Section, we list general and specific revisions to beneficial uses that have been proposed by staff and/or other stakeholders. In most cases, the lead program for these revisions would be the Standards and TMDL Unit in the Regional Programs Section.

ISSUE NO.: BU-1
Title: Update Beneficial Uses
Priority: H
Resource need: 1.0 PY + contract
Duration: 2.0 years
Lead Program(s): Standards/TMDL Unit

Background
Beneficial uses form the foundation for water quality protection. Beneficial uses are the primary determining factor of what water quality objectives are applied to a water body. If these water quality objectives are not met, the beneficial use is considered impaired and a TMDL must be developed to remove the impairment. The last comprehensive survey of the region's water bodies to review needs for beneficial use modifications was conducted in 1993. Furthermore, the current Basin Plan does not include beneficial uses for every water body in the Region. Some water bodies were not designated due to a lack of information. Since the 1994 Basin Plan update, new information has become available for many water bodies, particularly about the presence of (or potential habitat for) rare, threatened and endangered species such as steelhead trout.

Proposed Action
If available, new information such as that compiled on an on-going basis by the California Department of Fish and Game in its California Natural Diversity Database (CNDDB) should be used to update beneficial uses in general and, specifically, the "RARE" beneficial use designations.

References
U.S. EPA, 2000
RWQCB, 1995

ISSUE NO.: BU-2
Title: Evaluate proposals for specific changes to beneficial uses of waterbodies
Priority: H
Resource need: 0.75 PY
Duration: Ongoing
Lead Program(s): Standards/TMDL Unit

Background
Beneficial uses form the foundation for water quality protection. Beneficial uses determine what water quality objectives are applied to a water body. If these water quality objectives are not met, the beneficial use is considered impaired and a TMDL must be developed to remove the impairment. During sampling events, staff often record observations related to beneficial uses of waterbodies. In addition, other organizations and agencies submit to the Regional Board requests for beneficial use designations or de-designations for specific waterbodies of interest to them.

Proposed Action
Staff will evaluate specific proposals for beneficial use designations and de-designations, listed in Table 3. The top one to three proposals that staff can verify through additional investigation will be brought to the Regional Board as Basin Plan amendments. (See BU-5 and BU-9 for a re-evaluation of the "Potential MUN" designation for selected surface and ground waters.)

Public Comments (See Table 3)
Camarillo Sanitary District, 10/6/00, 10/17/00
Camrosa Water District, 10/17/00
City of Signal Hill, 10/18/00
Debra O'Hare (citizen), 10/18/00
Department of Navy, 1/23/01
Henshaw Associates, Inc., 10/11/00

Table 3
Proposed Beneficial Use Revisions by Waterbody

Item No.	Waterbody	Proposed Revision	Reference
BU-2-1	Bell Creek	Change REC2 to E	FoLAR newsletter, vol. 4, no. 2, Winter 1996
BU-2-2	Calleguas Creek	Change COLD to WARM	CDFG letter, City of Thousand Oaks (11/7/00)
BU-2-3	Castaic Lake	Change COLD to E	DWR inspection
BU-2-4	Cold Creek	Add WARM E	Tributary rule
BU-2-5	Conejo Creek	Add RARE E	City of Thousand Oaks, 11/7/00
BU-2-6	Dominguez Channel	Add SHELL E to Reach 2	Field observations by J. Sokulsky
BU-2-7	El Dorado Lakes	Move to San Gabriel watershed (currently in LA River watershed)	A. Corado, memo dated 12/13/96
BU-2-8	Harbor Lake	Add WARM E, WILD E, REC1 E, REC2 E	A. Corado, memo dated 12/13/96
BU-2-9	Lake Piru	Add POW E to 403.41, and delete POW P from 403.42	United Water Conservation
BU-2-10	Las Virgenes Creek	Add section to 404.21	A. Corado, memo dated 12/13/96
BU-2-11	Lion Creek	Add to 402.31	A. Corado, memo dated 12/13/96
BU-2-12	Lopez Canyon Creek	Add section to 405.23	A. Corado, memo dated 12/13/96
BU-2-13	Marie Canyon	Add to Malibu Creek watershed	W. Jesena
BU-2-14	McGrath Beach	Add to Ventura County Coastal	S. Luce, TMDL staff
BU-2-15	Oxnard Plain Aquifer	Remove MUN, AGR and IND from Units A-C	Henshaw Associates, Inc. (10/11/00); Dept. of Navy (1/23/01)
BU-2-16	Rincon Basin	Add	
BU-2-17	Santa Clara River	Add "BIOL" designation	Draft resolution
BU-2-18	Solstice Creek	Add SPWN P, MIGR P, RARE P, COLD P (steelhead trout)	National Park Service
BU-2-19	Sweetwater Creek	Add to Hydrologic Unit 404 (Malibu Creek watershed), designate as WILD E, WARM E, REC1 E, REC2 E	Field observations by S. Birosik
BU-2-20	Topanga Creek	Add RARE E (southwestern pond turtle & steelhead trout)	Santa Monica Mountains RCD & NMFS
BU-2-21	Verdugo Wash	Add section to 405.21	A. Corado, memo dated 12/13/96

Notes: Estimated staff resources = generally 0.1 PY and 3 months/addition. Staff resources will be significantly higher for any de-designations.

ISSUE NO.: BU-3
Title: Expand or update "Preservation of Biological Habitats" to include inland surface waters or create an inland "Outstanding Regional Resource Water" category, and designate appropriate waterbodies
Priority: H
Resource need: 0.5 PY
Duration: 1.5 years
Lead Program(s): Standards/TMDL Unit

Background
The "Preservation of Biological Habitats" (BIOL) use is defined as those waters that support designated areas or habitats, such as Areas of Special Biological Significance (ASBS), established refuges, parks, sanctuaries, ecological reserves, or other areas where the preservation or enhancement of natural resources requires special protection. Currently, only coastal or marine areas are designated as BIOL; however, there are some inland surface water bodies that are significant regional resources for preservation of biological habitats such as the Santa Clara River.

Proposed Action
As was done in the 2001 revision of the California Ocean Plan for marine waters, the Regional Board should broaden the range of special resources that may be afforded a higher level of protection. This could be done by either: 1) expanding the definition of the "Preservation of Biological Habitats" beneficial use to include inland surface waters, or 2) creating an "Outstanding State (or Regional) Resource Waters" category. Such a policy should revise or establish a definition of the beneficial use; the level(s) of protection that would be afforded to waterbodies so designated; and a determination of which waterbodies should be assigned this higher level of protection based on other existing local, regional or state designations (e.g., Los Angeles County's Significant Ecological Areas designation) and/or field surveys.

References
LARWQCB, 2000b

Public comments
Santa Monica BayKeeper and Heal the Bay, Inc., 10/30/00

ISSUE NO.: BU-4
Title: Create a “Sole Source Aquifer” beneficial use for groundwater
Priority: M
Resource need: 1.0 PY
Duration: 1.0 year
Lead Program(s): Enforcement/Special Projects Unit (0.8 PY); Standards/TMDL (0.1); Information Technology (0.1)

Background
There are 14 groundwater basins in the region considered to be sole source aquifers. “Sole source” aquifers are those that are the sole source of water supply for the area (i.e., there is no centralized water supply system).

Proposed Action
Create a “Sole Source Aquifer” beneficial use for groundwater and conduct a regional survey to identify groundwater areas that should be so designated. Identifying areas where groundwater is the sole source of water supply will allow us to then compare these areas with other types of spatial data such as unsewered areas to determine areas that may be most vulnerable to groundwater contamination.

ISSUE NO.: BU-5
Title: Re-evaluate MUN beneficial use designations for selected water bodies
Priority: L
Resource need: 2.0 PYs
Duration: 5.0 years
Lead Program(s): Standards/TMDL

Background
In 1989, the Regional Board incorporated the State Board's Sources of Drinking Water Policy into the Basin Plan. This policy stated that all waters of the state, with certain exceptions, are to be protected as existing or potential sources of municipal and domestic supply. Exceptions include waters with existing high dissolved solids, low sustainable yield, waters with contamination that cannot be treated for domestic use using best management practices or best economically achievable treatment practices, waters within particular municipal, industrial, and agricultural wastewater conveyance and holding facilities, and regulated geothermal groundwater. In Regional Board Resolution 89-03, "Incorporation of Sources of Drinking Water Policy into the Water Quality Control Plans," the Regional Board chose not to apply any of the allowable exceptions, and designated all waters as potential municipal and domestic supply (MUN) that were not already designated as either existing or potential municipal and domestic supply.

In 1998, staff re-evaluated some of the MUN designations arising from the Sources of Drinking Water Policy and, based on this, the Regional Board adopted a Basin Plan amendment de-designating eight surface water bodies and two portions of a groundwater basin as MUN. However, this amendment was disapproval by the Office of Administrative Law due to insufficient technical analysis. The Regional Board re-submitted the amendment for the two portions of the groundwater basin only and that amendment was approved.

Proposed Action
Since 1998, a number of agencies have requested that the Regional Board re-evaluate the MUN designations for particular waterbodies designated as a result of Regional Board Resolution 89-03, while others have specifically asked that the Board not re-evaluate current designations. For example, requests have been received to re-examine the appropriateness of a MUN designation for Calleguas Creek, Conejo Creek, lower San Gabriel River, Coyote Creek, Los Angeles River, and the Oxnard Plain Aquifer. Such re-examination to possibility de-designate some of these waterbodies as "potential MUN" will require a waterbody-by-waterbody evaluation to determine whether at least one of the six conditions for de-designation outlined in 40 CFR 131.10(g) is met, as well as an evaluation of whether the waterbody meets any of the allowable exceptions outlined in the State Sources of Drinking Water Policy (State Water Resources Control Board Resolution #88-63).

References
OAL, 1999
RWQCB, 1989
RWQCB, 1998
SWRCB, 1988
US EPA, 1994

Public comments
Camarillo Sanitary District, 10/6/00, 10/17/00
Camrosa Water District, 10/17/00
City of Burbank, 11/20/00
City of Los Angeles, 10/18/00
County Sanitation Districts of Los Angeles County, 11/16/00
Santa Monica BayKeeper and Heal the Bay, Inc., 10/30/00 (*in opposition*)

ISSUE NO.: BU-6
Title: Evaluate policy alternatives to de-designating waterbodies listed as potential municipal and domestic supply (MUN)
Priority: H
Resource need: 1.0 PY
Duration: 1.0 year
Lead Program: Standards/TMDL

Background
With the promulgation of the California Toxics Rule (CTR) by the U.S. EPA in 2000, water quality standards for waters designated as existing or potential sources of drinking water (i.e., waters designated as MUN) have become significantly more stringent for certain pollutants. The CTR criteria are more stringent because they are set to protect water used simultaneously for drinking and fish consumption (i.e., criteria are based on consumption of 2 liters/day of water at the criteria concentration *and* consumption of 6.5 grams/day of fish and shellfish contaminated at a level equal to the criteria concentration but multiplied by a "bioconcentration factor"). Title 22, on the other hand, sets standards to protect solely for drinking water. As a result of the Statewide Sources of Drinking Water Policy, all inland waters not already designated for municipal and domestic supply (MUN), were designated by the Regional Board as Potential MUN. "Existing" and "Potential" beneficial uses are protected the same, therefore, the CTR criteria apply to waterbodies designated "Potential MUN" under the "blanket" State and Regional Board Sources of Drinking Water policies. For dischargers to meet effluent limits based on the "Potential MUN" use and associated CTR criteria will require significant treatment plant upgrades. Many dischargers are arguing that by applying CTR criteria to these waterbodies, we are over-regulating discharges. Environmental groups would like to see these waters protected for future use. There may be approaches to addressing compliance issues while fully protecting the beneficial use. This task would explore such options.

Proposed Action
Evaluate alternatives to de-designating waterbodies that were designated as "Potential MUN" under the State and Regional Board Sources of Drinking Water policies. Alternatives may include: 1) creating a beneficial use subcategory for these waterbodies, 2) adopting water quality standard variances for discharges to these waterbodies, 3) developing a policy to protect waterbodies designated as Potential MUN using Title 22 standards, rather than CTR human health criteria for consumption of water and organisms, if appropriate, or 4) others.

ISSUE NO.: BU-7
Title: Evaluate adding a beneficial use or redefining the commercial and sport fishing (COMM) beneficial use to better account for fish consumption, and specifically, subsistence fishing. Conduct a survey of water bodies to document use for both sport fishing and subsistence fishing.
Priority: H
Resource need: 0.5 PY (+ contract for regional survey)
Duration: 2.0 years
Lead Program: Standards/TMDL

Background
The Basin Plan includes three beneficial uses related to human consumption of aquatic species. These are commercial and sport fishing (COMM), aquaculture (AQUA) and shellfish harvesting (SHELL). However, none of these uses specifically addresses uses of water bodies for subsistence fishing. Accounting for subsistence fishing may be important as local studies in Santa Monica Bay (SMBRP, 1993) have shown that fish consumption is significantly higher than the national average, which was used to develop water quality criteria to protect human health. For marine waters, the 2001 revision to the California Ocean Plan took into account the higher fish and seafood consumption rate in California and revised human health criteria for many priority pollutants based on this higher consumption rate (23 g/day vs. 6.5 g/day). Furthermore, no inland waterbodies are specifically designated for any "fish consumption" uses, though there is likely to be at a minimum some sport fishing in inland waters. (Sport fishing is included under the non-contact recreation use (REC-2).)

Proposed Action
If fish consumption levels are significantly higher in certain water bodies and are at levels considered indicative of subsistence fishing (as defined by California Office of Environmental Health Hazard Assessment), we should document that difference in our designations and adopt appropriate water quality objectives to be protective of human health at that consumption level for both marine and freshwaters. We should also more clearly designate, as appropriate, inland surface waters as supporting or potentially supporting sport fishing.

References
SMBRP, 1993
SWRCB, 2000a

Public comments
US EPA (Robyn Stuber, personal communication)

ISSUE NO.: BU-8
Title: Clarify the applicability of the tributary rule
Priority: M
Resource need: 0.5 PY
Duration: 0.5 year
Lead Program(s): Standards/TMDL (0.25); Information Technology (0.25)

Background
Because not all water bodies are listed in the Basin Plan, Chapter 2 includes two statements to address water bodies not specifically identified in Tables 2-1 and 2-3. First, it states in the Basin Plan that "beneficial uses of inland surface water generally include REC-1 (swimmable) and WARM, COLD, SAL, or COMM (fishable), reflecting the goals of the federal Clean Water Act. In addition, inland waters are usually designated as IND, PROC, REC-2, WILD, and are sometimes designated as BIOL and RARE." Second, it states that "those waters not specifically listed (generally smaller tributaries) are designated with the same beneficial uses as the streams, lakes, or reservoirs to which they are tributary. This is commonly referred to as the 'tributary rule'."[1]

However, in the highly developed Los Angeles Region, many "tributaries" to a water body may be underground storm drains. In addition, Los Angeles and Ventura counties have numerous coastal streams, which are essentially tributaries to the ocean. In these cases, the beneficial uses of marine waters should not necessarily be applied. Finally, a similar rule applies to upgradient groundwater areas.

Proposed Action
The Basin Plan needs to first clarify the applicability of the tributary rule in cases such as those where the "tributary" is an underground storm drain. Second, the similar rule of thumb for groundwater should be made more clear by specifying which upgradient groundwater areas are included (e.g., hydraulically connected, water bearing aquifers, perched groundwater, etc.).

[1] For ocean waters, the State Ocean Plan (2001) includes a similar statement, "the beneficial uses of the ocean waters of the State that shall be protected include industrial water supply; water contact and non-contact recreation…; navigation; commercial and sport fishing; mariculture; preservation and enhancement of designated Areas of Special Biological Significance (ASBS); rare and endangered species; marine habitat; fish migration; fish spawning and shellfish harvesting." And, for groundwater, the Basin Plan includes a similar statement, "many groundwater basins are designated MUN, reflecting the importance of groundwater as a source of drinking water in the Region…other beneficial uses for groundwater are generally IND, PROC, and AGR." A footnote to Table 2-3 further states that, "groundwaters outside of the major basins are either potential or existing sources of water for downgradient basins, and as such beneficial uses in the downgradient basins shall apply to these areas."

ISSUE NO.: BU-9
Title: Reevaluate Beneficial Use designations for shallow perched and semi-perched groundwater
Priority: M
Resource need: 0.5 PY
Duration: 0.5 year
Lead Program(s): Groundwater Division (0.4); Standards/TMDL (0.1)

Background
Many groundwater basins located within the Los Angeles Region contain perched and semi-perched groundwater zones, where background water quality exceeds Basin Plan objectives. These zones are also limited in extent and volume, but currently retain the Municipal and Domestic Supply (MUN) designation within the Basin Plan, as they are underlain by major groundwater basins or are considered to be a "tributary" to a downgradient groundwater basin.

Proposed Action
Reevaluate the beneficial use designation for shallow perched and semi-perched groundwater, in accordance with State Board Resolution 88-63 (Sources of Drinking Water Policy) and Regional Board Resolution 89-03.

3 ISSUES: REVISIONS TO WATER QUALITY OBJECTIVES

Water quality objectives are levels of individual pollutants or water quality characteristics that, if met, will generally protect the beneficial uses of the water. When a water body is designated for more than one beneficial use, objectives necessary to protect the most sensitive use must be applied to the water body. The federal Clean Water Act Section 304(a) directs the U.S. EPA to develop criteria (i.e., “objective”, in State terminology) guidance. This guidance is intended to assist States in developing water quality standards.

Water quality objectives may be expressed in either narrative or numeric forms. States may establish numeric objectives using CWA Section 304(a) criteria guidance, Section 304(a) criteria guidance modified to reflect site-specific conditions, or other scientifically defensible methods. Numeric objectives are values expressed as levels, concentrations, toxicity units, or other numbers deemed necessary to protect designated uses. Narrative objectives are descriptions of conditions necessary for the water body to attain its beneficial uses. Often expressed as “free from” certain characteristics, narrative objectives can be the basis for controlling nuisance conditions, e.g., floating debris. Narrative objectives are often the basis for limiting toxicity in discharges. States may establish narrative objectives where numeric objectives cannot be established or to supplement numeric objectives under 40 CFR 131.11(b)(2).

Table 4 includes proposed changes to water quality objectives. In most cases, the lead program for these changes to water quality objectives would be the Standards and TMDL Unit in the Regional Programs Section.

Table 4: Proposed Revisions to Water Quality Objectives

(Prioritization is based on the TMDL schedule and/or deadlines imposed by EPA.
Numbers indicated next to US EPA (2000) correspond to numbering on pp. 13-16 of EPA's letter)

Item No.	Priority	Objective	Action	Staff Resources	Reference
Surface Water					
WQO-1	H	Ammonia	Update objective by 2004 per EPA criteria guidance (see 64 FR 71973, Dec. 12, 1999). The current Basin Plan objectives are based on guidance issued by EPA in 1984 and 1992. Subsequently, EPA has updated its guidance based on more recent data, better models, and improved statistical methods. The new criteria, outlined in the 1999 update, are *slightly less* stringent than the current Basin Plan objectives. Furthermore, the new acute criteria are only dependent on pH and the presence of cold water species, while the new chronic criteria are dependent on pH, temperature, and the presence of fish early life stages. (The current Basin Plan acute and chronic objectives are dependent on pH, temperature, and the presence of cold water versus warm water species.)	0.3 PY; 0.5 year	U.S. EPA, 2000 (#6); U.S. EPA, *1999 Update of Ambient Water Quality Criteria for Ammonia* ; City of Los Angeles, 10/18/00; City of Thousand Oaks, 11/7/00; County Sanitation Districts of Los Angeles County, 11/16/00; City of Burbank, 11/20/00
WQO-2	H	Bacteria	Update objectives for REC1 to be consistent with EPA criteria guidance. In particular, EPA (1986) recommends the use of enterococcus and/or *e. coli* in place of, or in addition to, fecal coliforms as an indicator of the presence of sewage. Finally, we need to consider recent state law (CCR, Title 17, Section 7958), which changed the requirements for monitoring, posting and closing coastal beaches based on four bacterial indicators: total coliform, fecal coliform, the total-to-fecal coliform ratio, and enterococcus.	0.3 PY; 0.5 year	U.S. EPA, 2000 (#5); U.S. EPA, *Ambient Water Quality Criteria for Bacteria -- 1986* (EPA 440/5-84-002, January 1986); California Code of Regulations, Title 17, Section 7958; Santa Monica BayKeeper and Heal the Bay, Inc., 10/30/00

Table 4: Proposed Revisions to Water Quality Objectives

(Prioritization is based on the TMDL schedule and/or deadlines imposed by EPA.
Numbers indicated next to US EPA (2000) correspond to numbering on pp. 13-16 of EPA's letter)

WQO-3	H/M	Biological objectives (Biocriteria)	Develop and adopt biological objectives to better assess water quality impacts and the health of aquatic life. Biological monitoring (or bioassessment) and biological objectives are tools that would provide a direct measure of impairment of aquatic life. Biological objectives can be either narrative or numeric objectives, and describe the desired biological integrity of the aquatic communities for which they are developed. These objectives would supplement physical, chemical and toxicity water quality objectives. Development of biological objectives is both a priority for the Regional Board, based on its 1995 Triennial Review, and for the EPA. EPA has identified development of biocriteria in its interim draft *Water Quality Criteria and Standards Plan* as one of six priority objectives for the water quality standards program over the next decade.	Narrative objective: 0.5 PY, 0.5 year; Numeric objective: 1 PY, 5 years	U.S. EPA, 2000 (#12); U.S. EPA, *Water Quality Criteria and Standards Plan -- Priorities for the Future* (interim draft) (EPA 822-R-98-003, June 1998); RWQCB, 1995.
WQO-4	H	Dissolved oxygen	Re-evaluate the dissolved oxygen objective to ensure protection of all life stages of fishes and other aquatic species and, in particular, salmonids. The criteria recommended by the EPA in 1986 included warm and cold water dissolved oxygen values for embryonic, larval, and other life stages of salmonids. The Basin Plan should include these criteria and a statement that, should it be determined that these life stages are present these objectives shall apply.	0.2 PY; 0.5 year	U.S. EPA, 2000 (#9); U.S. EPA, *Ambient Water Quality Criteria for Dissolved Oxygen* (EPA 440/5-86-003, April 1986).
WQO-5	M	Exotic vegetation	Revise narrative objective to more broadly apply to invasive species (ie, plants and animals). The current Basin Plan wording only addresses exotic vegetation; however, non-native aquatic species can be equally disruptive, by out-competing native aquatic species and thus changing the community composition and impacting high-order species that may feed on native species.	0.2 PY; 0.5 year	Internal comment

Table 4: Proposed Revisions to Water Quality Objectives

(Prioritization is based on the TMDL schedule and/or deadlines imposed by EPA.
Numbers indicated next to US EPA (2000) correspond to numbering on pp. 13-16 of EPA's letter)

WQO-6	H	MBAS	Review Basin Plan objective for MBAS, which is based on the secondary drinking water standard of 0.5 mg/L. The objective is intended to be protective of the narrative "no foaming" aesthetic requirement in our standard permit provisions. CSDLAC has indicated that foaming has not been observed in their effluent at 0.5 mg/L and they believe the 0.5 mg/L objective is outdated.	0.2 PY; 0.5 year	County Sanitation Districts of Los Angeles County
WQO-7	L	Mineral quality objectives	Develop mineral quality objectives for selected waters without objectives & re-evaluate objectives based on background concentrations	1 PY; 2 years	RWQCB, 1995; City of Thousand Oaks, 11/7/00
WQO-8	L	Narrative objectives	Many of our water quality objectives are stated in a narrative form such as the objective for Biological Oxygen Demand (BOD), which states "waters shall be free of substances that result in increases in the BOD which adversely affect beneficial uses." When writing permits, these narrative objectives must be translated into numeric effluent limits. Where possible, staff should develop more quantitative objectives for selected narrative objectives such as BOD, suspended solids, and oil and grease to aid in deriving effluent limits for these pollutants/stressors in permits.	1 PY; 2 years	Internal comment
WQO-9	H	Nutrients	Develop objectives to prevent cultural eutrophication and protect aquatic life by 2003 per EPA's deadline.	2 PYs; 3 years	U.S. EPA, 2000 (#8); U.S. EPA, National Nutrient Criteria Development Program (add in specific citations); Clean Water Action Plan; Santa Monica BayKeeper and Heal the Bay, Inc., 10/13/00
WQO-10	L	Priority toxic pollutants	Review and comment on any revised numeric objectives for mercury, selenium, pentachlorophenol and selected metals. (Should we need to revised these objectives ourselves, resource needs would increase dramatically.	0.5 PY; 1 year	U.S. EPA, 2000 (#4)

Table 4: Proposed Revisions to Water Quality Objectives

(Prioritization is based on the TMDL schedule and/or deadlines imposed by EPA.
Numbers indicated next to US EPA (2000) correspond to numbering on pp. 13-16 of EPA's letter)

WQO-11	H	Residual chlorine	Review and revise objective to be fully protective of aquatic life and consider associated implementation policy for permitting purposes. This issue was identified in the 1995 Triennial Review as a high priority when the California Department of Fish and Game indicated that the current number is not protective.	0.5 PY; 1 year	U.S. EPA, 2000 (#7); U.S. EPA, *Ambient Water Quality Criteria for Chlorine -- 1984*; RWQCB, 1995 Triennial Review; CDFG; City of Thousand Oaks, 11/7/00.
WQO-12	H	Sediment quality	Develop objectives for sediment quality.	1 PY; 2 years	Santa Monica BayKeeper and Heal the Bay, Inc., 10/30/00
WQO-13	M	Temperature	Review objective to ensure protection of aquatic species during all life stages and, in particular, salmonids. Add statement to Basin Plan that if salmonids are present or certain critical life stages for other species, the following objectives apply.	0.2 PY; 1.0 year	U.S. EPA, 2000 (#10); RWQCB 1995 Triennial Review
WQO-14	H	Toxicity	Update implementation procedures for narrative and numeric water quality objectives for acute and chronic toxicity (e.g., how many tests must be failed to trigger further monitoring and/or a TIE).	0.3 PY; 0.5 year	U.S. EPA, 2000 (#11); RWQCB 1995 Triennial Review; City of Los Angeles, 10/18/00
Groundwater					
WQO-15	L	Mineral quality objectives	Consider aquifer-specific objectives. The Basin Plan presently protects for the highest quality aquifer system in the area. If resources were available, it would be nice to have a more detailed aquifer-specific characterizations.	1.0 PY; 2 years	RWQCB 1995 Triennial Review
WQO-16	L	Nitrate	Develop aquifer-specific objectives. Many groundwater basins have very low levels of nitrate, yet are only protected at 10 mg/l Nitrate-Nitrogen. Agriculture-specific data will allow better application of antidegradation principles for protection of our local groundwater supplies.	1.0 PY; 2 years	RWQCB 1995 Triennial Review

4 ISSUES: TOTAL MAXIMUM DAILY LOAD (TMDL) STUDIES

Section 303(d)(1)(a) of the Clean Water Act (CWA) requires that "each state shall identify those waters within its boundaries for which the effluent limitations … are not stringent enough to implement any water quality standard applicable to such waters." The CWA also requires states to establish a priority ranking for these waters. This list of prioritized impaired water bodies is known as the 303(d) list of water quality limited segments (WQLS). The CWA then requires that Total Maximum Daily Loads (TMDLs) be established for waters on the 303(d) list. On California's 1998 303(d) list, the Los Angeles Regional Water Quality Control Board (RWQCB) identified 832 water body reaches as water quality limited. Since this listing, these impaired reaches have been consolidated into 92 "TMDL Analytical Units" in order to better manage and prioritize impaired watersheds for TMDL development.

ISSUE NO.: TMDL-1
Title: Adopt TMDLs as Basin Plan amendments as necessary
Priority: H
Resource need: 0.5 PY/TMDL
Duration: 4 mos./TMDL
Lead Program(s): Standards/TMDL

Background
A consent decree between Heal the Bay, Santa Monica BayKeeper *et al.* and the United States Environmental Protection Agency (US EPA) became effective on March 22, 1999. The consent decree establishes a schedule for the completion of 92 TMDL analytical units within the Los Angeles Region during the next 13 years. A schedule was established in the consent decree for the completion of specific TMDLs and a minimum number of TMDLs that must be completed each year. The Regional Board will schedule the remaining TMDLs as necessary to complete all 92 Analytical Units within the 13-year period. Many of these TMDLs include water quality standards issues, and all will require Basin Plan amendments.

Proposed Action
See Table 5 for a listing of TMDLs that must be completed within the next three years.

References
United States District Court for the Northern District of California, 1999

Table 5
TMDLs to be completed in the next 3 years (2001-2004)

Item No.	Waterbody	TMDL	Regional Board Hearing Date
TMDL-1-1	**Ballona Creek**	**Trash**	**6/28/01**
TMDL-1-2	Ballona Creek	Coliform	7/1/02
TMDL-1-3	Ballona Creek	Metals	7/1/03
TMDL-1-4	**Calleguas Creek**	**Chloride**	**7/26/01**
TMDL-1-5	**Calleguas Creek**	**Nutrients**	**1/1/02**
TMDL-1-6	Calleguas Creek	Salts	6/1/03
TMDL-1-7	Calleguas Creek	Water Soluble Pesticides	1/1/04
TMDL-1-8	**Dominguez Channel**	**Coliform**	**4/1/02**
TMDL-1-9	**LA River**	**Coliform**	**12/1/01**
TMDL-1-10	**LA River**	**Nutrients**	**12/1/01**
TMDL-1-11	LA River	Metals	6/1/02
TMDL-1-12	**Malibu Creek & Lagoon**	**Coliform**	**1/1/02**
TMDL-1-13	**Malibu Creek & Lagoon**	**Nutrients**	**1/1/02**
TMDL-1-14	Malibu Creek Lakes	Metals	6/1/03
TMDL-1-15	Marina del Rey	Coliform	12/1/02
TMDL-1-16	Marina del Rey	Historic Pesticides	6/1/04
TMDL-1-17	McGrath Beach	Coliform	10/1/02
TMDL-1-18	San Gabriel Lakes	Nutrients	5/1/04
TMDL-1-19	San Gabriel River	Nutrients	11/1/02
TMDL-1-20	San Gabriel River	Coliform	5/1/03
TMDL-1-21	**Santa Clara River**	**Chloride**	**8/23/01**
TMDL-1-22	Santa Clara River	Nutrients	1/1/03
TMDL-1-23	Santa Monica Bay	Metals	9/1/03
TMDL-1-24	**Santa Monica Bay Beaches**	**Coliform**	**11/1/01**
TMDL-1-25	Ventura River	Nutrients	10/1/03

Notes: Bolded TMDLs are those that must be completed in one year. Estimated Basin Planning staff resources = 0.5 PY/amendment; 4 mos./amendment.

ISSUE NO.: TMDL-2
Title: Adopt provisions for 303(d) listing process and TMDL development
Priority: M
Resource need: 0.3 PY
Duration: 1.0 year
Lead Program(s): Standards/TMDL

Background
The federal Clean Water Act Section 303(d) requires that, every two years, states identify surface waterbodies that are not attaining water quality standards. This is known as the 303(d) list of impaired waterbodies (or water quality limited segments, WQLSs). The US EPA has in large part given states flexibility to choose how to determine whether a waterbody is impaired (e.g., how many samples are required, what percentage of samples must exceed the standard, etc.). In California, the Regional Boards are responsible for identifying impaired waters in their Regions, and then transmit this information to the State Board to compile into a statewide 303(d) list. Like the EPA, the State Board has given Regional Boards flexibility in deciding how to determine waterbody impairment.

Proposed Action
Due to the significant ramifications of a waterbody being placed on the 303(d) list (i.e., TMDLs are then required), there is increased attention on the listing process. Therefore, the Regional Board should adopt Basin Plan provisions outlining the listing process, including requirements for public involvement, criteria used in determining impairment, and factors considered when assigning priorities for TMDL development.

Public comments
Santa Monica BayKeeper and Heal the Bay, Inc., 10/30/00

5 ISSUES: REVISIONS TO IMPLEMENTATION POLICIES AND PLANS

Implementation plans and policies provide detailed direction on how to implement water quality standards and protect the Region's waters.

5.1 Water Quality Standards

ISSUE NO.: PP-1
Title: Expand discussion of Antidegradation Policy
Priority: H
Resource need: 0.5 PY
Duration: 1.5 years
Lead Program(s): Standards/TMDL

Background

At present, the Basin Plan includes State Board Resolution No. 68-16 as the State's antidegradation policy.

Proposed Action

The discussion of implementation of the State's antidegradation policy in the Basin Plan needs to be expanded to clarify that the State has, in State Board Order 86-17 and an October 7, 1987 guidance memorandum, interpreted Resolution No. 68-16 to be fully consistent with the federal antidegradation policy. In addition, an implementation policy needs to be developed for application of State Board Resolution No. 68-16 to our permitting and nonpoint source programs. The EPA has also requested that the discussion of antidegradation be expanded to more fully address how the policy is applied to nonpoint.

References

SWRCB, 1968
SWRCB, 1986
SWRCB, 1987
US EPA, 2000

ISSUE NO.: PP-2
Title: Develop guidelines for interpreting narrative objectives in the Basin Plan
Priority: H
Resource need: 0.5 PY
Duration: 0.75 year
Lead Program(s): Standards/TMDL

Background
Many of the objectives in our Basin Plan are narrative objectives – that is, there is no specific numeric limit for the pollutant or stressor. However, with the increased focus on TMDLs, staff must increasingly interpret these narrative objectives by identifying a numeric target for the TMDL. Furthermore, these narrative objectives must be translated into numeric effluent limits in permits.

Proposed Action
To facilitate the consistent translation of narrative objectives into numeric targets (TMDLs) or effluent limits (permits), the Regional Board seeks to develop a policy that outlines what considerations should be taken into account when translating narrative objectives. These considerations may include: correlation between beneficial use impacts and levels of the pollutant/stressor; all relevant information submitted by the discharger and interested parties; and relevant numerical criteria and guidelines developed and/or published by other agencies and organizations (e.g., criteria compiled in “A Compilation of Water Quality Goals” prepared by Region 5).

References
Central Valley Regional Water Quality Control Board, 2000

ISSUE NO.: PP-3
Title: Assist in preparation of state/regional guidance for developing site-specific objectives
Priority: H
Resource need: 0.3 PY
Duration: 1.5 years
Lead Program(s): Standards/TMDL

Background
In certain instances, it is necessary to establish a site-specific objective (SSO) for a pollutant in a waterbody that accounts for local physical, chemical, or ecological factors that enhance or diminish the toxicity of a pollutant. SSOs should be determined by the beneficial uses of the waterbody and can be higher or lower than established regional objectives. Regional Board staff often get requests from dischargers to develop SSOs; however, this is not a trivial procedure, and should only be undertaken when unusual conditions clearly warrant reevaluation of legally established regional objectives. Furthermore, until now, guidance on how to develop SSOs has been inadequate given the complexity of the task. The State and Regional Boards are initiating a process to develop SSOs within California.

Proposed Action
Regional Board staff (who will implement or oversee the implementation of this guidance) need to be key participants in the development and final review of this critical guidance/policy to ensure that it will work for our region, since we often get requests to develop or consider SSOs.

ISSUE NO.: PP-4
Title: Determine the most appropriate approach to address effluent and agriculturally dominated water bodies
Priority: H
Resource need: 0.5 PY
Duration: 2.0 years
Lead Program(s): Standards/TMDL

Background
There has been much discussion of the concept of "effluent dominated water bodies" (EDWs), ranging from what defines an EDW to whether different beneficial uses and water quality objectives should apply. This issue has gotten significant attention in the arid southwest, in particular, where streams that were once ephemeral are now perennial due to the introduction of large volumes of treated wastewater. Thus far, the tools available to the Regional Board for such waterbodies (per the Clean Water Act) are to either conduct a Use Attainability Analysis (UAA) to determine appropriate beneficial uses, or to prepare Site-Specific Objectives (SSOs) to determine appropriate water quality objectives. The State Board recognizes the significance of this issue, and has committed to explore the possible development of a statewide policy under Phase II of the State Implementation Policy (SIP) (SWRCB, 2000b).

Proposed Action
The Regional Board has begun participating in the statewide effort under Phase II of the SIP by co-sponsoring a State Board workshop on this issue in Los Angeles on February 28, 2001, and should continue to be a key player, given the high level of concern about this issue from a variety of stakeholders (i.e., regulated community and environmental groups) in our region. In conjunction with the statewide effort, the Regional Board should consider appropriate ways of addressing EDWs in the region, and work with other Regional Boards in Southern California to attempt to arrive at a consistent approach.

References
SWRCB, 2000b

Public comments
City of Burbank, 11/20/00
City of Los Angeles, 10/18/00
County Sanitation Districts of Los Angeles County, 11/16/00

ISSUE NO.: PP-5
Title: Convene a workgroup to develop a narrative objective or policy on minimum flow
Priority: M
Resource need: 0.5 PY
Duration: 2.0 years
Lead Program(s): Standards/TMDL

Background
Minimum flow is a significant issue in the arid climate that characterizes the Los Angeles Region. Critical periods in terms of water quality often correspond to periods of low flow, due to the reduced assimilative capacity of water bodies during low-flow conditions. On a national level, there have been several key legal cases that have linked flow to water quality. This issue may be exacerbated if water rights are granted for diversion of surface water for irrigation. However, the Basin Plan does not set forth a Regional Board policy to consider flow or a narrative objective for minimum flow.

Proposed Action
The Regional Board should convene a workgroup to develop a minimum flow policy. Such a policy should, at a minimum, recognize the linkage between water quantity and water quality and habitat quality and state that this linkage will be considered in the Board's actions. Such a policy could also outline criteria for determining what minimum level of flow should be kept in a stream. These criteria might be based on water body type, historical conditions, and beneficial uses, for example.

5.2 Permitting

ISSUE NO.: PP-6
Title: Remove Basin Plan provision suspending application of new effluent limitations based on water quality objectives for protection of MUN in Waste Discharge Requirements (including NPDES permits) for permitted facilities discharging to water bodies indicated by "*" under MUN in Table 2-1 of the Basin Plan
Priority: H
Resource need: 0.3 PY
Duration: 0.5 year
Lead Program(s): Standards/TMDL

Background
The U.S. EPA (2000) disapproved the Basin Plan implementation policy that suspends application of new effluent limitations based on water quality objectives for protection of MUN for permitted facilities discharging to waterbodies indicated by "*" under MUN in Table 2-1 of the Basin Plan. The U.S. EPA states that this provision improperly suspends the application of new effluent limitations based on water quality objectives for protection of the beneficial use of MUN in Waste Discharge Requirements (including NPDES permits), for permitted facilities discharging to water bodies indicated by "*" under MUN in Table 2-1 of the Basin Plan. EPA further stated that this policy does not protect these water bodies for their beneficial use as required under 40 CFR 131.10(a); 40 CFR 131.11(a); 40 CFR 131.13; and 40 CFR 122.44(d)(1); and results in the failure to maintain and protect an existing beneficial use as required by 40 CFR 131.12(a)(1).

Proposed Action
Remove Basin Plan provision suspending application of new effluent limitations based on water quality objectives for protection of MUN in Waste Discharge Requirements (including NPDES permits) for permitted facilities discharging to water bodies indicated by "*" under MUN in Table 2-1 of the Basin Plan.

References
US EPA, 2000

ISSUE NO.: PP-7
Title: Adopt a compliance schedule provision to authorize the use of permit-specified compliance schedules in NPDES permits.
Priority: M
Resource need: 0.1 PY
Duration: 0.25 year
Lead Program(s): Standards/TMDL

Background
Compliance schedules are a recognized and existing mechanism for ensuring compliance with effluent limitations established to achieve water quality standards adopted by the Regional Water Quality Control Board, State Water Resources Control Board or the U.S. Environmental Protection Agency. This mechanism, which is presently approved for Waste Discharge Requirements (WDRs), has not been approved for use in NPDES permits due to a lack of explicit authorization in the Basin Plan. Staff presented a Basin Plan amendment to incorporate language authorizing the use of compliance schedules in NPDES permits to the Board on July 27, 2000; however, due to pending State legislation (SB 2165), the Board tabled the amendment until a decision was made on this bill. SB 2165 was adopted into statute in fall 2000. SB 2165 creates some limited exceptions to the Porter-Cologne Water Quality Control Act provisions that establish mandatory minimum penalties for certain violations of NPDES permits. The primary exceptions are for discharges that are in compliance with a qualifying Section 13300 Time Schedule Order (TSO) or Cease and Desist Order (CDO).

Proposed Action
In light of the passage of SB2165, the Board should reconsider whether it wants to allow compliance schedules in NPDES permits, or continue to only allow them through Time Schedule Orders. If the Board does not wish to allow compliance schedules in NPDES permits, for clarity this should be explicitly stated in the Basin Plan.

References
RWQCB, 2000

Public comments
City of Los Angeles, 10/18/00
City of Thousand Oaks, 11/7/00
County Sanitation Districts of Los Angeles County, 11/16/00
Santa Monica BayKeeper and Heal the Bay, Inc., 10/30/00

ISSUE NO.: PP-8
Title: Adopt a variance policy for short-term discharges with no significant potential environmental impacts
Priority: H
Resource need: 0.5 PY
Duration: 1.0 year
Lead Program(s): Standards/TMDL

Background
Currently the Regional Board does not have the authority without a variance policy to grant exceptions to water quality standards. However, there may be situations, such as groundwater dewatering during construction, where because the discharge is small, of a limited duration, and has no significant potential environmental impacts, a variance may be appropriate for certain constituents (e.g., salts). Such a policy would not apply to any priority pollutants. According to EPA, water quality standard variances require similar substantive and procedural requirements to removing a designated use, but unlike removing a use, variances are discharger and pollutant specific, are for a limited period of time, and do not remove the underlying beneficial use(s) of the water body.

Proposed Action
The Regional Board should explore the feasibility of developing a “categorical” variance policy, which outlines the conditions under which a variance might be granted.

References
US EPA, 1996

ISSUE NO.: PP-9
Title: Develop a waiver policy
Priority: H
Resource need: 1.0 PY
Duration: 2.0 years
Lead Program(s): Nonpoint Source

Background
Regional Boards may issue categorical waivers of waste discharge requirements for certain types of discharges. To do this, the Regional Board must approve and issue categorical waiver criteria either through adopting a specific resolution or Basin Plan amendment. Once a categorical waiver is approved by the Regional Board, the Executive Officer may be delegated the responsibility to review and approve categorical waivers. Three categorical waivers have been approved in the Region, as set forth in Resolution No. 53-5 (adopted in 1953). These are: single family dwelling subsurface disposal systems, single family dwelling swimming pool discharges, and on-site drilling mud discharges from single oil wells.

Section 13269, Paragraph (a), of the Water Code continues to state that certain Water Code provisions "may be waived" by a Regional Board for a specific discharge or a specific type of discharge "if the waiver is not against the public interest." However, recent legislation (Senate Bill 390, amending Section 13269) requires that all waivers or waiver categories be evaluated and renewed every 5 years. Initially, Regional Boards must evaluate and renew all waivers and waiver categories by January 1, 2003, otherwise they will automatically terminate. After this initial evaluation and renewal, Regional Boards must conduct on-going compliance monitoring and renew, every 5 years, all waivers and waiver categories.

Proposed Actions
Three actions are proposed under this issue: develop a general waiver policy, evaluate existing waivers, and evaluate the need for new waivers. The evaluation of waivers requires an initial review of all waivers and waiver categories, as well as validation of the adequacy of waiver conditions through field sampling at a representative number of discharges granted waivers. Depending on the data generated from this exercise, the Regional Board may decide to renew the waiver category (based on the adequacy of waiver conditions and their observance), amend the conditions (based on their inadequacy as documented through field tests), or allow the waiver category to automatically terminate on 1/1/2003 (based on the documented impact on water quality). If the last option is chosen, the Regional Board will then have to determine how those discharges should be regulated—either through general WDRs or individual WDRs. The Regional Board may want to consider additional categorical waivers during the pending evaluation, such as for green waste composting operations and streambank stabilization among others.

Public comments
Santa Monica BayKeeper and Heal the Bay, Inc., 10/30/00

ISSUE NO.: PP-10
Title: Clarify mixing zone policy
Priority: H
Resource need: 0.5 PY
Duration: 1.5 years
Lead Program(s): Standards/TMDLs

Background
The Basin Plan stipulates that, on a case-by-case basis, although rare in inland waters, the Regional Board can allow a mixing zone for compliance with receiving water objectives. In rivers and streams, an approved mixing zone can not extend more than 250 feet from the point of discharge or be located less than 500 feet from an adjacent mixing zone. In lakes or reservoirs, it may not extend 25 feet in any direction from the discharge point, and the sum of mixing zones may not be more than 5% of the volume of the water body. Mixing zones are also addressed for priority toxic pollutants (but not conventional pollutants) in the State Implementation Policy. As detailed in the State's Ocean Plan, ocean dilution zones are determined using standard models. Since many of the streams in the Region have minimal upstream flows and therefore minimal dilution of effluent, mixing zones are usually not appropriate.

Proposed Action
It would be helpful to Regional Board staff and dischargers to further clarify under what conditions mixing zones would be allowed, and under what conditions they would be prohibited. Other regions have considered this question in a "Point of Application" policy. For example, two conditions may be required to allow any mixing zone: a) upstream flow of better water quality to create a mixing zone, and b) the waterbody may not be listed as impaired on the 303(d) list of water quality limited segments (WQLS). Consideration also might be given to the nature of the pollutant (e.g., discharge of residual chlorine might be allowed a short zone of volatilization). In addition, as currently stipulated in the Basin Plan, a maximum distance or area could be included in the policy.

References
SWRCB, 2000b
SWRCB, 1997

Public comments
Santa Monica BayKeeper and Heal the Bay, Inc., 10/30/00

ISSUE NO.: PP-11
Title: Develop a policy for addressing emerging chemicals such as MTBE and perchlorate
Priority: M
Resource need: 0.3 PY
Duration: 0.5 year
Lead Program(s): Permitting

Background
Many new chemicals are being developed and marketed each year with little information on the potential impact to the environment.

Proposed Action
Because we know that some of these chemicals are likely to be toxic (e.g., replacement pesticides for urban uses of diazinon, etc.), the Regional Board should consider developing a screening protocol for these types of chemicals and, as needed, incorporating them into permits and regional monitoring programs. From a permitting perspective, the Regional Board should consider adopting a policy that recommends monitoring to evaluate the effects of these pollutants on the receiving water if we expect these chemicals to be discharged from a point source at toxic levels or levels that may cause human health concerns. If the waterbody is identified as impaired by this pollutant, the policy should state that monitoring is required in the permit. Also, the scientific literature should be fully explored to seek possible “action levels” to utilize in regulatory efforts.

5.3 Nonpoint Source Policies

ISSUE NO.: PP-12
Title: Evaluate appropriateness of a reservoir sluicing prohibition
Priority: H
Resource need: 0.5 PY
Duration: 1.5 years
Lead Program(s): Nonpoint Source

Background
The Regional Board and the California Department of Fish and Game have concerns about the practice of sluicing as a means of disposing of accumulated sediment from reservoirs. The Basin Plan acknowledges that sluicing has the potential to degrade downstream water quality and aquatic habitat and limits groundwater recharge capabilities. The Basin Plan further states that the Regional Board strongly opposes sediment removal when this activity has the potential to impair downstream uses (p. 4-44). The position of the Regional Board on sluicing, as outlined in the Basin Plan, is very general.

Proposed Action
The Regional Board should adopt a more specific reservoir sluicing policy, which establishes a list of minimum alternatives that must be considered prior to sluicing, including onsite disposal, dredging and other disposal processes that utilize the “avoidance-minimization-mitigation” approach. The policy should also outline situations where sluicing is acceptable and where it is unacceptable. For example, requirements might include: no permanent impact to habitat; a requirement to demonstrate through monitoring, such as bioassessment, that aquatic habitat and the aquatic community has not been permanently impacted; and prohibitions during certain time periods.

ISSUE NO.: PP-13
Title: Develop a nonpoint source enforcement policy
Priority: M
Resource need: 0.2 PY
Duration: 0.5 year
Lead Program(s): Nonpoint Source

Background
The Clean Water Act is the primary federal law that regulates point and nonpoint source pollution. Point sources, including stormwater, are regulated through NPDES permits. However, agricultural discharges, including irrigation water return flow and runoff from agriculture activities, are specifically exempt from regulation under the CWA as point sources. Instead, these types of discharges must be managed as nonpoint sources under the CWA or, if necessary, as waste discharges under the Porter-Cologne Water Quality Control Act. Porter-Cologne gives the Regional Board the authority to adopt and enforce requirements on any waste discharge, including point or nonpoint source discharges to surface water or groundwater.

Two federal statutes, the CWA and the Coastal Zone Act Reauthorization Amendments (CZARA), establish a framework for addressing nonpoint source pollution at the state level. These statutes require states to develop and implement a nonpoint source management program. In response, the SWRCB and the Coastal Commission completed the "Plan for California's Nonpoint Source Pollution Control Program" in January 2000. This Plan requires the Regional Boards to employ a three-tiered approach to implement nonpoint source management measures: Tier 1) Self-determined implementation of management practices, Tier 2) Regulatory-based encouragement of management practices, and Tier 3) Effluent limitations and enforcement actions.

However, no formal guidance or policy exists to give direction to Regional Board staff on the process of elevating regulatory efforts through the three tiers, the acceptable level of effort within each tier, or when it is appropriate to move immediately to Tier 2 or 3. Senate Bill 227, which was signed into law, requires the SWRCB to establish enforcement guidance by February 2001 for implementation of this three-tiered approach.

Proposed Action
Once finalized, the Regional Board should review and endorse the statewide guidance, and incorporate it into the Basin Plan. Furthermore, the Board should consider adopting a specific nonpoint source enforcement policy for water bodies currently impaired by agricultural discharges.

References
SWRCB and California Coastal Commission, 2000

ISSUE NO.: PP-14
Title: Develop an instream mining policy
Priority: H
Resource need: 0.5 PY
Duration: 1.0 year
Lead Program(s): Nonpoint Source

Background
Instream mining has many adverse effects on water quality and aquatic habitats. Instream mining operations can divert the sand and gravel load of a stream, thereby altering natural rates of sedimentation in downstream areas. In addition, modification of stream channels during instream operations can result in excessive scouring and increased sedimentation during floods, loss of benthic habitat and organisms, possible loss of riparian vegetation due to lowering of the water table and potential loss of aquifer storage capacity. Finally, oil, grease and turbidity from instream operations degrade the quality of surface waters.

Proposed Action
Due to the potential impacts to hydrology and aquatic biota caused by instream mining, the Regional Board should adopt a policy that strongly discourages this activity. If instream mining is permitted, the Regional Board should give clear direction on the conditions under which instream mining will be allowed, including a demonstration that there will be no impacts to hydrology or biota, and a requirement that any project go through the Section 404/401 permitting/certification process.

ISSUE NO.: PP-15
Title: Develop a 401 policy outlining steps of avoidance, minimization and mitigation based on EPA's 404(b)(1) guidance
Priority: H
Resource need: 0.2 PY
Duration: 0.5 year
Lead Program(s): Nonpoint Source

Background
Dredging and filling frequently affect the beneficial uses of wetlands. Pursuant to Section 404 of the Clean Water Act, discharge of fill material to waters of the U.S. (including wetlands) must be performed in accordance with a permit obtained from the Army Corps of Engineers. Under Section 401 of the Clean Water Act, the state must certify that any Section 404 permit will comply with the state's water quality standards, or waive such certification.

Proposed Action
For proposed fill activities deemed to require mitigation, the Regional Board needs to adopt a policy that clarifies the mitigation criteria – the amount (minimum ratios, range of ratios, etc. and bases for these ratios), type (in-kind, i.e., providing the same values and functions as the original wetland), and location (on-site, or if off-site, then in the watershed). For example, a project that impacts high quality wetlands would require a minimum 3:1 replacement ratio up front, or a 5:1 ratio for mitigation after the impacts have occurred.

Furthermore, the policy should clarify that mitigation is required for both permanent and temporary impacts. EPA's Section 401(b)(1) "Guidelines for Specification of Disposal Sites for Dredge or Fill Material" (1980), could be incorporated by reference into the Basin Plan to provide further guidance on circumstances under which wetlands filling may be permitted. Finally, the policy should make it clear that, in general, it is preferable to avoid wetland disturbance. When this is not possible, disturbance should be minimized. Mitigation for lost wetland acreage and values through wetland restoration or creation should only be considered after disturbance has been minimized.

References
US EPA, 1980

ISSUE NO.: PP-16
Title: Develop a pesticide management policy
Priority: M
Resource need: 0.5 PY
Duration: 1.0 year
Lead Program(s): Nonpoint Source/WDR

Background
Pesticides impair approximately 45% of the Region's waterbodies, according to the California 1998 303(d) list of water quality limited segments (WQLS). We suspect that the majority of these impairments are from current and past agricultural practices. DDT, chlordane, and chloropyrifos are a few of the most prevalent pesticides of concern in the Region.

Proposed Action
Due to the large number of waterbody impairments and the long term impacts, the Regional Board should adopt a policy that strongly discourages the use of pesticides that have long half-lives or that bioaccumulate in local biota. Furthermore, the Board should consider adopting regulations that prohibit the discharge from areas currently impaired by pesticides.

ISSUE NO.: PP-17
Title: Enact a prohibition on exotic species introductions
Priority: M
Resource need: 1.0 PY
Duration: 2.0 years
Lead Program(s): Nonpoint Source/WDR

Background
Exotic species introductions are one of the primary environmental threats to our aquatic ecosystems. California has one of the highest numbers of invasive species in the country. *Caulerpa taxifolia*, a non-native seaweed, is one of the most recent to impact Southern California marine habitats.

Proposed Action
The Board should investigate current practices and requirements for exchange of ballast water. The Board should coordinate with the California Department of Fish and Game, US Fish and Wildlife Service, and California Coastal Commission to establish recommendations for reducing invasion in our Region's waterbodies, such as prohibitions on discharge of aquarium water. A broad policy statement that deals with other potential threats should also be considered.

ISSUE NO.: PP-18
Title: Enact a prohibition on wet excavations
Priority: H
Resource need: 0.5 PY
Duration: 1.0 year
Lead Program(s): Enforcement/Special Projects

Background
Construction of various structures requires excavation. In certain locations or at certain times of the year excavation below the groundwater table may be required. These “wet excavations”, which occur below the water table, can directly pollute groundwater and otherwise degrade water quality by evaporative loss and silting.

Proposed Action
The Regional Board should adopt a wet excavation policy outlining the situations where wet excavations are acceptable and what additional conditions are necessary to protect groundwater.

6 ISSUES: OTHER PRIORITY BASIN PLANNING ISSUES

ISSUE NO.: O-1
Title: Evaluate methods for incorporating rapidly changing watershed information into the Basin Plan
Priority: L
Resource need: 0.3 PY
Duration: 0.3 year
Lead Program(s): Watershed Coordinator

Background
As the Regional Board and stakeholder groups have shifted to a watershed approach, more information has become available on a watershed basis, ranging from information on TMDL development and permit renewals to special studies on watershed characteristics. This information is compiled on a yearly basis in the Region's Watershed Management Initiative chapter, which is then submitted to the State Board to create a statewide Watershed Management Initiative report. In addition, on a 5-year rotating basis, the Region's Watershed Coordinator compiles existing watershed data and prepares a "State of the Watershed" report for each watershed. These reports are then made available on the Region's website.

Proposed Action
The information contained in the Region's Watershed Management Initiative chapter and "State of the Watershed" reports is valuable supplemental information to the Basin Plan. The Regional Board should consider possible methods of incorporating this rapidly changing information into the Basin Plan. For example, the Regional Board might adopt on a yearly basis a Resolution approving and incorporating the new reports into the Basin Plan as appendices. The Regional Board could then notify the interested parties on our Basin Plan mailing list of the Board's resolution and the availability of these reports on our website.

References
LARWQCB, 2000

ISSUE NO.: O-2
Title: Make Basin Plan web-accessible
Priority: H
Resource need: 0.25 PY
Duration: 0.25 year
Lead Program(s): Information Technology

Background
There is increasing interest in the Region's Basin Plan among dischargers and the public; however, it is currently not easily accessible on the Internet.

Proposed Action
Make the Basin Plan easily accessible to view or download from the Region's website.

ISSUE NO.: O-3
Title: Update maps, reach boundaries and estuary boundaries, and revise beneficial uses accordingly
Priority: H
Resource need: 1.0 PY
Duration: 1.0 year
Lead Program(s): Standards/TMDL (0.7); Information Technology (0.3)

Background
The river segment (i.e., reach) designations and estuary boundaries contained in the Basin Plan were in some cases based on locations of monitoring stations (e.g., near a road or bridge crossing) instead of being based on hydrological conditions. As staff examine watersheds in great detail during watershed assessments and TMDL development, more concise information is being compiled on hydrological conditions, and where these conditions change along a river.

Proposed Action
The Regional Board should reassess reach and estuary delineations. Redefining reaches and estuary boundaries based on hydrological conditions will result in more readily interpreted water quality data with respect to cause and effect relationships.

Public comments
County Sanitation Districts of Los Angeles County, 11/16/00

ISSUE NO.: O-4
Title: Develop web-based interactive maps allowing users to click on a water body and see beneficial uses and relevant water quality objectives, as well as any impairments and links to data
Priority: L
Resource need: 1.0 PY
Duration: 1.5-2.0 years
Lead Program(s): Information Technology

Background
There is increased interest among various stakeholders in the Basin Plan, including dischargers and environmental organizations.

Proposed Action
Develop web-based interactive maps allowing users to query maps to identify beneficial uses of waterbodies, associated water quality objectives, known water quality impairments, and available data.

ISSUE NO.: O-5
Title: Develop policy balancing strong support for cooperative watershed efforts with the need to ensure timely enforcement of water quality standards
Priority: H
Resource need: 0.25 PY
Duration: 0.5 year
Lead Program(s): Watershed Coordinator

Background
In recent years the Regional Board has worked to support the principles of watershed management and the watershed management efforts of stakeholders. This holistic approach is intended to bring stakeholders together to work cooperatively to identify and implement management actions to protect and restore all aspects of a watershed (e.g., water quality, water supply, aquatic and wildlife habitat, etc.), while balancing human uses of the watershed. Because the approach is meant to be cooperative and holistic, consensus building is often a large and time-consuming component of the process. And while these multi-stakeholder watershed efforts are usually productive, the Regional Board must often balance support for these long-term efforts with immediate needs for protection of water quality and beneficial uses through existing regulatory programs and requirements.

Proposed Action
The Regional Board should consider adopting a resolution, which outlines the Board's philosophy for balancing local watershed management efforts and the need to implement protective water quality standards in a timely manner.

7 REFERENCES

1. LARWQCB, 2000. “Watershed Management Initiative Chapter” (December).

2. LARWQCB, 2000a. “Staff Report: Proposed Amendment to the *Water Quality Control Plan – Los Angeles Region* to Incorporate Authorization for Compliance Schedules in NPDES Permits.” June 8, 2000.

3. LARWQCB, 2000b. Draft Regional Board Resolution 00-xx. “Designating the Santa Clara River as a Significant Regional Resource.” April 13, 2000.

4. LARWQCB, 1998. “Staff Report: Revised Beneficial Use Designations for Sources of Drinking Water.” August 28, 1998.

5. LARWQCB. 1995. “Work Plan for Completing Basin Planning Tasks” (1995 Triennial Review).

6. LARWQCB. 1989. “Incorporation of Sources of Drinking Water Policy into the Water Quality Control Plans (Basin Plans) – Santa Clara River Basin (4A)/Los Angeles River Basin (4B). Resolution No. 89-03. March 27, 1989.

7. Office of Administrative Law (OAL). 1999. “Notice of Disapproval of Regulatory Action.” OAL File No. 99-0602-01 S. July 15, 1999.

8. Regional Water Quality Control Board, Central Valley Region. 2000. “A Compilation of Water Quality Goals.” (August).

9. Santa Monica Bay Restoration Project. 1993. “Santa Monica Bay Seafood Consumption Study” (August).

10. SWRCB. 2000a. “Draft Final Functional Equivalent Document Amendment of the Water Quality Control Plan for Ocean Waters of California.” September 1, 2000.

11. SWRCB. 2000b. *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries in California.*

12. SWRCB and California Coastal Commission. 2000. “Plan for California’s Nonpoint Source Pollution Control Program.” (January).

13. SWRCB. 1997. *Water Quality Control Plan for Ocean Waters of California* (California Ocean Plan).

14. SWRCB. 1988. “Adoption of Policy Entitled ‘Sources of Drinking Water’.” SWRCB Resolution No. 88-63. May 19, 1988.

15. SWRCB. 1987. “Federal Antidegradation Policy.” Memo from William R. Attwater, Chief Counsel, to Regional Board Executive Officers. October 7, 1987.

16. SWRCB. 1986. “In the Matter of the Petition of Rimmon C. Fay to Review Order No. 85-56 of the California Regional Water Quality Control Board, Los Angeles Region, NPDES Permit No. CA0054097.” Order No. WQ 86-17.

17. SWRCB. 1968. *Statement of Policy with Respect to Maintaining High Quality Water in California.* Resolution No. 68-16. October 28, 1968.

18. United States District Court for the Northern District of California. 1999. Heal the Bay, Inc., Santa Monica BayKeeper, Inc., and Terry Tamminen, Plaintiffs, v. Carol Browner, Administrator of the United States Environmental Protection Agency, Felicia Marcus, Regional Administrator of the United States Protection Agency, Region IX, and the United States Environmental Protection Agency, Defendants. Amended Consent Decree. Case No. C 98-4825 SBA. March 22, 1999.

19. U.S. EPA. 2000. Letter to Edward C. Anton, Executive Director, California State Water Resources Control Board, from Alexis Strauss, Director, Water Division, regarding approval of amendments to *the Water Quality Control Plan, Los Angeles Region*. May 26, 2000.

20. U.S. EPA. 1999a. *Action Plan for Beaches and Recreational Waters*. EPA/600/R-98/079.

21. U.S. EPA. 1999b. *1999 Update of Ambient Water Quality Criteria for Ammonia.*

22. U.S. EPA. 1998. *Water Quality Criteria and Standards Plan – Priorities for the Future* (interim draft). EPA 822-R-98-003.

23. U.S. EPA. 1996. *U.S. EPA NPDES Permit Writers' Manual.* EPA-833-B-96-003.

24. U.S. EPA. 1994. *Water Quality Standards Handbook: Second Edition.* EPA 823-B-94-005a.

25. U.S. EPA. 1991. *Technical Support Document for Water Quality-based Toxics Control.* EPA 505/2-90-001.

26. U.S. EPA. 1986a. *Ambient Water Quality Criteria for Bacteria – 1986.* EPA 440/5-84-002.

27. U.S. EPA. 1986b. *Ambient Water Quality Criteria for Dissolved Oxygen.* EPA 440/5-86-003.

28. U.S. EPA. 1984. *Ambient Water Quality Criteria for Chlorine – 1984.*

29. U.S. EPA. 1980. *Guidelines for Specification of Disposal Sites for Dredge or Fill Material*. December 24, 1980.

30. U.S. EPA. 19xx. "Draft Guidance for Developing Antidegradation Implementation Methods for High Quality Waters Impacted by Polluted Runoff."

31. U.S. EPA. 19xx. *Regions 9 & 10 Guidance for Implementing Whole Effluent Toxicity Testing Programs.*

32. United States, Office of the Federal Register, National Archives and Records Administration. 2000. Federal Register, Volume 65, Number 97, May 18, 2000, Page 31681-31719, *Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; Rule.* Washington, D.C. (Referred to as the "California Toxics Rule.")

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APPENDIX A

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

May 31, 2001

Tentative Resolution No. 01-xx

Triennial Review
Prioritization of Basin Planning Issues

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

1. A Water Quality Control Plan for the Santa Clara River Basin was adopted by the Regional Board on March 3, 1975 and was amended on March 27, 1978 and October 22, 1990.

2. A Water Quality Control Plan for the Los Angeles River Basin was adopted by the Regional Board on March 10, 1975 and was amended on November 27, 1978 and June 3, 1991.

3. In 1994, the Water Quality Control Plans for the Santa Clara River Basin and Los Angeles River Basin were comprehensively updated by staff and combined into one volume, Water Quality Control Plan – Los Angeles Region (4).

4. The Water Quality Control Plan – Los Angeles Region (4) was adopted by the Regional Board on June 13, 1994, and approved by the State Water Resources Control Board on November 17, 1994 and by the State Office of Administrative Law on February 23, 1995.

5. Section 13240 of the California Water Code requires that the Regional Board periodically review its Water Quality Control Plan.

6. Section 303(c) of the federal Clean Water Act requires a triennial review of water quality standards contained in Water Quality Control Plans.

7. The Regional Board conducted a triennial review of the Water Quality Control Plan in 1995 and identified a list of priority issues for staff to evaluate which could lead to future revisions to the Water Quality Control Plan.

8. Due to very limited resources, staff only addressed a subset of the highest priority issues, including implementing a watershed management approach and developing TMDLs for selected waterbodies listed on the federal Clean Water Act Section 303(d) list, developing a drought (chloride) policy, reviewing the “Municipal and Domestic Supply” designation for selected waters, and implementing the ammonia objective.

9. Staff initiated the 2001 Triennial Review by holding a series of three public workshops on October 17-18, 2000 to solicit public input in identifying basin planning priorities.

10. Based on public input and meetings with Regional Board staff and management, staff prepared a comprehensive list of basin planning issues needing to be addressed, and prioritized these issues for further study, which could lead to future amendments of the Water Quality Control Plan.

THEREFORE, BE IT RESOLVED THAT:

1. The Regional Board adopts the ranking of high priorities in Table 1 (as attached) and the complete list of priorities in Table 2 (as attached) for the period 2001-2004.

2. The Regional Board shall study further, within budgetary constraints, the issues on Tables 1 and 2 (as attached) and will prepare, as appropriate, amendments to the Water Quality Control Plan.

3. This does not preclude the consideration of other issues for possible revision or amendment of the Water Quality Control Plan.

4. A copy of this Resolution shall be transmitted to the State Water Resources Control Board.

I, Dennis A. 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 31, 2001.

DENNIS A. DICKERSON
EXECUTIVE OFFICER