

Executive Officer's Summary Report
8:30 a.m., January 29, 2009
North Coast Regional Water Board
David C. Joseph Hearing Room
5550 Skylane Blvd., Suite A
Santa Rosa, California

Item: 5

Subject: Klamath TMDL Implementation Plan Summary/Scoping

Introduction

In July 2008, the North Coast Regional Water Quality Control Board (Regional Water Board) staff developed an administrative draft Klamath River TMDL staff report that included background information on the Klamath River basin, and preliminary technical analysis results and load allocations (together referred to as the technical TMDL). The administrative draft staff report identified sources of pollution that contribute to the water quality impairments of the Klamath River in California (water temperature, organic enrichment / low dissolved oxygen, and nutrients), and quantified the relevant pollutant allocations necessary to meet water quality standards in the Klamath River in California.

Within the last 6 months, the following presentations on the development of the technical TMDL have been delivered to the Regional Water Board:

1. In July 2008, staff provided an overview of the Klamath River basin and a brief summary of the TMDL development approach and schedule.
2. In September 2008, staff presented the general approach to developing a TMDL, and detailed the draft allocations for the temperature TMDL.
3. In December 2008, staff presented the approach and draft findings associated with the dissolved oxygen (DO) and nutrient-related water quality impairments for the Klamath River TMDL.

Concurrently, staff are in the process of developing an implementation plan for the Klamath River TMDLs that will identify the parties responsible for meeting the TMDL allocations, and identify the nature of the actions required of those parties. Ultimately the implementation plan will be included as a chapter in the Klamath River TMDL staff report.

At the January 29, 2009 Regional Water Board meeting, staff will present the current status, scope, and approach of the implementation plan. In early 2009 staff plan to release for public review a preliminary and abbreviated draft of the implementation plan. This summary implementation plan document is intended as a scoping device and will:

1. Provide an overview of the draft TMDL load allocations;
2. Identify potential responsible parties;
3. Present the current regulatory strategies for controlling pollutant sources and preliminary recommendations on improving existing regulatory controls;
4. Discuss the implementation challenges of controlling sources where traditional implementation controls may not apply or where the Regional Water Board lacks implementing jurisdiction; and
5. Incorporate input from the Board and public provided at the January 29, 2009 Regional Water Board meeting.

Regulatory Scope of TMDL Implementation

The implementation plan translates the information in the technical TMDL into discrete and identifiable actions that will bring the waterbody into compliance with water quality standards. It must redress all violations of water quality standards if possible and may use any combination of existing regulatory tools to do so. At the January 29, 2009 Regional Water Board meeting legal staff will provide a general overview of the regulatory options for sources within its jurisdiction, and approaches to improve water quality where the Regional Water Board may lack implementation authority.

Overview of the Klamath River TMDL Implementation Plan

The Klamath River TMDL implementation plan must meet the requirements of the Water Code as they relate to the water quality impairments of the Klamath River in California. To do this, the implementation plan will consider the sources of pollution in the Klamath Basin that were identified in the technical TMDLs and identify the parties responsible for controlling these sources. It will consider ongoing effort(s) to control sources, and recommend additional actions as necessary to meet the load allocations. While the implementation plan may recommend specific actions to be taken by private or public dischargers, it is the responsibility of the discharger to ultimately meet the load allocation and comply with water quality standards. The implementation plan will also include actions for the Regional Water Board to take to effectively implement the TMDL and be consistent with the State Nonpoint Source Implementation Policy that requires regulation of all nonpoint source discharges. Finally, the implementation plan will include a time schedule and a monitoring plan to both track responsible party compliance and trends towards compliance with water quality objectives, TMDL numeric targets, and TMDL allocations.

Implementation Plan Organization

The implementation plan will be organized according to the source areas identified in the administrative draft TMDL staff report. Each section will summarize the allocations for that source area, present the potential parties responsible for meeting those allocations, and discuss the current efforts in place to address the water quality impairments. The five source areas receiving allocations identified in the administrative draft staff report are:

1. Klamath River entering California at Stateline;
2. The Klamath Hydropower Project (KHP) reservoirs and dams;
3. Iron Gate Hatchery;
4. Klamath River tributaries; and
5. Watershed-wide allocations that apply within the geographic scope of the TMDL.

At the January 29, 2009 Regional Water Board meeting, staff will explain the approach to implementation in each of the above source areas including an initial identification of responsible parties and potential implementation actions.

PRELIMINARY STAFF
RECOMMENDATION:

Informational Item Only.