Using Biological Assessment Tools for Regulating California Streams

Stakeholder Advisory Group Meeting

June 5, 2013

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Office of Information Management & Analysis
State Water Board

Presentation Overview

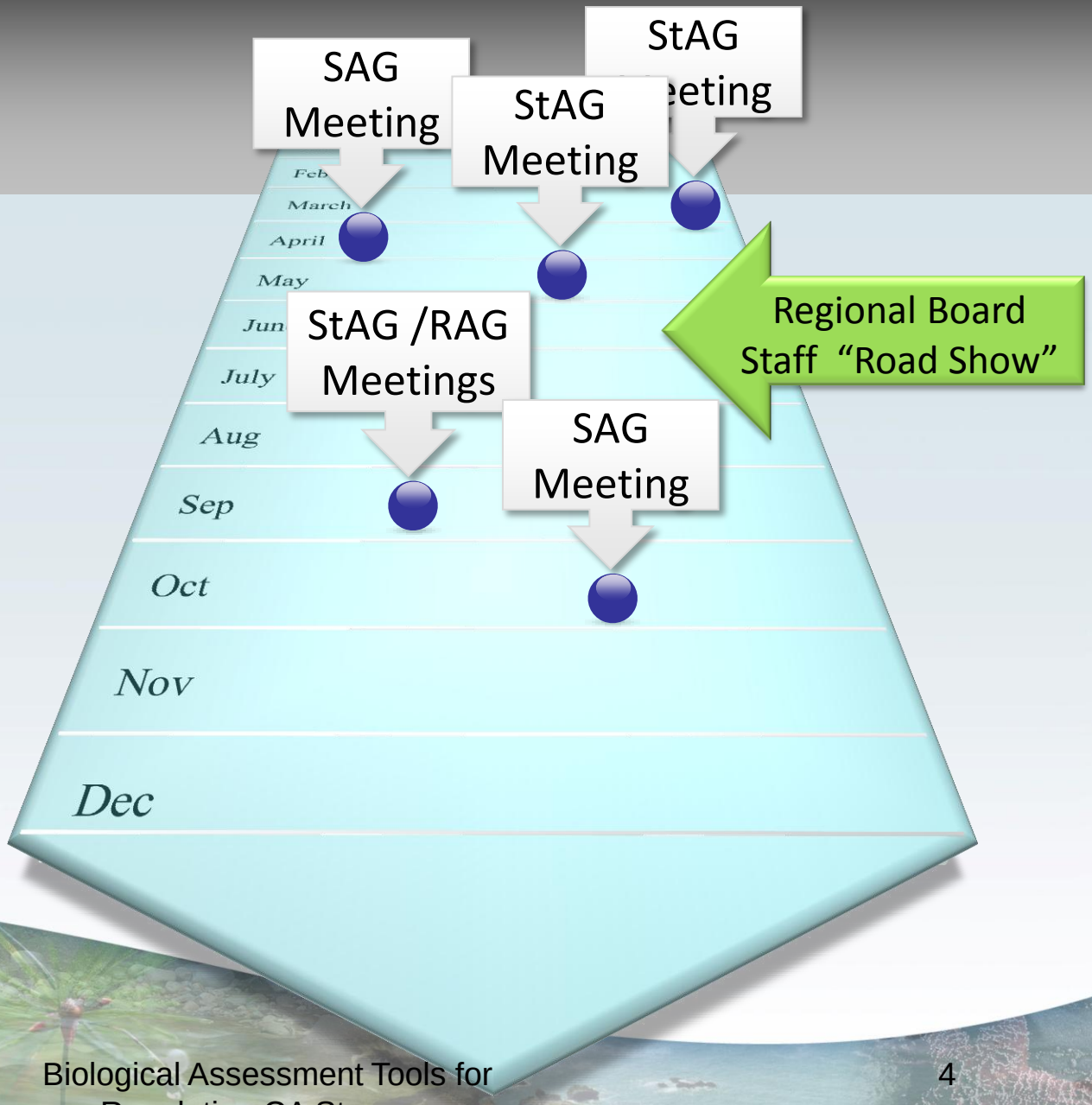
- Review process and progress to date
- Summarize Water Board discussion since the last stakeholder meeting
- Review high-level project options in relation to major implementation issues

2010

- Initiated project
- Established Stakeholder Advisory Group (StAG)
- Vetted project work plan with stakeholders
- Established Science Advisory Group (SAG) membership with input from stakeholders
- Science Advisory Group approved project work plan

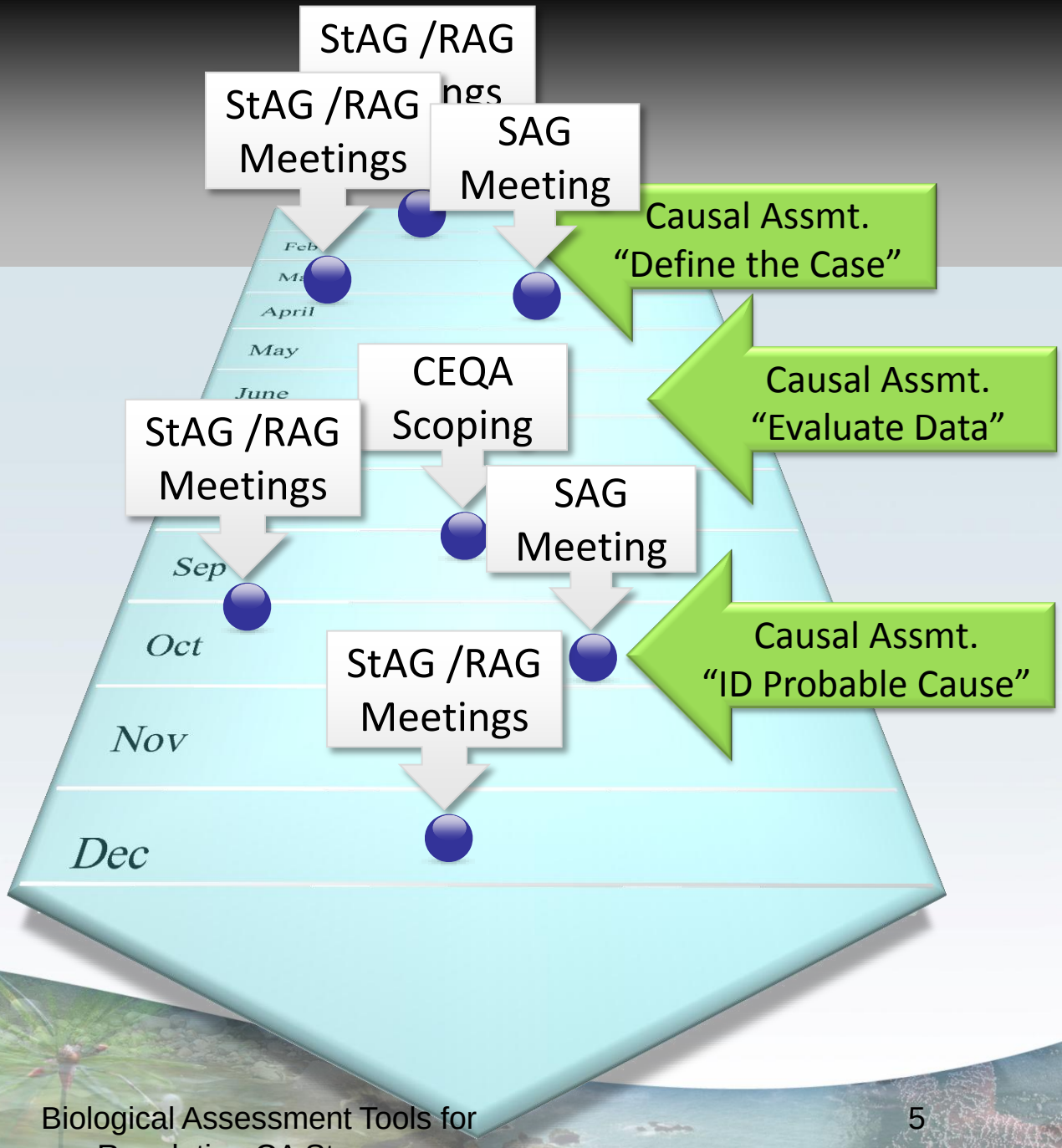
2011

- Technical work focused on establishing reference condition and the pilot study
- Initiated scoring tool development & statewide stressor analysis
- Developed Causal Assessment Work Plan
- Established Regulatory Advisory Group (RAG)
- Policy discussion focused on water body classification, ”controllable” v. ”uncontrollable” stressors, & assessment flow chart

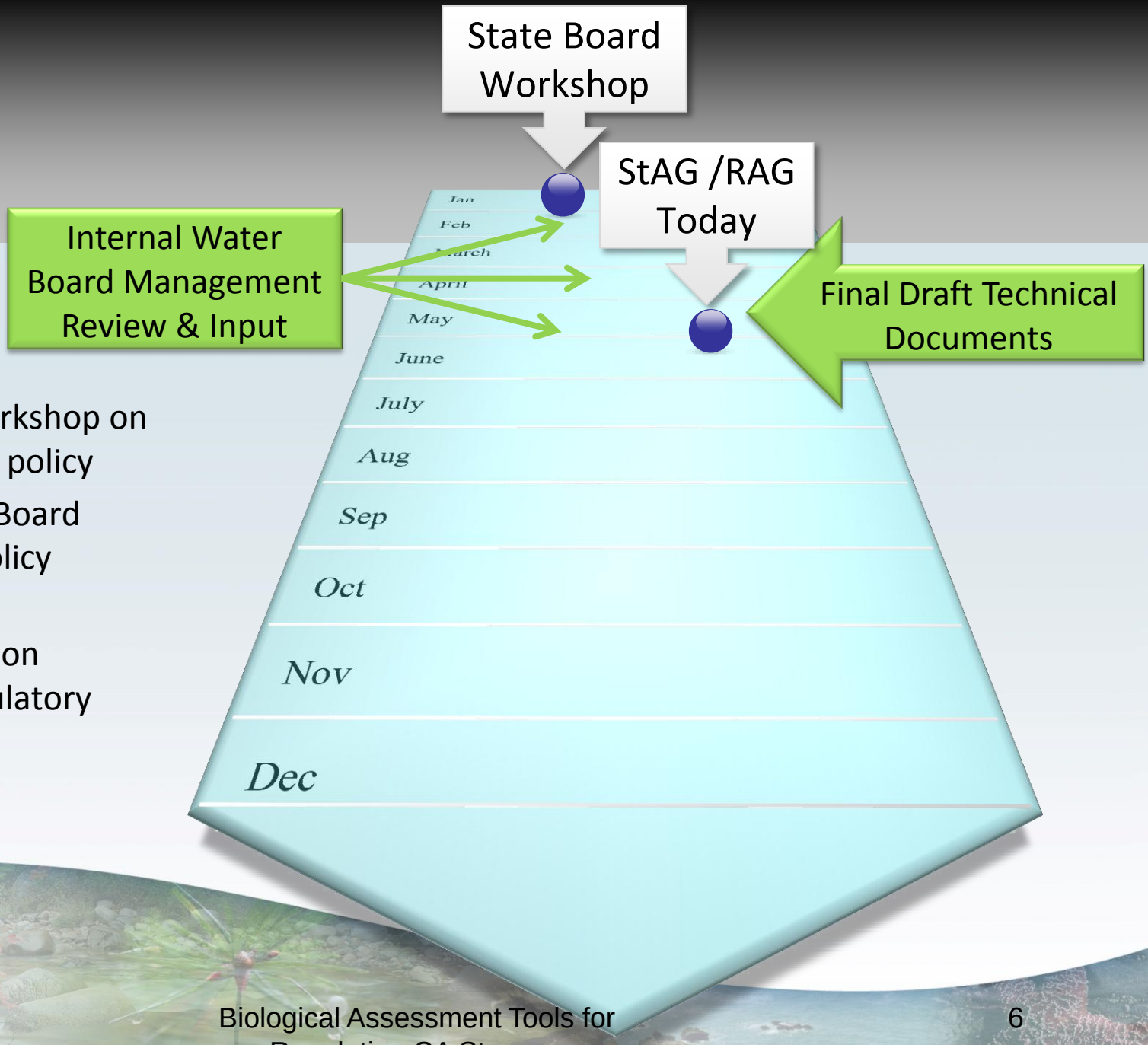


2012

- Completed scoring tool development
- Initiated & completed Causal Assessment studies
- Policy discussion focused implementation of anti-degradation policy & Big 8 implemenation issues



2013



- State Board Workshop on Science basis of policy
- Internal Water Board discussion of policy framework
- Today's discussion focused on regulatory options

What's happened since January?

- Reviewed and refined project goals and objectives
- Identified what needs to be consistent statewide
- Refined overarching project alternatives

Project Goals

- Identify streams or stream reaches that <u>are</u> in good biological condition and ensure that they are protected from degradation.

- Identify streams or stream reaches that <u>are not</u> in good biological condition, and to the extent that the Water Board has authority to do so, ensure that they are restored to good or best attainable condition.

Project Objectives

- Guidance for implementing Anti-degradation policy
- Set biological condition targets for water quality control programs
- Measure effectiveness of water quality control programs
- Prioritize work on pollutants causing impacts to biological community (not just more 303(d) listings)

Project Objectives

- Use biological condition assessments for enforcement
- Relax requirements where biological condition is good (as appropriate)
- Establish best attainable targets for modified streams or stream reaches
- Encourage multi-agency, regional approach for monitoring and causal assessment

Project Objectives

- Not just listing more streams as impaired
- Not limiting ability to enforce existing water quality objectives
- Not limiting ability to issue water rights permits and licenses
- Not piling on more requirements

Consistent Methods Are Needed For:

- Interpreting biological assessment data
- Identifying healthy streams and implementing Anti-degradation to prevent them from degrading
- Compelling potentially responsible parties to investigate causes of degraded biological condition

Regulatory Options for Achieving Goals

1. Adopt Statewide Water Quality Objective for Biological Condition
2. Establish Statewide Biological Condition Targets Intended for Use in 303(d) Listing
3. Establish Statewide Biological Condition Targets Without Modifying the Listing Policy

Implementation Issues	Option 1. Water Quality Objective	Option 2. Targets Used for Impairment Listing	Option 3. Targets without Modifying Listing Policy
Anti-degradation	Water Board would set desirable condition that should be protected and establish requirements in permits and water quality certifications based on findings of anti-degradation analysis.	Water Board would set desirable condition that should be protected and establish requirements in permits and water quality certifications based on findings of anti-degradation analysis.	Water Board would set desirable condition that should be protected and establish requirements in permits and water quality certifications based on findings of anti-degradation analysis.
Monitoring Requirements	Monitoring requirements must be included in WDRs and 401 water quality certifications to determine compliance with the water quality objectives.	Monitoring requirements could either be set forth in the statewide plan or left to the discretion of the Regional Water Boards or some combination of these.	Monitoring requirements could either be set forth in the statewide plan or left to the discretion of the Regional Water Boards or some combination of these.
Thresholds	Thresholds would be set either as numeric water quality objectives or translators for a statewide water quality objective.	Numeric targets would be established to be used as stand-alone benchmarks for impairment listing.	Numeric targets would be used as additional evidence for impairment listing as well as other regulatory responses (e.g., CWC §13267 investigative order to determine cause of biological degradation).
Independent Applicability	Water quality objective for biological condition could apply independently of other objectives or the plan could describe how the water quality objective would be used in concert with other information to determine compliance (as in the SQO implementation plan).	Targets would be assessed independent of other pollutant data for impairment listing.	Biological assessment data and targets would be used in concert with other water quality information for impairment listing (as currently stated in the listing policy).

Implementation Issues	Option 1. Water Quality Objective	Option 2. Targets Used for Impairment Listing	Option 3. Targets without Modifying Listing Policy
Exceptions for Modified Streams	Exceptions to compliance with the water quality objective would be granted based on findings from site-specific use attainability analyses.	For streams that would not reasonably be expected to achieve "good" biological condition targets, the Water Boards may establish targets based on "best attainable".	For streams that would not reasonably be expected to achieve "good" biological condition targets, the Water Boards may establish targets based on "best attainable".
Causal Assessment	WDRs and water quality certifications would include requirements to conduct a causal assessment or similar investigation to determine the cause of a violation of the water quality objective.	The Water Board may require causal assessment or similar investigation to determine the cause of the biological impairment.	The Water Board may require causal assessment or similar investigation to determine the cause of the biological impairment.
Impairment Listing	Water quality objective for biological condition could apply independently of other objectives or the plan could describe how the water quality objective would be used in concert with other information for impairment listing.	Targets would be assessed independent of other pollutant data for impairment listing.	Biological assessment data and targets would be used in concert with other water quality information for impairment listing (as currently stated in the listing policy).
Habitat Restoration	If a causal assessment identifies habitat degradation as the cause of violation of the water quality objective, then the stream segment would be placed in category 4c of the 303(d) list.	If a causal assessment identifies habitat degradation as the cause of violation of the water quality objective, then the stream segment would be placed in category 4c of the 303(d) list.	If a causal assessment identifies habitat degradation as the cause of violation of the water quality objective, then the stream segment would be placed in category 4c of the 303(d) list.
Flow	The Water Board shall consider water quality control plans (including the Inland Surface Waters Plan) when acting upon applications to appropriate water.	The Water Board shall consider water quality control plans (including the Inland Surface Waters Plan) when acting upon applications to appropriate water.	The Water Board shall consider water quality control plans (including the Inland Surface Waters Plan) when acting upon applications to appropriate water.

Work Group Nominees

- Ruth Kolb, City of San Diego
- Karen Ashby, LWA (stormwater)
- Joe Furnish, USFS
- Parry Klassen, Irrigated Agriculture
- Tess Dunham, SSD
- Katherine Pease, Heal the Bay
- Ed Struffenegger, Timber
- Ann Heil, LACSD