

Update on Biological Integrity Plan Development

Karen Larsen
State Water Board



Overview

- Regulatory Options
- Plan development direction
- Policy goals
- Implications for “modified streams”
- Implications for applying anti-degradation policies
- Small stakeholder group progress
- Proposed implementation
- Timeline and next steps



Regulatory Options

- 1. Adopt statewide narrative biological objective with numeric endpoints determined to be protective of beneficial uses**
- 2. Amend the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy) to establish evaluation guidelines for assessing biological assessment data**
- 3. Amend the Inland Surface Waters and Enclosed Bays and Estuaries Plan to establish consistent, statewide biological condition assessment methods, scoring tools, and guidance for implementation**

Plan Development Direction (Option 3)

- The Plan will not:
 - Establish Water Quality Objectives
 - Establish thresholds that define desired biological condition
- The Plan will:
 - Establish consistent methods including how to establish baseline condition
 - Provide direction to the Regional Water Boards on implementation in water quality control programs – including “dos” and “don’ts”
 - Provide discretion, where appropriate, to the Regional Water Boards
 - Provide recommendations to other relevant State Agencies



Policy Goals

- Establish consistent, statewide methods for conducting biological assessments and interpreting biological data and endpoints for protecting aquatic life beneficial uses.
- Identify streams or stream reaches that are in good biological condition and prevent degradation.
- Identify streams or stream reaches that are not in good biological condition and restore them to good or “best attainable” biological condition.

Implications for “Modified Streams”

- No longer need to provide exceptions for categories of streams
- Still need to define characteristics of modified streams for direction to Regional Water Boards
- Support establishment of beneficial uses (i.e., CVSALTS)

Implications for Other Implementation Issues

- Monitoring requirements – need to include direction to Regional Water Boards
- Impairment listing – likely no change to current policy
- Independent applicability – likely no change to current policy
- Flow – provide support for determining flow criteria
- Thresholds – no longer included in proposed plan
- Habitat restoration
 - Explicit with respect to not discouraging restoration projects
 - Assess effectiveness of restoration projects
- Causal Assessment – need to include direction to Regional Water Boards

Implications for Applying Anti-degradation Policies: Background

- Federal Antidegradation Policy - 40 CFR 131.12.
 - Water quality lowerings since 1975
 - U.S. Waters
 - Three-part test:
 - Tier 1: protects existing uses—if baseline \geq WQ as defined by objectives necessary to support existing uses, the WQ must be maintained
 - Tier 2: “high quality” waters—if baseline WQ is better than the WQ as defined by the objective, then the baseline WQ must be maintained subject to a balancing test.
 - Tier 3: Outstanding National Resource Waters (ONRW)

Implications for Applying Anti-degradation Policies: Background

- State Antidegradation Policy – SWRCB Reso. No. 68-16
 - All waters, including surface waters and groundwater
 - Water quality lowerings since 1968
 - All uses, both existing and potential uses
 - Only high quality (i.e. Tier 2) waters
 - The state policy incorporates the federal policy where applicable
 - Applies to regulatory actions that can lower water quality

Implications for Applying Anti-degradation Policies:

- State and Federal Policies:
 - Assess “baseline” to determine tier and whether lowering is permissible.
 - Pollutant specific
 - Application of biological condition
 - W/out pollutant and objectives outside the current antideg regime
 - Biological condition data may be considered
 - Existing data, pre-project monitoring, modeling for proposed action
 - Protection against degradation better captured through permit conditions



Small Stakeholder Group Members

- Tess Dunham, Pyrethroid Working Group
- Karen Ashby, CA Assoc. of Stormwater Quality Agencies
- Anne Heil, LA Co. Sanitation District
- Joe Furnish, US Forest Service
- Katherin Pease & Kirsten James, Heal the Bay
- Ruth Kolb, City of San Diego
- Lisa McCann, Central Coast Regional Water Board
- Pete Ode, CA Dept. of Fish & Wildlife
- Ron Manwill, City of Thousand Oaks
- Chris Sommers, Stormwater
- Parry Klassen, CURES
- Ed Struffenegger, CA Forestry Assoc.



Small Stakeholder Group Progress

- Areas of agreement
 - Use GIS landscape variables to define modified streams.
 - Avoid triggering UAAs to address modified streams.
 - Develop consistent methods for conducting benthic macroinvertebrate (BMI) biological assessments in perennial, wadeable streams.
 - Develop consistent methods for interpreting BMI biological assessment data in perennial, wadeable streams (i.e., statewide BMI index).
 - Identify appropriate thresholds.



Small Stakeholder Group Progress

- Next Steps
 - Hold meeting to discuss details of definition of modified streams. Include information re: CVSALTS activities
 - Meet offline with Heal the Bay to discuss constraints regarding “best attainable” and narrative objectives
 - State Board to consider alternative language for Policy goals for future discussion
 - Schedule large stakeholder meeting



Small Stakeholder Group Progress

- Parking lot
 - Include recognition that tiered aquatic life uses is ultimate approach to addressing modified streams
 - Include how to resolve potential conflict with goals to increase water recycling



Proposed Implementation

- 401 Water Quality Certification
 - Pre- and post-project monitoring under certain circumstances
 - Support assessment of project impacts and identifying measures to avoid, minimize, or mitigate impacts to stream biological communities
 - Assess effectiveness of measures
 - Do not discourage projects intended to achieve environmental benefit



Proposed Implementation

- Waste Discharge Requirements and Waivers of WDRs
 - Receiving water monitoring
 - Use as one indicator of program effectiveness
 - Assess trends in biological condition
 - Use in lieu of other monitoring requirements as a screening tool
 - Justify additional conditions or requirements



Timeline & Next Steps

- 4/23 – Large Stakeholder Advisory Group Meeting
- 5/7 – Next Regulatory Advisory Group Meeting

- December 2014 – Draft policy language complete