

Item 6: Public Hearing-
Recommendations to the State Water
Resources Control Board Regarding the
Section 303(d) List

Lahontan Water Board

July 2009

Outline

- Introduction – Explanation of 303(d) List and 305(b) Report and Board Action
- 303(d) Listing Policy and List Development
- 305(b) Categories
- 303(d) List Results
- Public Comments and Response
- State Board and EPA Comments/Response
- Recommendation

Clean Water Act Section 303(d) List of Impaired Water Bodies

- States must identify surface waters not meeting standards due to pollutants, including natural sources of pollutants.
- States must identify surface waters needing Total Maximum Daily Loads (TMDLs)
- Section 303(d) List updated every 2 years

“Impairment”

- Waters with standards violations are considered “impaired.”
- For purposes of this assessment, Section 303(d) listed waters are assumed to be “Not Supporting” beneficial uses.
- Many Region 6 objectives are anti-degradation based and violations of standards do not necessarily mean that uses are not supported.

Clean Water Act Section 305(b) Water Quality Assessment

- States must report to USEPA every 2 years on beneficial use support for all surface waters, including good quality waters as well as impaired waters.
- USEPA summarizes this information in a report to Congress

Lahontan Water Board Action

- Proposed Board action covers only Section 303(d) list recommendations to State Water Board.
- Board staff entered Section 305(b) assessment data into online database.
- Public comments invited on both the Section 303(d) list and Section 305(b) assessment.

Integrated Report

- State Water Board will hold a public participation process and approve a statewide Section 303(d) list for transmittal to the USEPA.
- State Water Board will use information in database to produce a statewide "Integrated Report" to meet Section 303(d) and 305(b) requirements.

Data Used In Assessment

- Surface Water Ambient Monitoring Program
- Data Submitted by Stakeholders
- Data Affecting Existing Listings

Standards and Criteria Used

- State water quality objectives, including drinking water Maximum Contaminant Levels
 - Most objectives based on historically high water quality
 - Numeric SSOs based on limited number of samples
 - Violations of these objectives do not necessarily mean beneficial uses are impaired
- USEPA California Toxics Rule Standards
- State and federal criteria

Listing Policy

- State Water Board adopted the "Listing Policy" in 2004.
- Policy prescribes sample numbers and numbers of violations of standards or criteria needed for listing and delisting.
- Fewer samples and violations are needed to list for toxic pollutants than for other pollutants.
- Policy treats nutrients as toxicants.

Listing Policy (continued)

Sample Size	List if # of exceedances \geq :
2-24	2
25-36	3
37-47	4
48-59	5
60-71	6
72-82	7
83-94	8
95-106	9
107-117	10

Listing Policy (continued)

- For objectives expressed as annual averages, each average is treated as a single data point.
 - Therefore, 2 annual average values exceeding an annual average standard would require listing even if the annual average was based on 1 to 4 samples during the year.
- Policy makes it more difficult to de-list a water body-pollutant combination than to list it.

Listing Policy

- Section 6.1.5: "Before determining if water quality standards are exceeded, RWQCBs have wide discretion establishing how data and information are to be evaluated, including the flexibility to establish water segmentation, as well as the scale of spatial and temporal data and information that are to be reviewed."

Results

- Assessment results shown in CalWQA database entries and database reports
 - 1735 "Lines of Evidence"
 - 1266 "Water Body Fact Sheets"
 - 77 water bodies or segments assessed

Section 305(b) Assessment

- Water body-pollutant combinations are grouped into 5 categories for Integrated Report:
 - 1 All beneficial uses supported
 - 2 Some beneficial uses supported
 - 3 Insufficient information for assessment
 - 4 Standard violated but TMDL is not needed
 - 5 Standard violated and TMDL is needed

Section 305(b) Assessment

- Water body-pollutant combinations recommended for Section 303(d) listing will be placed in Integrated Report Categories 4 and 5.
- Most water body-pollutant combinations are recommended for Category 3, "Insufficient Information."
- A few water body-pollutant combinations are recommended for Category 2.

Section 303(d) Recommendations

- 8 new Section 303(d) listings
- 13 delistings
- 6 listings added to Category 4b (addressed by actions other than TMDLs)
- Total new and existing listings = 96

Delistings

- 2 tributaries to Lake Tahoe (pathogens)
- 2 segments of West Fork Carson River (sodium)
- East Walker River below Bridgeport Reservoir (N and P)
- Hot Springs Canyon Creek (sediment)
- 3 segments of Mammoth Creek (metals)
- Mammoth Creek headwaters (mercury)
- Twin Lakes (Owens HU) (N and P)

New Listings for 2008 Cycle

- Mesquite Springs (arsenic and boron)
- Cold Creek (nitrogen)
- West Fork Carson River (nitrate)
- East Fork Carson River (phosphorus)
- West Walker River (phosphorus)
- Mojave River (2 segments) (fluoride)

Listings Not Recommended

- 38 water body-pollutant combinations violate standards and meet Listing Policy tables' sample size/violation number requirements for listing but are NOT recommended for listing.
- Policy permits not listing for inadequate temporal representation or poor quality assurance.

TMDL Schedules

- Most listings are expected to be addressed through changes in standards or alternative remedial programs rather than through TMDL development.
- To meet USEPA requirements, estimated TMDL completion dates for all Category 5 listings (no later than 2019 or 2021) are included in the recommended 303(d) list.

Written Public Comments

- Comments received from Searles Valley Minerals.
- Searles Lake was delisted in 2002 and relisted by State Board in 2006 for Salinity/TDS/Chlorides and Total Petroleum Hydrocarbons.
- Searles Lake listings are in Category 4b (TMDLs not needed; problems addressed by Board order).

Written Public Comments 303 (d) List

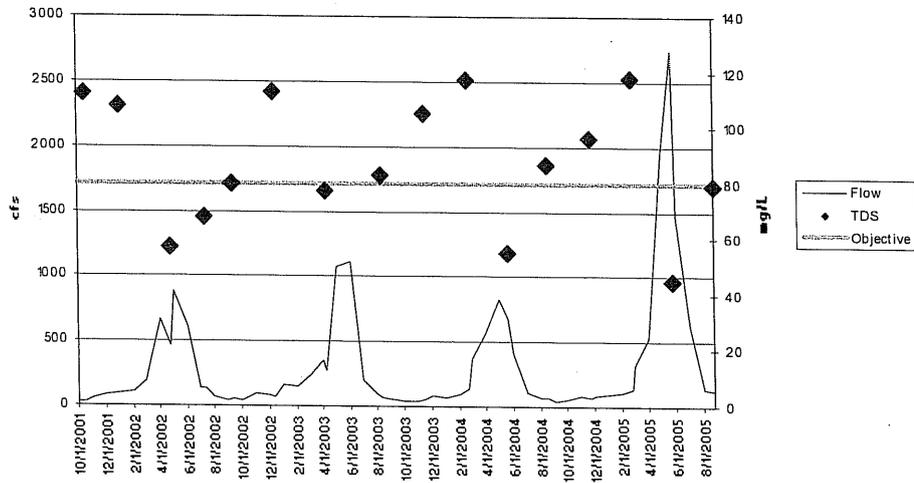
- Issues in SVM comments:
 - "Waters of the U.S." determination
 - Beneficial use changes
 - Delist for salinity due to natural sources.
 - Delist for total petroleum hydrocarbons due to compliance with Board order and DFG takings permit

State Board/USEPA Issues

- Use of California Toxics Rule standards to assess toxics in inland saline waters.
- Assessment of compliance with temperature objective.
- Assessment of compliance with turbidity and TDS objectives.
- Small sample numbers and calculation of annual averages.

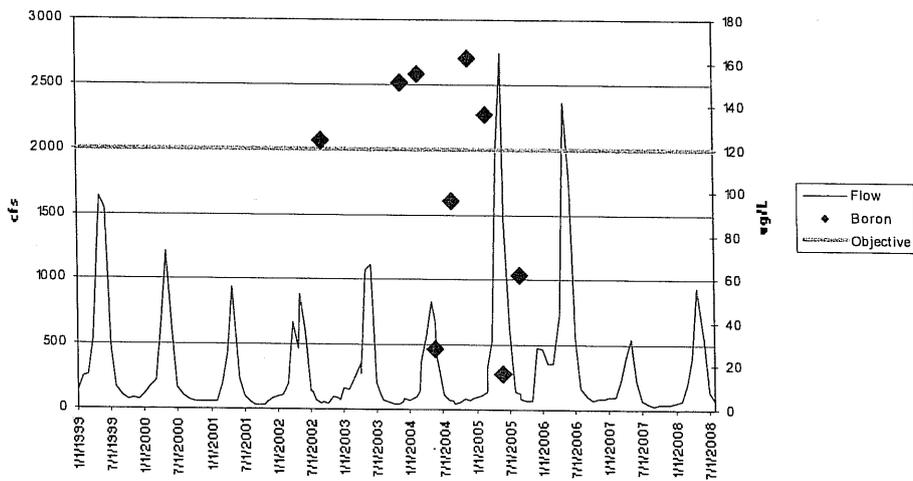
Recommendation: Do not list

East Fork Carson River below Markleeville
Total Dissolved Solids



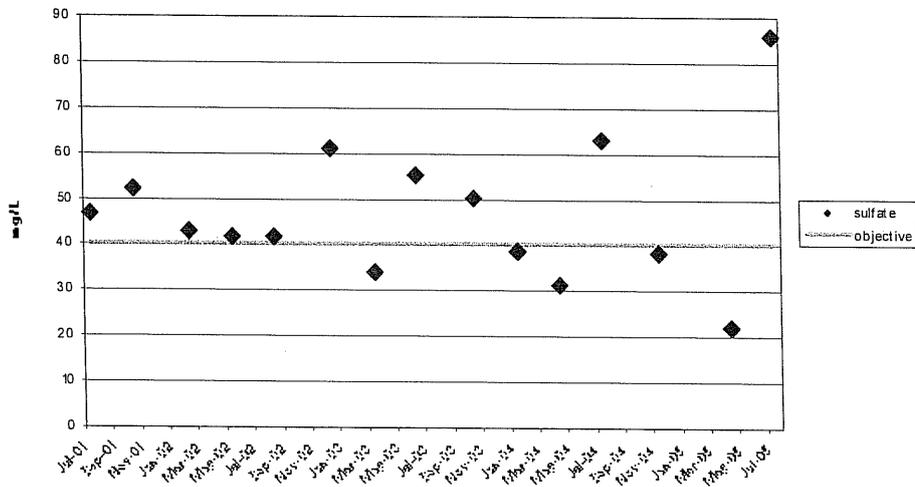
Recommendation: Do not list

East Fork Carson River near Markleeville
Boron



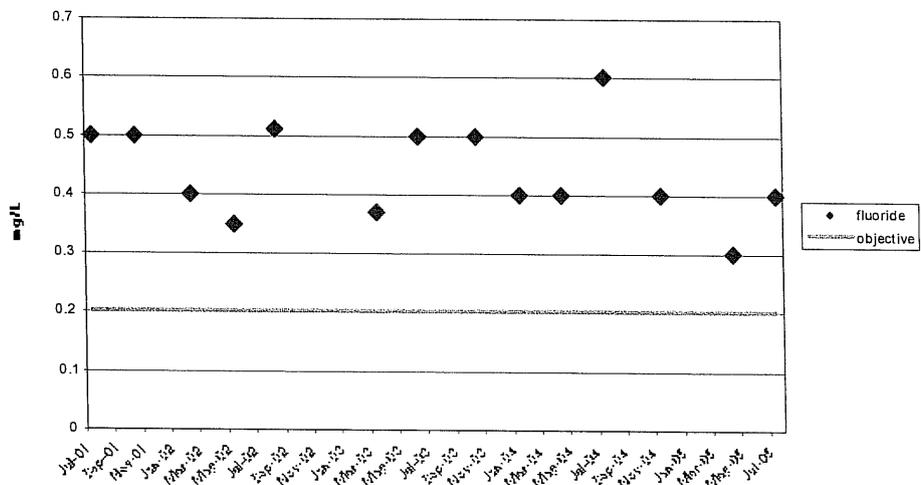
Recommendation: Do not list

Mojave River at Upper Narrows
Sulfate



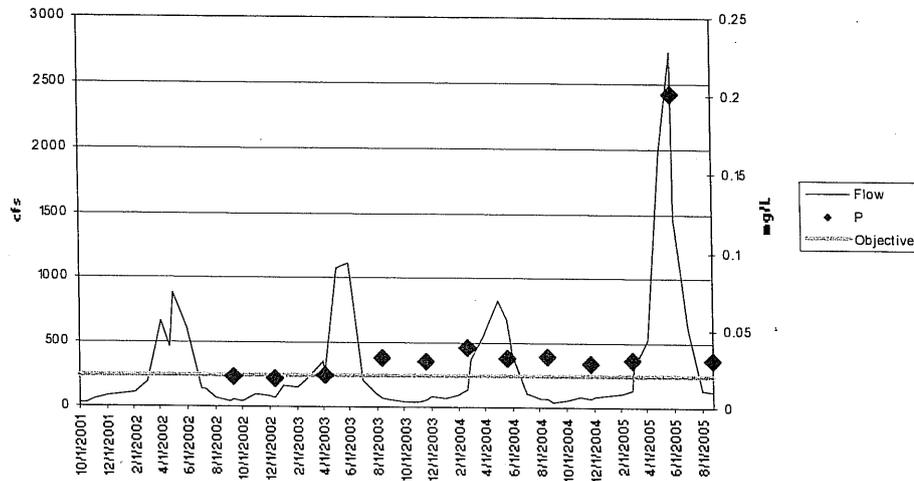
Recommendation: List as impaired

Mojave River at Upper Narrows
Fluoride



Recommendation: List as impaired

East Fork Carson River below Markleeville
Phosphorus



Public Comments

- Staff will prepare written responses to all hearing testimony for the administrative record.
- Responses to comments will be posted on the Internet.

Recommendation

- Following the public hearing, adopt Resolution R6T-2009-PROPOSED, transmitting recommendations for the Section 303(d) List to the State Water Board.
- The resolution includes a revised Attachment C with the 4 additional Section 303(d) listings recommended by staff.

Questions?