



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

19 May 2016

U.S. Forest Service
Upper Lake Ranger District
Attn: Frank Aebly, District Ranger
10025 Elk Mountain Road
Upper Lake, CA 95485

CERTIFIED MAIL
7014 2870 0000 7535 7662

ORDER FOR TECHNICAL INFORMATION ON ALL MANAGEMENT MEASURES IMPLEMENTED TO REDUCE PHOSPHORUS LOADS TO CLEAR LAKE ISSUED PURSUANT TO WATER CODE SECTION 13267

You are legally obligated to respond to this Order. Please read this Order carefully.

The Central Valley Water Board hereby requires that you submit written technical information to the Board by **20 July 2016** that describes all best management practices (BMPs) and other management measures you have implemented since 23 June 2006 and plan to implement to reduce phosphorus loads to Clear Lake. No new monitoring data collection is necessary.

This information is to be submitted to:

**Attention: Holly Grover
California Regional Water Quality Control Board,
Central Valley Region
11020 Sun Center Dr., Suite 200
Rancho Cordova, CA 95670**

Why You Are Being Required to Submit Technical Information on all Phosphorus-Reducing Management Measures Implemented to Reduce Phosphorus Loads to Clear Lake

Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff is developing a status update for total maximum daily load (TMDL) compliance actions required by the *Amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control of Nutrients in Clear Lake* (Basin Plan Amendment) adopted in 2006. This status update will be presented to the Central Valley Water Board in the summer of 2017. This Order is being issued to gather the information needed to update the Central Valley Water Board on the progress in implementing the Clear Lake Nutrient TMDL.

This Order, which requires that you submit technical information describing the management measures implemented to reduce phosphorus loads to Clear Lake, is being issued to you because the U.S. Forest Service is one of the parties responsible for implementing the 2006 Clear Lake Nutrient TMDL load and waste load allocations.

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. GREEDON P.E., BCCE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

The 2006 Basin Plan Amendment states:

"Modeling studies predict that a 40% reduction in average phosphorus loading will significantly reduce the incidence of algae blooms. A 40% reduction would equal an annual allowable loading of approximately 87,100 kg. Therefore, for this program of implementation, an average annual (five year rolling average) phosphorus load of 87,100 kg is established as the loading capacity for Clear Lake.

Waste load allocations for the National Pollution Discharge Elimination System facilities discharging to the lake or tributaries are as follows:

- a. *Lake County Stormwater Permittees (Lake County, City of Clearlake, City of Lakeport) – 2,000 kg phosphorus/yr*
- b. *California Department of Transportation (Caltrans) – 100 kg phosphorus/yr*

The load allocation for nonpoint source dischargers is 85,000 kg/yr average annual load (five year rolling average). The U.S. Bureau of Land Management (USBLM), U.S. Forest Service (USFS), Lake County (County) and irrigated agriculture are responsible for controlling phosphorus discharges from those portions of the watershed within their respective authority."

Required Elements of the Technical Information

1) **By 20 July 2016**, submit written technical information that describes BMPs and other management measures implemented to reduce phosphorus loads to Clear Lake. Provide technical information that, at a minimum, answers the following questions:

- What types of management measures is your agency implementing and what are the effects of those management measures on phosphorus reduction? These can be reported as erosion control measures, given phosphorus binds to soil.
- What is the measured or estimated phosphorus/sediment reduction rate for each management measure?
- Is your agency achieving the 40% phosphorus loading reduction required by the TMDL load allocation? If not, please estimate how much of a phosphorus reduction your agency is achieving with the management measures, describe any additional management measures that can be implemented to meet the 40% reduction requirement, and describe your agency's plans to implement additional management measures.

2) All submittals pursuant to this Order must be accompanied by a signature statement whereby the person submitting the report represents:

"I certify under penalty of law that to the best of my knowledge and belief, this document and any attachments submitted is true, accurate, and complete and was prepared by me or under my direction or supervision. I am aware that there are significant penalties for knowingly submitting false information."

Water Code section 13267 states, in part:

In conducting an investigation ... the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who

proposes to discharge waste within its region ... shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

Potential for Enforcement

If, in the opinion of the Assistant Executive Officer, you fail to comply with this Order, the Assistant Executive Officer may issue a complaint for administrative civil liability. Failure to timely submit the required information may result in the imposition of administrative civil liability (monetary penalty) of up to \$1,000 per day under Water Code section 13268. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law, including, but not limited to, issuance of Orders under Water Code section 13304 to mandate implementation of the TMDL waste load allocation and submission of a technical report.¹

Time Extension Request

If your agency will require more time than allowed by this Order to submit the information, please submit a written request for a time extension to the Executive Officer. The Executive Officer will review and approve requests for time extensions on a case-by-case basis.

If you have any questions regarding this Order please contact Holly Grover at (916) 464-4747 or via email at holly.grover@waterboards.ca.gov.



Pamela C. Creedon
Executive Officer

¹ You have the right to appeal the Central Valley Water Board's issuance of this order by submitting a petition for review to the State Water Board. The State Water Board must receive the petition by 5 p.m., 30 days after the date this Order is issued, unless the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, in which case the petition must be received by 5 p.m. on the next business day. The regulations applicable to filing petitions may be found at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.