

State of California
California Regional Water Quality Control Board, Los Angeles Region

RESOLUTION NO. R16-XXX
October 13, 2016

***Amendment to the Water Quality Control Plan for the Los Angeles Region to Revise
the Total Maximum Daily Load for Metals and Selenium for the
Calleguas Creek, its Tributaries, and Mugu Lagoon***

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board), finds that:

1. On June 8, 2006, the Regional Water Board adopted, by Resolution R4-2006-012, an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) incorporating a TMDL for metals and selenium in Calleguas Creek Watershed (hereinafter “Calleguas Creek Metals TMDL”). The TMDL included an implementation plan requiring reduction of metals and selenium to Calleguas Creek, its tributaries, and Mugu Lagoon by March 27, 2017 for POTWs and March 27, 2022 for permitted stormwater dischargers (PSDs) and agriculture dischargers.
2. The Calleguas Creek Metals TMDL was subsequently approved by the State Water Resources Control Board (State Water Board) on October 25, 2006, the Office of Administrative Law (OAL) on February 2, 2007, and the United States Environmental Protection Agency (USEPA) on March 26, 2007. The effective date of the Calleguas Creek Metals TMDL was March 27, 2007, when the Certificate of Fee Exemption was filed with the California Department of Fish and Wildlife (formerly the California Department of Fish and Game).
3. On November 9, 2006, the Regional Water Board adopted a Basin Plan amendment to incorporate site specific water effect ratios (WERs) for Copper in Lower Calleguas Creek (Reach 2), and Mugu Lagoon (Reach 1),(Basin Plan Amendment, Resolution No. 2006-022). A WER of 1.51 was assigned for the Mugu Lagoon (Reach 1) and a WER of 3.69 was assigned for lower Calleguas Creek (Reach 2).
4. This reconsideration incorporates the adopted and approved WERs into the Calleguas Creek Metals TMDL and addresses issues related to the allocations assigned to dischargers to the freshwater reaches of Calleguas Creek to be protective of the downstream and upstream reaches.
5. The Calleguas Creek Watershed is located in southeast Ventura County, California, and in a small portion of western Los Angeles County, and drains an area of approximately 343 square miles from the Santa Susana Pass in the east to Mugu Lagoon in the southwest. Current land use is approximately 26 percent agriculture, 24 percent urban, and 50 percent open space. The tributaries and the streams of the Calleguas Creek Watershed are divided into fourteen segments, or reaches.
6. The lower reaches of the Calleguas Creek watershed (reach 1, 2, and 3) have been identified as impaired for copper, mercury, nickel, selenium, and zinc on the Clean Water Act section

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303(d) list since, or prior to, 1998. The Calleguas Creek Metals TMDL addressed impairments of water quality caused by these metals in lower reaches of the Calleguas Creek Watershed.

7. The Regional Water Board's goal in establishing the Calleguas Creek Metals TMDL is to protect the aquatic life and wildlife beneficial uses of Calleguas Creek, its tributaries and Mugu Lagoon, and to achieve the numeric water quality objectives established to protect these uses.
8. Regional Water Board staff has prepared a detailed technical document that analyzes and describes the specific necessity and rationale for this revision of this TMDL. The technical document entitled "Reconsideration of Certain Technical Matters of the Calleguas Creek Metals TMDL" is an integral part of this Regional Water Board action and was reviewed, considered, and accepted by the Regional Water Board before acting.
9. Upon reconsideration of the Calleguas Creek Metals TMDL, these amendments revise the TMDL to incorporate the approved site specific WERs into the copper and nickel targets and revise the assigned wasteload allocations (WLAs) for public owned wastewater treatment plants (POTWs) based on existing discharge conditions. The technical document provides the detailed analysis supporting these revisions.
10. On October 13, 2016, prior to action on this Resolution, the Regional Water Board held a public hearing to consider evidence and comments regarding the proposed revisions to this TMDLs. Notice of the hearing was published in accordance with the requirements of section 13244 of the California Water Code. This notice was published in the Ventura County Star on August 9, 2016.
11. The public has had reasonable opportunity to comment on this amendment to the Basin Plan. A draft of the revisions to the Calleguas Creek Metals TMDL was released for public comment on August 9, 2016; a Notice of Hearing was published and circulated 45 days preceding Regional Board action; Regional Water Board staff responded to oral and written comments received from the public; and the Regional Water Board held a public hearing on October 13, 2016 to consider adoption of the revised TMDL.
12. In amending the Basin Plan, the Regional Water Board implemented the applicable provisions of section 13240 and 13242 of the California Water Code.
13. Neither the TMDL nor the numeric targets or other components of the TMDL are water quality objectives, and thus their establishment or revision does not implicate California Water Code section 13241.
14. This amendment is consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16), and the federal Antidegradation Policy (40 CFR § 131.12), in that it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards.
15. Pursuant to Public Resources Code section 21080.5, the California Resources Agency has approved the Regional Water Boards' basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) requirements for preparing environmental documents. (14 Cal. Code Regs. § 15251(g); 23 Cal. Code Regs. § 3782.)

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16. The Regional Water Board previously prepared “substitute environmental documents” that contain the required environmental documentation under CEQA. (23 Cal Code Regs. § 3777.) The detailed technical report entitled “Calleguas Creek Watershed Metals and Selenium TMDL”, Resolution No. R4-2006-012, and the Environmental Checklist served as the substitute environmental documents for this project. The project itself was the establishment of the TMDL. In preparing the previous substitute environmental documents, the Regional Water Board considered the requirements of Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187, and intended those documents to serve as a tier 1 environmental review.
17. These TMDL revisions do not require changes to the environmental analyses that were previously prepared for the establishment of this TMDL because the TMDL revisions will not result in different implementation actions than those previously analyzed, or different effects upon the environment. Moreover, no additional reasonably foreseeable methods of compliance warrant environmental analysis pursuant to Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187. As such, this amendment is consistent with the prior CEQA documentation.
18. Further, consistent with California Code of Regulations, title 14, section 15162, the Regional Water Board has determined that no subsequent environmental documents shall be prepared because these TMDL revisions do not involve new significant environmental effects, a substantial increase in the severity of previously identified significant effects, or mitigation measures or alternatives that are considerably different from those analyzed in the previous substitute environmental documentation.
19. The regulatory action meets the “Necessity” standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b). Federal regulations require that TMDLs be incorporated into the water quality management plan. The Regional Water Board’s Basin Plan is the Regional Board’s component of the water quality management plan, and the Basin Plan is the Regional Water Board’s quasi-legislative, planning document. Moreover, the TMDL is a program of implementation for existing water quality objectives, and is, therefore, appropriately a component of the Basin Plan under California Water Code section 13242. The necessity of revising the Calleguas Creek Metals TMDL is established in Tables 7-19.1 and 7-19.2 and the TMDL staff report.
20. The Basin Plan amendment revising the Calleguas Creek Metals TMDL must be submitted for review and approval by the State Water Board, the State OAL, and the USEPA. The Basin Plan amendment will become effective upon approval by OAL and USEPA. Once effective, a Notice of Decision will be filed with the Resources Agency.

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THEREFORE, be it resolved that pursuant to sections 13240 and 13242 of the California Water Code, the Regional Water Board hereby amends the Basin Plan as follows:

1. Pursuant to sections 13240 and 13242 of the California Water Code, the Regional Water Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to Chapter 7 of the Basin Plan, as set forth in Attachment A hereto, to revise the Calleguas Creek Metals TMDL.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Water Board in accordance with the requirements of section 13245 of the California Water Code.
3. The Regional Board requests that the State Water Board approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward the approved amendments and record to OAL and the USEPA.
4. If during its approval process, Regional Water Board staff, the State Water Board or State Water Board staff, or OAL determine that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Regional Water Board of any such changes.
5. The Executive Officer is authorized to request a "No Effect Determination" from the California Department of Fish and Wildlife, and/or transmit payment of the applicable fee as may be required to the California Department of Fish and Wildlife.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on October 13, 2016.

Samuel Unger
Executive Officer