

CALLEGUAS CREEK



A COOPERATIVE STRATEGY FOR RESOURCE MANAGEMENT & PROTECTION

October 2, 2015

Electronic Submission: losangeles@waterboards.ca.gov

California Regional Water Quality Control Board, Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, California 90013
Attn: Dr. Celine Gallon

Subject: Comments on the Staff Report and tentative Board Resolution for the 2014-2016 Triennial Review

Dear Dr. Gallon:

The Stakeholders Implementing Total Maximum Daily Loads (TMDLs) in the Calleguas Creek Watershed (Stakeholders) appreciate the opportunity to provide comments on the California Regional Water Quality Control Board, Los Angeles's (Regional Board) 2014-2016 Triennial Review to consider and adopt a list of the highest priority issues regarding water quality standards for the Los Angeles Region (Triennial Review). In the Triennial Review the Regional Board determines and prioritizes potential revisions to the Water Quality Control Plan for the Los Angeles Region (Basin Plan).

The Stakeholders consist of agricultural, wastewater, and MS4s that are responsible parties to six effective TMDLs in the Calleguas Creek Watershed (CCW). Five cities (Camarillo, Thousand Oaks, Simi Valley, Moorpark, and Oxnard), unincorporated Ventura County, and the Ventura County Watershed Protection District are all MS4 permittees within the CCW that must comply with the TMDLs to comply with the NPDES MS4 permit for Ventura County (Ventura MS4 Order).

In March 2015, the Stakeholders submitted a comment letter on the Request for Data and Information on Water Quality Standards for the Triennial Review. In that letter, and as noted in Table 5 of the staff report, the Stakeholders requested two issues be prioritized for consideration in the Triennial Review: 1) TMDL reconsideration for a number of local TMDLs, and 2) the further development and incorporation of natural source exclusions to improve the accuracy of water quality standards.

Upon review of the Triennial Review Staff Report, the Stakeholders would like to provide further comments on the following issues:

Comment #1:

The Staff Report notes under Section 5, Potential Projects Identified by Staff, the update of ammonia objectives based on recommended criteria issued by the Environmental Protection Agency (EPA) in 2013. The Stakeholders encourage the Regional Board to focus the resources that would be allocated on this criteria review on other priorities. As the majority of wastewater treatment plants that discharge to inland surface waters in the Los Angeles Region have upgraded their treatment to remove ammonia, ammonia toxicity in most receiving waters has been reduced to such an extent that the Stakeholders do not feel that limited resources should be prioritized for the ammonia criteria review. Previously issued EPA criteria have not merited Basin Plan revisions. For example, the 2007 USEPA copper criteria has not been subject to the sort of assessment as is proposed for the ammonia criteria.

If the Regional Board moves forward with consideration of the criteria, a careful examination of its application in the waters of Southern California will be required. The revised ammonia criteria was structured around designating standards that are protective of freshwater mussels, which have been identified as the most sensitive aquatic life receptor. However, scientific literature has noted that freshwater mussels are, and likely have been, extirpated from the waters of Southern California¹; Coney notes freshwater mussels are, “undoubtedly extirpated from all of Southern California”². The USEPA criteria notes that “unionid mussel species are not prevalent in some waters, such as in the arid west.” In the 2009 draft version of the USEPA criteria, EPA had proposed a mussels present and mussels absent criteria to acknowledge the lack of freshwater mussels in some waterbodies. While the 2013 criteria did not maintain this distinction, it will be critical for the Regional Board to consider deriving site-specific applications of the criteria. The 2013 USEPA criteria discusses the derivation of site-specific criteria and includes an appendix discussing the procedures for developing the criteria (Appendix N). Should the Regional Board pursue this evaluation, it should include consideration of developing site-specific criteria in accordance with Appendix N.

¹ Howard, J.K., J.L. Furnish, J.B. Box, S. Jepsen. 2015. The decline of native freshwater mussels (Bivalvia: Unionoida) in California as determined from historical and current surveys. *California Fish and Game* 101 (1):8-23.

² Coney, C.C. 1993. Freshwater Mollusca of the Los Angeles River: past and present status and distribution. *The biota of the Los Angeles River: an overview of the historical and present plant and animal life of the Los Angeles River drainage*. C1-C22.

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Recommendation:

Deprioritize the update of freshwater ammonia objectives based on the EPA's 2013 criteria and allocate those resources to other higher priority projects.

Comments #2:

While Table 7 of the Staff Report states that work on a high flow suspension in Ventura County was not highlighted as a priority by commenters, the Stakeholders have in previous opportunities voiced support for this concept, and still are in strong support of this work and feel that it is a high priority for the Triennial Review. As the State Water Resources Control Board (State Board) is currently developing a Statewide Bacteria Policy which will include consideration of high flow suspension, we encourage the Regional Board to include the Bacteria Policy as a State Board program it will support during this Triennial Review. This support could include moving forward from work already done on high flow suspension in Ventura County, with a goal of incorporating high flow suspensions consistent with the statewide policy.

Implementation of a high flow suspension will allow resources to be focused on protecting recreational beneficial uses where and when they actually occur as conditions during storm events are unsafe for recreation and compliance with objectives is temporarily unachievable.

Recommendation:

Prioritize support for the State Board's Statewide Bacteria Policy in this Triennial Review cycle, and conduct further work started on high flow suspension in Ventura County as part of that support.

Comment #3

The Stakeholders would like to thank the Regional Board for including TMDL support as a priority project during this Triennial Review period. The Stakeholders have previously submitted comments outlining needed modifications to a number of local TMDLs to improve their effectiveness and better align their requirements with the most recent scientific knowledge gained during their implementation. We look forward to working with you on these TMDL modifications.

Recommendation:

As a Triennial Review priority, ensure that Regional Board staff provide support to the TMDL program as needed to improve its effectiveness, including efforts such as the requested TMDL reconsiderations.

Thank you for your time and consideration of these comments. If you have questions, please contact me at (805) 388-5334 or lmcgovern@cityofcamarillo.org

Sincerely,


Lucia McGovern

Chair Stakeholders Implementing TMDLs in the Calleguas Creek Watershed