

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

RESOLUTION NO. 02-017
October 24, 2002

Amendment to the Water Quality Control Plan for the Los Angeles Region to include a TMDL for Nitrogen Compounds and Related Effects in Calleguas Creek

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

1. The federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board (Regional Board) to develop water quality standards which include beneficial use designations and criteria to protect beneficial uses for each water body found within its region.
2. The Regional Board carries out its CWA responsibilities through California's Porter-Cologne Water Quality Control Act and establishes water quality objectives designed to protect beneficial uses contained in the Water Quality Control Plan for the Los Angeles Region (Basin Plan).
3. Section 303(d) of the CWA requires states to identify and to prepare a list of water bodies that do not meet water quality standards and then to establish load and waste load allocations, or a total maximum daily load (TMDL), for each water body that will ensure attainment of water quality standards and then to incorporate those allocations into their water quality control plans.
4. Calleguas Creek was listed on California's 1998 section 303(d) list, due to impairment for nitrogen compounds and their effects that do not protect the most sensitive beneficial uses of the water body.
5. A consent decree between the U.S. Environmental Protection Agency (USEPA), Heal the Bay, Inc., and BayKeeper, Inc. was approved on March 22, 1999. The court order directs the USEPA to complete TMDLs for all the Los Angeles Region's impaired waters within 13 years.
6. The elements of a TMDL are described in 40 CFR 130.2 and 130.7 and section 303(d) of the CWA, as well as in USEPA guidance documents (e.g., USEPA, 1991). A TMDL is defined as "the sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background" (40 CFR 130.2). Regulations further stipulate that TMDLs must be set at "levels necessary to attain and maintain the applicable narrative and numeric water quality standards with seasonal variations and a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality" (40 CFR 130.7(c)(1)). The regulations in 40 CFR 130.7 also state that

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TMDLs shall take into account critical conditions for stream flow, loading and water quality parameters.

7. Upon establishment of TMDLs by the State or USEPA, the State is required to incorporate the TMDLs along with appropriate implementation measures into the State Water Quality Management Plan (40 CFR 130.6(c)(1), 130.7). The Basin Plan, and applicable statewide plans serve as the State Water Quality Management Plans governing the watersheds under the jurisdiction of the Regional Board.
8. Calleguas Creek is located in Ventura County, California. It reaches from the Simi Hills east of the City of Simi Valley to Mugu Lagoon south of the City of Oxnard.
9. The Regional Board's goal in establishing the above-mentioned TMDL is to maintain the warm water fish and wildlife habitat (WARM, WILD) and groundwater recharge (GWR) beneficial uses of Calleguas Creek as established in the Basin Plan. Additionally, ammonia is known to cause toxicity to aquatic organisms.
10. Interested persons and the public have had reasonable opportunity to participate in review of the amendment to the Basin Plan. Efforts to solicit public review and comment include ten public workshops held between January 1999 and February 2002; public notification 45 days preceding the Board hearing; and responses from the Regional Board staff to oral and written comments received from the public.
11. The amendment is consistent with the State Antidegradation Policy (State Board Resolution No. 68-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Antidegradation Policy (40 CFR 131.12).
12. The basin planning process has been certified as functionally equivalent to the California Environmental Quality Act requirements for preparing environmental documents and is, therefore, exempt from those requirements (Public Resources Code section 21000 et seq.), and the required environmental documentation and environmental checklist have been prepared.
13. The proposed amendment results in no potential for adverse effect (de minimis finding), either individually or cumulatively, on wildlife.
14. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
15. The Basin Plan amendment incorporating a TMDL for nitrogen compounds and related effects for the Calleguas Creek watershed must be submitted for review and approval by the State Water Resources Control Board (State Board), the State Office of Administrative Law (OAL), and the US Environmental Protection Agency

(USEPA). The Basin Plan amendment will become effective upon approval by OAL and USEPA. A Notice of Decision will be filed.

THEREFORE, be it resolved that pursuant to Section 13240 and 13241 of the Water Code, the Regional Board hereby amends the Basin Plan as follows:

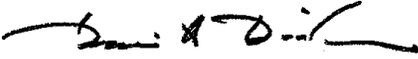
1. Pursuant to sections 13240 and 13241 of the California Water Code, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to Chapter 7 the Water Quality Control Plan for the Los Angeles Region to incorporate the elements of the Calleguas Creek Nitrogen Compounds and Related Effects TMDL as set forth in Attachment A hereto.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the SWRCB in accordance with the requirements of section 13245 of the California Water Code.
3. The Regional Board requests that the SWRCB approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to OAL and the USEPA.
4. If during its approval process the SWRCB or OAL determines 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 Board of any such changes.
5. The Executive Officer is authorized to sign a Certificate of Fee Exemption.
6. Amend the text in the Basin Plan, Plans and Policies (Chapter 5) to add:

"Resolution No. 02-017. Adopted October 24, 2002.
'Amendment to include a TMDL for Nitrogen Compounds and Related Effects for Calleguas Creek'
The resolution proposes a TMDL for nitrogen compounds and related effects in Calleguas Creek."
7. The Basin Plan amendment set forth in Attachment A shall only become effective if the water quality objectives revised by Regional Board Resolution 2002-011, or equivalent water quality objectives, have been approved by the OAL and USEPA, and are consistent with the TMDL.

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I, Dennis A. Dickerson, 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 24, 2002.



Dennis A. Dickerson
Executive Officer