

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

RESOLUTION NO. R4-2008-009
September 11, 2008

**Amendment to the Water Quality Control Plan for the Los Angeles Region through
revision of the Waste Load Allocations for the Calleguas Creek Watershed
Nitrogen Compounds and Related Effects Total Maximum Daily Load**

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, Los Angeles Region (Regional Board) to establish water quality standards for each water body within its region. Water quality standards include beneficial uses, water quality objectives that are established at levels sufficient to protect those beneficial uses, and an antidegradation policy to prevent degrading waters. Water bodies that do not meet water quality standards are considered impaired.
2. CWA section 303(d)(1) requires each state to identify the waters within its boundaries that do not meet water quality standards. Those waters are placed on the state's "303(d) List" or "Impaired Waters List". For each listed water, the state is required to establish the Total Maximum Daily Load (TMDL) of each pollutant impairing the water quality standards in that waterbody. Both the identification of impaired waters and TMDLs established for those water must be submitted to the United States Environmental Protection Agency (U.S. EPA) for approval pursuant to CWA section 303(d)(2). For all waters that are not identified as impaired, the states are nevertheless required to create TMDLs pursuant to CWA section 303(d)(3), however TMDLs pursuant to subdivision (d)(3) do not require U.S. EPA approval.
3. 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 U.S. EPA guidance documents (e.g., U.S. EPA, 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 TMDLs shall take into account critical conditions for stream flow, loading and water quality parameters.

4. Upon establishment of TMDLs by the State or U.S. EPA, 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.
5. A consent decree between U.S. EPA, Heal the Bay, Inc. and BayKeeper, Inc. was approved on March 22, 1999, which resolved litigation between those parties relating to the pace of TMDL development. The court order directs the U.S. EPA to ensure that TMDLs for all 1998-listed impaired waters be established within 13 years of the consent decree. The consent decree combined water body pollutant combinations in the Los Angeles Region into 92 TMDL analytical units. Waterbodies impaired by eutrophia, algae, ammonia, and odor in Calleguas Creek watershed were scheduled in the Consent Decree as analytical unit 1. The TMDL for eutrophia, algae, ammonia and odor, Resolution No. 02-017, was adopted by the Regional Board on October 24, 2002.
6. 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.
7. The Regional Board's goal in establishing the above-mentioned TMDL was 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. Nitrogen compounds at high concentration may stimulate the production of excessive algae mats which have been observed in certain reaches of Calleguas Creek and can result in eutrophic conditions characterized by low dissolved oxygen concentrations which is harmful to aquatic life. Additionally, ammonia is known to cause toxicity to aquatic organisms.
8. At a public meeting on October 24, 2002, the Regional Board adopted an amendment to the Basin Plan to include a TMDL for Nitrogen Compounds and Related Effects in the Calleguas Creek watershed. The Calleguas Creek Nutrient and Related Effects TMDL included concentration based maximum daily effluent limits (MDEL), average monthly effluent limits (AMEL), and mass based daily waste load allocations (WLAs) for ammonia for publicly owned treatment works (POTWs) including Hill Canyon Wastewater Treatment Plant (WTP), Simi Valley Water Quality Control Facility (WQCF), Moorpark Wastewater Treatment Plant (WTP), Camarillo Water Reclamation Plant (WRP), and Camrosa Water Reclamation Facility (WRF).
9. The Regional Board considered the entire record, including the California Environmental Quality Act (CEQA) documentation, written and oral comments received from the public, and the Regional Board staff's response to the written

comments. The Basin Plan amendment to incorporate the TMDL for Nutrient and Related Effects for Calleguas Creek, Resolution 02-017, was adopted by Regional Board on October 24, 2002. Resolution 02-017 assigned waste load allocations (WLAs) to major publicly owned treatment works (POTWs).

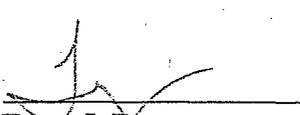
10. The TMDL for Nutrient and Related Effects for Calleguas Creek, Resolution No. 02-017 was approved by the State Water Resources Control Board (State Board) on March 19, 2003, the Office of Administrative Law (OAL) on June 5, 2003, and the U.S. EPA on June 20, 2003. The TMDL for Nutrient and Related Effects for Calleguas Creek, Resolution No. 02-017 is effective on July 16, 2003.
11. The National Pollutant Discharge Elimination System (NPDES) permits for the Hill Canyon WTP, Simi Valley WQCF, Moorpark WTP, Camarillo WRP, and Camrosa WRF will be under consideration in the near future for renewal by the Regional Board. The Calleguas Creek Nitrogen Compounds and Related Effects TMDL waste load allocations will be incorporated into the permits in conformance with the Clean Water Act and related federal regulations.
12. In preparing the NPDES permit renewals, Regional Board identified a typographical error in the mass based daily WLAs for ammonia in the Calleguas Creek Nitrogen Compounds and Related Effects TMDL. Translating a concentration-based limit into a mass based daily limit requires multiplying the concentration-based limit by the flow rate. The mass based daily WLAs for ammonia, however, were incorrectly calculated as the product of the daily flow rate and the average monthly effluent limits (AMEL), rather than the daily flow rate and the maximum daily effluent limits (MDEL).
13. When the original TMDL was adopted (2002) the practice at that time was to calculate the flow rate of a POTW and include it in the basin plan a static factor. Current practice, however, recognizes that POTW flow rates are dynamic. As a result, current mass-based limits that are incorporated into the basin plan will often be expressed as an equation that includes Q , or the flow rate, as one of its factors. The use of the POTW effluent flow rate to calculate mass based WLAs is consistent with other TMDLs recently approved by U.S. EPA.
14. This Basin Plan Amendment corrects the mass based daily WLAs for ammonia to be based upon the MDEL, and updates the WLAs to be consistent with the current practice of recognizing that flow is variable. The mass based WLAs for ammonia are corrected to be based on the maximum daily effluent limit, MDEL and the actual POTW effluent flow rate at the time the monitoring is conducted.
15. The mass based WLAs for ammonia in the Calleguas Creek Nitrogen and Related Effects TMDL include a 10% explicit margin of safety to account for uncertainty concerning the relationships between WLAs and attainment of the water quality standards addressing algae and other listed stressors associated with nutrient loads.

16. The amendment is consistent with the State Antidegradation Policy (State Board Resolution No. 68-16), in that the revisions of the WLAs for the Calleguas creek Nutrients and Related Effects TMDL do not include revisions to WQOs, and provide mass reduction to meet water quality objectives. Likewise, the amendment is consistent with the federal Antidegradation Policy (40 CFR 131.12).
17. The proposed amendment results does not alter the environmental analysis that was previously completed for the Calleguas Creek Nitrogen Compounds and Related Effects TMDL because correction of the mass based WLAs for ammonia will not result in different implementation actions than those previously analyzed for the Calleguas Creek Nitrogen Compounds and Related Effects TMDL, or different effects upon the environment. The environmentally significant WLA remains the MDEL, which is the technically derived ceiling to the amount of ammonia that can and should be authorized. Correcting the mass-based daily limit to be consistent with the MDEL, as originally intended, has no potential to result in a change in the physical environment. As such, this amendment is both consistent with the prior CEQA documentation, and is itself not a "project" within the meaning of CEQA.
18. The public has had a reasonable opportunity to participate in the review of the revision to the Waste Load Allocations of the Basin Plan amendment, Resolution 02-017. A draft of the TMDL revisions was released for public comment on July 1, 2008; a Notice of Hearing was published and circulated 45 days preceding Board action; Regional Board staff responded to oral and written comments received from the public; and the Regional Board held a public hearing on September 11, 2008 to consider adoption of the revision to the Waste Load Allocations of the Basin Plan Amendment, Resolution 02-017. The revised WLAs are proposed in Attachment A to this resolution.
19. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).
20. The Basin Plan amendment incorporating a revision for the Waste Load Allocation section in the Calleguas Creek Nutrient and Related Effects TMDL must be submitted for review and approval by the State Board, the OAL, and the U.S. EPA. The Basin Plan amendment will become effective upon approval by OAL and U.S. EPA. A Notice of Decision will be filed following these approvals.

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

1. Pursuant to sections 13240 and 13242 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 of the Water Quality Control Plan for the Los Angeles Region to incorporate the revisions of the Waste Load Allocation in the Calleguas Creek Watershed Nitrogen Compounds and Related Effects TMDL, Table 7-7.1 Calleguas Creek Nitrogen Compounds and Related Effects TMDL: Elements, and the corresponding reference to Chapter 5, as set forth in Attachment A hereto.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Board in accordance with the requirements of section 13245 of the California Water Code.
3. The Regional Board requests that the State Board approves the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to the OAL and the U.S. EPA.
4. If during its approval process Regional Board staff, State Board or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity, or for consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.
5. The Executive Officer is authorized to request a "No Effect Determination" from the Department of Fish and Game, or transmit a payment of applicable as maybe required to the Department of Fish and Game.

I, Tracy J. Egoscue, 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 September 11, 2008.



Tracy J. Egoscue
Executive Officer

9/25/08

Date