

Workshop to Review Implementation of the Listing Policy



Background

- Board approved Listing Policy in 2004 after three-year development process
- State Water Board staff drafted 2006 list using the Listing Policy
- Board approved 2006 list in October 2006

Comparison of § 303(d) Lists

	2002	2006*
Water body-pollutants still needing TMDLs	1,883	1,749
Being addressed by completed TMDLs	184**	347
Being addressed by actions other than TMDLs	8**	15
Total Listed Waters and Pollutants	1,883	2,111

*As adopted by State Water Board.

**Not included on 2002 list.

EPA's Reaction

- November 30, 2006: Approved all listings except Walnut Creek-Toxicity
- March 8, 2007: Partial disapproval letter
 - Close calls...**Reversed 8 delistings (5 CTR, 3 other)**
 - Incorrect decision...**Reversed one delisting**
 - New data reviewed...Added 3 listings
 - Confirmed some listings...15 trash and 1 bay listing
 - Additional review of data in record...**Added 8 listings**
 - Beach data review...Added 42 listings, **reversed one delisting**
- Concur with additions for beaches, new data and additional data review
- Understand 5 listings related to CTR

Policy Evaluation

- Developed evaluation criteria
- Graded use of Policy using each criterion
- Weighted criteria depending on relative importance of factor or quality of data
- Summed weighted scores to give an overall assessment

Did the Policy Work?

Evaluation Criteria	Test	% of Grade	Grade
Listing and Delisting Factors Used	2 nuisance factors (for nutrients and trash) not used. 90% of factors used.	5	A
Predictability	Used WOE 18 times (<1%). Need to mature in use of WOE.	10	C
Adaptability and Innovation	Best example: Exotic species	5	C
Staff resource use efficiency	2006: 138 fact sheets per PY 2002: 59 fact sheets per PY	5	A
Staff usability	12 staff (0-25 yrs experience) Many with 0-2 yr experience	10	A
Consistency	State Board - very reproducible Regional Board - ??	15	A
Transparency	Priorities had to be set. Concern that not enough doc.	20	B
Agreement with USEPA	(2259 fact sheets – 18 disagreements)/2259 = 99+%	30	A+

Did the Policy work?

- Overall Assessment: B+
- Thousands of assessments completed
- EPA agreed with 99+%
- Both junior and senior level staff were able to use the Policy
- Policy's implementation can provide consistent and reproducible results

Challenges

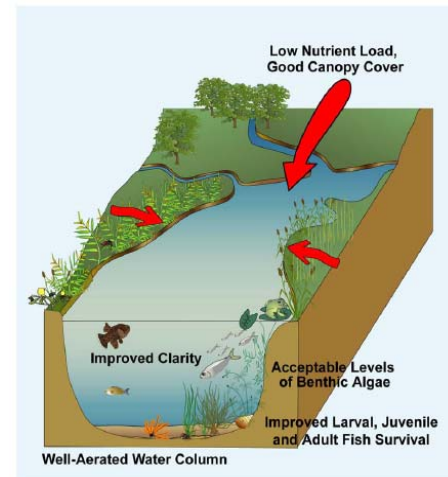
- Nutrients
 - Nitrogen
 - Phosphorous
- Trash
- Consistency among Regional Boards

Nutrients

- New report provides an approach to protect BUs
- Tools for estimating nutrient concentrations
- Secondary indicators
 - Algal Biomass
 - pH, Dissolved O₂

TECHNICAL APPROACH TO DEVELOP NUTRIENT NUMERIC ENDPOINTS FOR CALIFORNIA

JULY 2006



Prepared for:
U.S. EPA Region IX
(Contract No. 68-C-02-108-To-111)

California State Water Resource Control Board;
Planning and Standards Implementation Unit

Prepared by:
 TETRA TECH, INC.
Lafayette, CA
Research Triangle Park, NC

Nutrients

- Case Studies in Northern & Southern CA
- Model results show variety of targets are possible depending on site-specific considerations
- Working with RB staff and consultants to develop evaluation guidelines to be used with Listing Policy provisions

Trash

- Some listings made in the 2006 process
- Approach was based primarily on visual assessments (photographs)
- SWAMP has data to form foundation to develop evaluation guideline
- Considering study using this data to develop guideline
- Result would bring consistency to trash listing process

Consistency

- Policy provides foundation for consistency
- Policy is flexible
- Training underway
 - Addressing each portion of the Policy
 - Working out solutions for trash and nutrient listings
 - Discussion among Regional Board's on ideas for implementing the Policy for the 2008 Listing process
 - By the end of March, more than 75 State and Regional Board staff trained
- Follow-up
 - State Board staff will continue to provide support

