

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – LOS ANGELES REGIONAL WATER BOARD
FEBRUARY 22, 2017**

ITEM 5

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO REVISE THE TOTAL MAXIMUM DAILY LOAD (TMDL) FOR METALS AND SELENIUM IN CALLEGUAS CREEK,ITS TRIBUTARIES AND MUGU LAGOON.

DISCUSSION

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) revised the TMDL for Metals and Selenium in Calleguas Creek, its Tributaries, and Mugu Lagoon on October 13, 2016, through [Resolution No. R16-007](#).

The Los Angeles Water Board originally established the Calleguas Creek Watershed Metals and Selenium TMDL (CCW Metals TMDL) on June 8, 2006; the TMDL became effective on March 27, 2007. 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.

The Los Angeles 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.

On November 9, 2006, the Los Angeles 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).

This proposed amendment to the Basin Plan reconsiders the TMDL and incorporates the adopted and approved WERs into the Calleguas Creek Metals TMDL as envisioned in the CCW Metals TMDL. Regional Board staff proposes to modify the TMDL targets and assigned allocations in accordance with the approved WERs using the equations set forth in the CCW Metals TMDL.

As part of the reconsideration, the Los Angeles Water Board reviewed recent monitoring data and found that upstream reaches and downstream reaches of Calleguas Creek including Mugu Lagoon meet the CCW Metals TMDL targets for dissolved copper. Since receiving water targets are being achieved for upstream and downstream reaches including Lower Calleguas Creek (Reach 2) and Mugu Lagoon (Reach 1) under current discharge conditions, the Los Angeles Regional Board proposes to revise the WLAs to POTWs based on the current performance.

The detailed analysis supporting these TMDL revisions is contained in the Los Angeles Water Board's staff reports for the revisions.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan to revise the TMDL for Metals and Selenium in Calleguas Creek Watershed?

FISCAL IMPACT

The Los Angeles Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL BOARD IMPACT

Yes, approval of this resolution will amend the Los Angeles Water Board's Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan adopted under Los Angeles Water Board Resolution No. R16-007.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board Resolution No. R16-007 as approved, and the administrative record for this action to the Office of Administrative Law and the TMDL revisions to the U.S. EPA for approval.

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| <p>State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012 to implement strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030. In particular, approval of this item will assist in fulfilling Objective 1.1 to implement a statewide strategy to efficiently prepare, adopt, and implement TMDLs, which result in water bodies meeting water quality standards, and adopt and begin implementation of TMDLs for all 2006-listed water bodies by 2019.</p> |
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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2017-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO REVISE THE TOTAL MAXIMUM DAILY LOAD FOR METALS AND SELENIUM IN CALLEGUAS CREEK, ITS TRIBUTARIES, AND MUGU LAGOON

WHEREAS:

1. On October 13, 2016, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R16-007](#), an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan amendment), to revise the Total Maximum Daily Load (TMDL) for metals and Selenium in Calleguas Creek, Its Tributaries, and Mugu Lagoon.
2. The Los Angeles Water Board previously prepared California Environmental Quality Act (CEQA) "substitute environmental documents" for the establishment of the original TMDLs adopted by Los Angeles Water Board Resolution Nos. R04-2006-012. These documents contained the required environmental documentation under the State Water Board's regulations for the implementation of CEQA, as set forth in the California Code of Regulations, Title 23, sections 3775 through 3781. The Los Angeles Water Board found that the Basin Plan amendment adopted by Resolution No. R16-007 did not alter the environmental analysis that was previously prepared for the establishment of these TMDLs 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, the Los Angeles Water Board found that the Basin Plan amendment is consistent with the prior CEQA documentation and determined that no subsequent environmental documents shall be prepared consistent with California Code of Regulations, Title 14, section 15162. The State Water Board concurs with the Los Angeles Water Board's findings and determinations.
3. The Los Angeles Water Board also adopted the Basin Plan amendment pursuant to the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
4. The Los Angeles Water Board found the Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining High Quality of Waters in California (State Water Board Resolution No. 68-16) and the federal Antidegradation Policy (40 C.F.R. § 131.12), in that it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards.
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise basin plans, and section 13242, which requires a program of implementation for achieving water quality objectives. The State Water Board also finds that the TMDL revisions, as reflected in the Basin Plan amendment, are consistent with the requirements of section 303(d) of the federal Clean Water Act.

D R A F T

6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The TMDL revisions must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R16-007.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R16-007 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL revisions.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on February 22, 2017.

Jeanine Townsend
Clerk to the Board