

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

RESOLUTION NO. 03-015
November 6, 2003

Amendment to the *Water Quality Control Plan for the Los Angeles Region* to Update the Chloride Objective for Reach 3 at Santa Paula in the Lower Santa Clara River

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. The Basin Plan contains a chloride objective for Reach 3 of the Santa Clara River. The objective is based on protection of agricultural supply and groundwater recharge beneficial uses. The chloride objective for Reach 3 of the Santa Clara River is 80 mg/L and is based on recommendations made by the Regional Board staff and adopted in 1978.
4. The amendment proposed for adoption into the Basin Plan will update the current chloride objective for Reach 3 at Santa Paula in the lower Santa Clara River to recognize changes in water quality due to imported water supply over the last few decades and a recent assessment of a larger data set.
5. 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. The Santa Clara River was listed on California's 2002 section 303(d) list, due to impairment for chloride compounds.
6. The amendment will revise Chapter 3 "Water Quality Objectives" of the Basin Plan.
7. The proposed amendment is based on a more recent technical assessment of the most appropriate chloride indicators. Specifically, the existing objective was set based on chloride data collected between 1951 and 1975 which varied from 20 to 220 mg/L. While the mean annual values ranged from 60-80 mg/L, the data set contains more measurements collected at high flow and documents a strong inverse relationship between flow and chloride concentration. As a result, staff concludes that a higher objective is more representative of the average water quality in the lower Santa Clara

- 100 mg/L was achieved 95% of the time both at present and in the past.
8. Further, as demonstrated in a staff presentation to the Regional Board in December 2000 regarding the chloride objective in the lower Santa Clara River, there is ample evidence that a chloride objective of 100 mg/L is sufficiently protective of the most sensitive beneficial use, agricultural supply.
9. On December 7, 2000, the Regional Board revised the water quality objective for chloride in the Santa Clara River at Santa Paula from 80 to 100 mg/L. (Resolution 00-20). The Resolution was not forwarded to the State Board due to a problem with the adequacy of the public notice for Resolution 00-20. The Regional Board staff determined that the item needed to be reconsidered by the Regional Board.
10. The Regional Board adopted a chloride TMDL for the upper Santa Clara River on July 10, 2003 that will be heard by the State Water Quality Control Board (State Board) in 2004. The TMDL is designed to attain a water quality objective of 100 mg/L.
11. In June 2003, the U.S. EPA promulgated a chloride TMDL for the Lower Santa Clara River including Reach 3 at Santa Paula. The EPA staff report states that the objective supportive of a chloride objective change to 100 mg/L, and notes that the objective change is consistent with the Regional Board's proposed Chloride TMDL for the Upper Santa Clara River. The Regional Board subsequently adopted the Chloride TMDL for the Upper Santa Clara River on July 10, 2003.
12. The Regional Board, in reviewing the staff presentation and relevant materials in the administrative record, considered the factors required by Water Code section 13241. The past, present, and future beneficial uses of Reach 3 have been considered previously and, for purposes of a chloride objective, the most sensitive use continues to be agriculture supply. Environmental characteristics of Reach 3 are identified in the staff materials and reflect a river reach with variable chloride concentrations. Based on an analysis of the relevant data, the updated chloride objective in Reach 3 is consistent with those historical characteristics. Water quality conditions that could reasonably be achieved were considered in setting the existing chloride objective. Based on a review of the chloride data, the Regional Board concludes that a revised chloride objective of 100 mg/L is reasonable recognizing the increasing chloride loads and efforts to control and abate sources of chloride loading. The Regional Board has considered the costs of implementing the amendment, and finds these costs to be a reasonable burden relative to the environmental benefits. The amendment relaxes the existing objective to a level consistent with historical data. As a result, the cost of implementing the revised objective is potentially less than the costs of implementing the existing objective. For similar reasons, the objective change should not adversely affect the need for developing housing within the region or for recycled water.

13. The proposed amendment results in no potential for adverse effect, either individually or cumulatively, on wildlife.
14. The regulatory action proposed meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).
15. The amendment is consistent with the State Antidegradation Policy (State Water Resources Control Board (SWRCB) 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).
16. 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.).
17. Regional Board staff has prepared an summary dated September 9, 2003, describing the proposed amendment, and sent the summary to all known interested persons to allow a 45-day public comment period in advance of the public hearing.
18. The Regional Board held a public hearing on November 6, 2003, for the purpose of receiving testimony on the proposed Basin Plan amendment. Notice of the public hearing was sent to all interested persons and published in accordance with California Water Code, section 13244.
19. The Basin Plan amendment must be submitted for review and approval by the SWRCB, Office of Administrative Law (OAL), and U.S. EPA. Once approved by the SWRCB, the amendment is submitted to OAL and 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.

THEREFORE, be it resolved that

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 the Water Quality Control Plan for the Los Angeles Region as set forth in the attachment.
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 U.S. EPA.
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.

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 November 6, 2003.



Dennis A. Dickerson
Executive Officer