

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION--DIVISION OF WATER QUALITY
APRIL 18, 2007**

ITEM 8

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE COLORADO RIVER BASIN REGION (BASIN PLAN) TO ESTABLISH A TOTAL MAXIMUM DAILY LOAD (TMDL) AND IMPLEMENTATION PLAN FOR TRASH IN THE NEW RIVER AT THE INTERNATIONAL BOUNDARY, IMPERIAL COUNTY, CALIFORNIA

DISCUSSION

The New River was placed on the federal Clean Water Act (CWA) 303(d) list [303(d)] list in 2002 because it did not meet water quality standards for discharges of trash. On June 21, 2006, the California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) adopted Resolution No. R7-2006-0047 ([Attachment](#)) amending the Basin Plan to establish a TMDL and implementation plan for trash in the New River at the International Boundary. The New River extends about 20 river-miles within Mexico, with headwaters located in Mexicali. When it crosses into the United States, the New River is approximately 60 miles long, and terminates at the Salton Sea. The subject TMDL focuses on the New River at the International Boundary, although the entire New River is listed as impaired on the 303(d) list. The International Boundary area has been established as a priority over the other New River reaches because of the proximity to the major trash source in Mexico. Additionally, reduced trash at the International Boundary will lead to a reduction in trash in downstream reaches and a reduction in pollutants (e.g., pathogens, volatile organic compounds, and organic matter) carried by or leached from trash.

The designated beneficial uses for the New River include: warm freshwater habitat; wildlife habitat; preservations of threatened, rare, or endangered species; water contact recreation; non-contact recreation; and freshwater replenishment. Trash adversely affects fish and wildlife communities. Trash also causes secondary water quality impacts to the Salton Sea at the New River's terminus, because trash serves as a carrier for pathogens, dissolved organic matter, and volatile organic compounds that pose a threat to public health and to fish and wildlife communities.

The New River is listed because it does not meet water quality standards, section 303(d) of the CWA requires the establishment of a TMDL. A TMDL specifies load allocations for nonpoint sources and waste load allocations for point sources that, when implemented, are expected to result in attainment of applicable water quality standards. State law requires an implementation plan and schedule to ensure that the TMDL will be accomplished. The TMDL addresses the trash impairment to ensure that water quality standards will be achieved.

The source of trash to the New River originates in Mexico from wastewater drains and the New River's tributaries within the watershed. The trash impairment results from the lack of a solid waste management plan to collect and properly dispose of municipal solid waste in Mexicali, resulting in littering of open lots, unpaved roads, the New River itself, and the New River's tributaries within and peripheral to the Mexicali metropolitan area.

The numeric target established by the TMDL is zero pounds per day of trash. There is an implicit margin of safety for this TMDL, meaning that the margin of safety is incorporated into the conservative processes used to develop the TMDL (i.e., numeric target is zero). The numeric target is based on the fact that trash is not a naturally occurring pollutant. Therefore, there is no background concentration for trash. Additionally, scientific literature shows abundant evidence of adverse effects on water quality and wildlife populations for even small amounts of trash. Each National Pollutant Discharge Elimination System facility discharging to the New River has an individual waste load allocation of zero pounds of trash per day, with which all are currently in compliance.

The time schedule for attainment of the TMDL establishes interim and final numeric targets. Within two years of U.S. Environmental Protection Agency (USEPA) approval of the TMDL, the TMDL requires a reduction of 165 pounds/day, which represents a 75 percent reduction from existing conditions. Within three years of USEPA approval of the TMDL, the TMDL requires a final numeric target of zero pounds/day of trash or 100 percent removal of trash.

The Colorado River Basin Water Board does not have the authority to require Mexico or the United States (U.S.) government to reduce trash that crosses the International Boundary. In order to implement the TMDL, the Colorado River Basin Water Board is requesting that the following cooperating agencies sign a Memorandum of Understanding (MOU) to ensure coordination of International Boundary projects: the U.S. member of the New River/Mexicali Sanitation Program Binational Technical Advisory Committee, North American Development Bank, Border Environment Cooperation Commission, California Border Environment Cooperation Commission, City of Calexico New River Committee, and Citizens Congressional Task Force on the New River. The MOU should address the formation of a coordination committee and the submission of progress reports. Additionally, the Colorado River Basin Water Board is requesting the U.S. International Boundary and Water Commission and USEPA to: (1) complete trash reduction actions, including completion of a report describing current and/or proposed measures to ensure that Mexico complies with the TMDL, and (2) report on the current and/or proposed measures to remove trash that has accumulated at Imperial County Calexico Landfill culverts.

Monitoring actions include the development and implementation of a monitoring plan and Quality Assurance Project Plan to monitor water quality and trash in the New River at the International Boundary.

POLICY ISSUE

Should the State Water Resources Control Board (State Water Board) approve the amendment to the Basin Plan to establish a TMDL and implementation plan for trash in the New River at the International Boundary, as adopted under Colorado River Basin Water Board Resolution No. R7-2006-0047?

FISCAL IMPACT

Colorado River Basin 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 WATER BOARD IMPACT

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

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan adopted under Colorado River Basin Water Board Resolution No. R7-2006-0047.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Colorado River Basin Water Board Resolution No. R7-2006-0047, as approved, and the administrative record for this action to the Office of Administrative Law and the TMDL to USEPA for approval.

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2007-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE COLORADO RIVER BASIN REGION (BASIN PLAN) TO ESTABLISH A TOTAL MAXIMUM DAILY LOAD (TMDL) AND IMPLEMENTATION PLAN FOR TRASH IN THE NEW RIVER AT THE INTERNATIONAL BOUNDARY, IMPERIAL COUNTY, CALIFORNIA

WHEREAS:

1. The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) adopted a revised Basin Plan on November 17, 1993, which was approved by the State Water Resources Control Board (State Water Board) on February 17, 1994 and by the Office of Administrative Law (OAL) on August 3, 1994.
2. On June 21, 2006, the Colorado River Basin Water Board adopted Resolution No. R7-2006-0047 ([Attachment](#)) amending the Basin Plan to establish a TMDL for trash in the New River at the International Boundary.
3. The Colorado River Basin Water Board found that the analysis contained in the TMDL staff report and the California Environmental Quality Act (CEQA) checklist comply with the requirements of the State Water Board's certified regulatory CEQA process as set forth in California Code of Regulations, Title 23 §3775 et seq.).
4. The Colorado River Basin Water Board found that adoption of this amendment would result in no adverse effect on wildlife, and the amendment would be consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16) and federal antidegradation requirements.
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 of water quality objectives. The State Water Board also finds that the TMDL as reflected in the Basin Plan amendment is consistent with the requirements of federal Clean Water Act section 303(d).
6. The Colorado River Basin Water Board established the loading capacity of the New River as zero pounds per day of trash or 100 percent removal of trash. Compliance with the load must occur within three years of U.S. Environmental Protection Agency (USEPA) approval of the TMDL.
7. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. TMDLs must also be approved by USEPA.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under Colorado River Basin Water Board Resolution No. R7-2006-0047.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Colorado River Basin Water Board Resolution No. R7-2006-0047, as approved, and the administrative record for this action to OAL and the TMDL to USEPA for approval.

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 April 18, 2007.

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Clerk to the Board