



A COOPERATIVE STRATEGY FOR
RESOURCE MANAGEMENT & PROTECTION

December 6, 2017

Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
Attention: Dr. Celine Gallon

Submitted via email: Celine.Gallon@waterboards.ca.gov

Subject: Comment Letter -2017-19 Triennial Review

Dear Dr. Gallon:

The Stakeholders Implementing Total Maximum Daily Loads (TMDLs) in the Calleguas Creek Watershed (Stakeholders) appreciate the opportunity to provide comments on the Los Angeles Regional Water Quality Control Board's (Regional Board) Notice of 2017-19 Triennial Review of Water Quality Standards in the Los Angeles Region (Notice). The Stakeholders consist of agricultural, wastewater, and MS4s that are responsible parties to six effective TMDLs in the Calleguas Creek Watershed (CCW). The Stakeholders have reviewed the proposed priorities in the Notice and request consideration of the following items as priorities for the 2017-2019 Triennial Review.

Comment #1: Adoption of USEPA Selenium and Copper Criteria

As detailed in the November 6, 2017 Notice of 2017-19 Triennial Review of Water Quality Standards in the Los Angeles Region, the Regional Board proposes that "its main focus will be the consideration of [USEPA CWA] section 304(a) recommended criteria for incorporation into the Regional Board's Basin Plan." The Regional Board plans to evaluate the new or revised USEPA criteria for incorporation into the Water Quality Control Plan for the Los Angeles Region (Basin Plan).

The Stakeholders respectfully request that the Regional Board consider the prioritization of the 2016 Selenium Criteria (81 FR 45285) and 2007 Copper Criteria (81 FR 49982) in this assessment. Both of these criteria have critical implications for the CCW Metals TMDL's upcoming 2022 compliance deadlines and will likely impact several other metals TMDLs within the Los Angeles region. Incorporation of these new criteria into the Basin Plan and subsequent revisions to the TMDL would likely modify the actions required by the Stakeholders to comply with the TMDL requirements. Therefore, the Stakeholders will need to address any modifications to the TMDL and Basin Plan as soon as possible and prior to the 2022 compliance deadline. Additionally, the incorporation of USEPA selenium and copper criteria into the Basin Plan for the entire region would likely alleviate Regional Board resources needed to consider site-specific objectives or other regulatory approaches (e.g. natural source exclusions for selenium) necessary to incorporate the latest science into all areas impacted by these criteria.

Recommendation:

Prioritize evaluation of the USEPA selenium and copper criteria for inclusion in the Basin Plan.

Comment #2: Modification of TMDLs

The Stakeholders respectfully request for the continuation of Basin Planning resources assigned to TMDL modification. We appreciate the Regional Board's modification of the CCW Metals and Selenium TMDL during the previous triennial review. During the last triennial review comment period, the Stakeholders also requested modifications to the siltation portion of the CCW Organochlorine (OC) Pesticides, Polychlorinated Biphenyls (PCBs) and Siltation TMDL and the Revolon Slough Trash TMDL. The Stakeholders request that the Regional Board allocate resources to these TMDLs during the upcoming triennial review period.

A TMDL reconsideration is needed to address the siltation portion of the OC Pesticides, PCBs and Siltation TMDL to incorporate the results of the required special study submitted to the Regional Board in March 2014. Mugu Lagoon was found to not be impaired by sediment in the required TMDL special study. As there is no impairment, the Stakeholders should not be required to reduce sediment loadings, and thus the TMDL needs to be modified. The reconsideration needs to occur as soon as possible as the sediment allocations became final in March 2015. It is also recommended that delisting Mugu Lagoon and potentially all of the remaining 303(d) listings for sediment/siltation in the watershed be discussed during the reconsideration process.

Two reaches of the Calleguas Creek watershed are covered by a trash TMDL. The Stakeholders request a TMDL reconsideration for the incorporation of the Statewide Trash Amendments¹. The revisions would provide the MS4 dischargers with a consistent compliance pathway for areas covered by a TMDL and those not covered by a TMDL.

¹ The Proposed Final Amendment to the Water Quality Control Plan for Ocean Waters of California (Ocean Plan) and the Proposed Final Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (ISWEBE Plan) (together "Statewide Trash Amendments"). December 2, 2015 approval by the Office of Administrative Law.

Recommendation:

Prioritize the modification of the Calleguas Creek Watershed OC Pesticides, PCBs and Siltation TMDL to incorporate the results of the submitted special study, and the modification of the Revolon Slough and Beardsley Wash Trash TMDL for consistency with the Statewide Trash Amendments.

Comment #3: Natural Source Exclusion Policy

The Stakeholders encourage the Regional Board to maintain the priority from the previous two triennial reviews to develop technical guidance for making natural source determinations. Technical guidance is needed to support development of studies that will focus limited resources on addressing sources of pollutants that are within the control of the responsible parties to TMDLs.

Recommendation:

Prioritize the development of natural source exclusion technical guidance.

Comment #4: Mixing Zone Policy

As groundwater management becomes more of a priority throughout the watershed, the need to identify and develop projects to support multiple objectives has been identified. When considering recycled water or groundwater projects, the ability to develop and implement projects that have some localized groundwater quality impacts, but no significant regional groundwater impacts may be important to long term sustainability planning for the region. For example, the implementation of a recycled water project may have a small amount of localized water quality impact, but could also reduce additional groundwater pumping and help support a reduction in seawater intrusion.

At present, the Basin Plan lacks any reference to groundwater mixing zones. The Stakeholders request that the Regional Board consider the incorporation of a mixing zone policy into the Basin Plan. It is our understanding that without a mixing zone policy for groundwater, it is challenging for Regional Board staff to implement these programs even if the project is supported. A similar policy was adopted into the Lahontan Region Basin Plan to support projects, where, within a defined mixing zone, water quality objectives can be exceeded, however, mixing zones must not unreasonably affect the water quality and beneficial uses of the overall water body.

As the Stakeholders work to develop groundwater sustainability plans, salt and nutrient management plans, and implement TMDLs that have a nexus with groundwater conditions, potential conflicts are being identified with meeting all of the requirements associated with managing groundwater sustainably. A groundwater mixing zone will provide the Stakeholders with a needed tool to better coordinate these efforts and move effectively towards sustainable groundwater management in the watershed.

Recommendation:

Prioritize the incorporation of a groundwater mixing zone policy into the Basin Plan.

Comment #5: Climate Change Management Approaches

A focus under the previous triennial review was climate change and incorporating climate change into the Regional Board's policies. When the State Water Board adopted its Climate Change Resolution (Res. No. 2017-0012), the resolution identified its priority to address a "comprehensive approach to climate change." While Section II of that resolution has a number of actions directed to Improve Ecosystem Resilience, it may not adequately address the management priorities for ecosystem beneficial uses that are in transition as a result of climate change. While the resolution addresses this issue implicitly in Section II.7, water quality considerations cannot be addressed independently of the emerging ecologies.

There is extensive discussion in both scientific and public policy literature of the need to move toward a reconciliation ecology approach to maintain ecosystem function and services in the context of a change climate rather than a strict focus on water quality². Attention needs to be given to ensure that water quality standards are protective and adaptive to both future conditions and explicit ecosystem functions and values, rather than tied to baseline conditions that cannot be sustained and may even be detrimental to emerging transitional ecosystems.

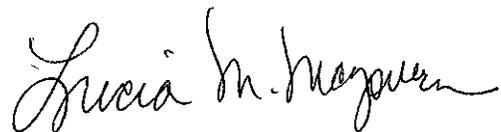
The Stakeholders request that, as part of the incorporation of climate change policies in the Basin Plan, consideration is given to modifications that would allow for a comprehensive approach to management of systems rather than the independent regulatory programs that currently exist. As climate change policies are developed, it will be important to think of alternative management approaches that can comprehensively support sustainable ecosystems rather than incorporating climate change actions as an add-on consideration to existing approaches.

Recommendation:

Incorporate the concept of a reconciliation ecology approach to the management of systems into the climate change policies being considered under the current triennial review.

We appreciate your consideration of these requests. If you have questions, please contact me at (805) 388-5334 or lmcgovern@cityofcamarillo.org.

Sincerely,



Lucia McGovern
Chair Stakeholders Implementing TMDLs in the Calleguas Creek Watershed

² Moyle, P., Bennett, W., Durand, J., Fleenor, W., Gray, B., Hanak, E., Lund, J., and J. Mount. (2012). Where the Wild Things Aren't: Making the Delta a Better Place for Native Species [Report]. *Public Policy Institute of California*. Retrieved from http://www.ppic.org/content/pubs/report/R_612PMR.pdf.