

# City of Los Angeles Impaired Waters Guidance & Policy

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# Overview

- History
- Our Hopes
- Our Comments and SWRCB Responses
- Are We Happy Campers?
- Technical Modules/ Support Papers
- Discussion

# Policy and Guidance History

- Required by SB469 2002 statutes
- Policy was introduced to the AB982 PAG in 2003 (the PAG was working on the Listing Policy)
- SWRCB Workshop and PAG meeting in 2004
- SWRCB Workshop on Feb 2, 2005
- Policy was approved at a SWRCB hearing on June 16, 2005, waiting for OAL

# Our hopes for the Guidance and Policy (G&P)

- Provide options other than TMDLs to address water quality, e.g., existing programs
- Address the difficulty to change BUs
- Make it easier to stop TMDL development if the TMDL was based on insufficient data

# Our hopes for the G&P

- Promote sound science and avoids BPJ
- Make TMDLs more uniform throughout the State
- Allow site-specific considerations
- Clarify how an economic analysis or cost analysis should be done, and allow the RWQCBs to recommend limits to implementation

# Concerns and Responses

## Disclaimer

- The following slides contain some of our concerns and our interpretation of the SWRCB's responses
- The concerns are not comprehensive
- Our interpretation may be abbreviated on the slides

# Concerns and Responses

- Concern – Use of unadopted targets, e.g., sediment ERLs, Algae study from New Zealand, etc.
  - We want advance stakeholder review of such guidelines
- Response – Targets (guidance values) are adopted when a TMDL is adopted

# Concerns and Responses

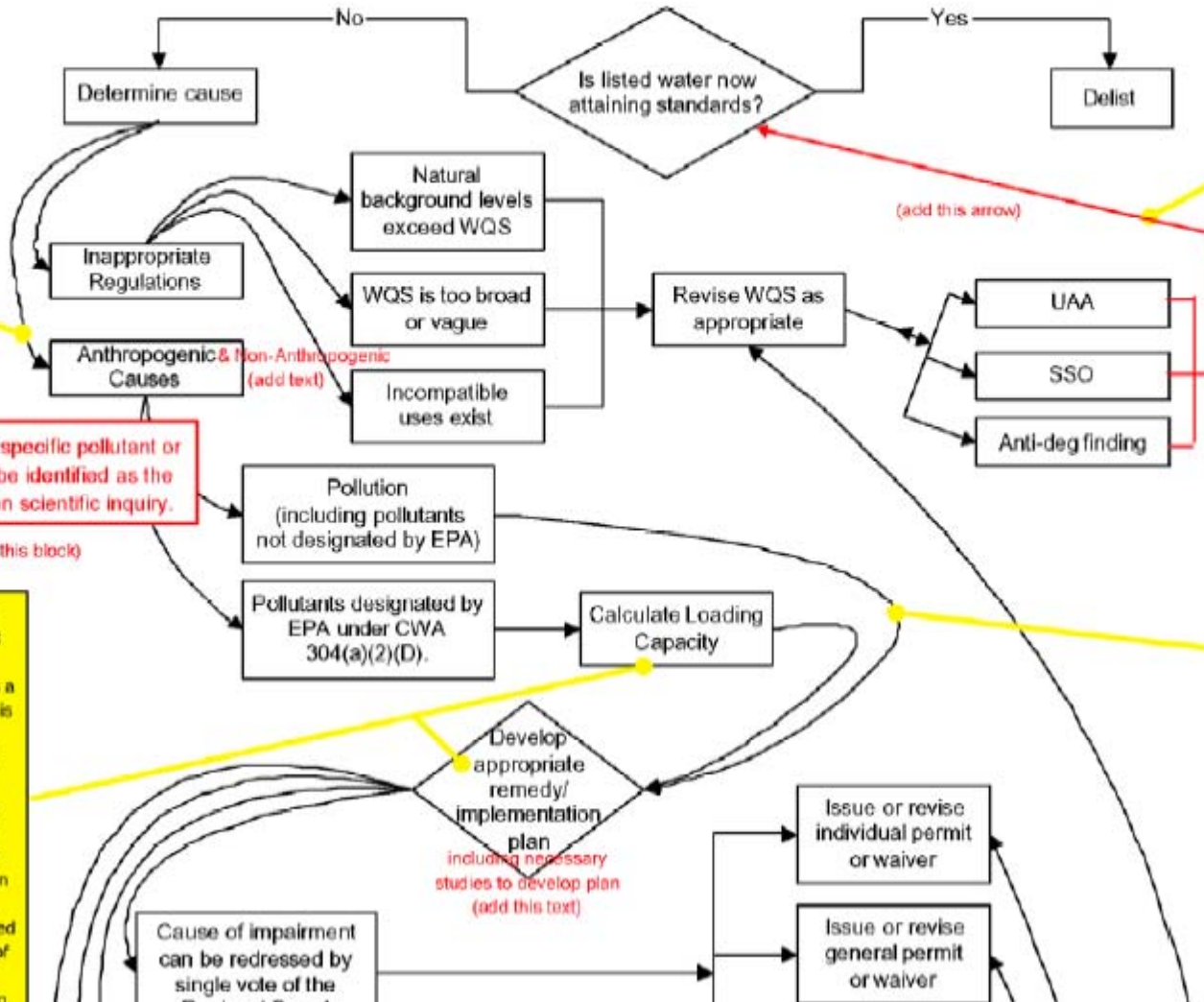
- Concerns – regarding SWRCB flow chart
  - Not possible to calculate loading capacity without pollutant identification
  - Non-anthropogenic causes of impairment
  - Protection of compatible beneficial uses
  - Additional time for studies in advance of implementation
- Response – no changes to original chart



# SB 469 TMDL Guidance: Attachment A: Impaired Waters Regulatory Decision Tree

draft 11/22/2004

**Note 1:** Local jurisdictions may wish to remedy wildlife waste issues, in an effort to preserve current beneficial use designations (eg., preserve kiddie beaches).  
Recommendation: Add Non-Anthropogenic as a cause.



Determine if a specific pollutant or pollutants can be identified as the cause, based on scientific inquiry.

(add this block)

**Note 2:** Loading capacities cannot be scientifically calculated unless a specific pollutant is identified. If deadlines do not permit this, any necessary study should be part of special studies in the implementation plan, with schedules adjusted once the results of the inquiry or studies are known.

**Note 3:** Per the NRC, an appropriate WQS should be determined prior to TMDL development. If this is not possible, due to Consent Decree or other timelines, the flow chart should acknowledge that when the revised WQS is available, it will be considered in the developing TMDL or in the adopted TMDL implementation plan. WQS and TMDL processes are interdependent, and their relationship should not be disregarded.  
Recommendation: Add arrow from end of process (UAA, SSO, Anti-deg finding) back into process, just like revised Figure 1-1 of the Guidance.

**Note 4:** A remedy or implementation plan that is not based on a calculated loading capacity for a specific pollutant can be a subjective and sometimes more expensive course of action for local jurisdictions. Therefore, at the discretion of the jurisdiction, scientific review should be

# Concerns and Responses

- Concern – SWAMP Support is critical
- Response - The SWAMP program is an essential element of the Water Boards overall programs. However, setting Board priorities for other programs is outside of the scope of this Policy.

# Concerns and Responses

- Concern – Review Water Quality Standards Appropriateness before the TMDL is developed
- Response – This will be outside of the TMDL process (Triennial Review of Basin Plan)

# Concerns and Responses

- Concern – Consider implementation costs
- Response – RWQCBs are required to consider costs for:
  - adoption of an agricultural water quality control program;
  - adoption of water quality objectives; and
  - adoption of a treatment requirement or performance standard (CEQA).

# Concerns and Responses

- Concern – MOS can be added arbitrarily; we need technical evidence to increase MOS
- Response – Burden of proof should be on the stakeholders (this response was used for many stakeholder comments)

# Concerns and Responses

- Concern – It is currently the policy of the state, as well as EPA, to **not** apply numeric effluent limits to stormwater. Compliance by BMP implementation is preferred.
- Response – This is outside the scope of the Policy. Wait for the Stormwater Policy document.

# Are We Happy Campers?

- The policy was written in a way that it supports business as usual
- Standards Review – outside of the TMDL process
- BU review – outside of the TMDL process
- 303(d) listing – outside of the TMDL process

# Technical Modules, phase 1

(No timeline for these modules and support papers)

- Coastal Water Pathogens – finished?
- River/Creek Pathogens
- Urban Pesticides – not finished



# Technical Modules, phase 2

- Agricultural pesticides
- River/Creek Nutrients
- Sediment/Temperature
- Bioaccumulative substances
  - Mercury
  - Organo Cl-pesticides

# Technical Modules- additional

- Economics module –SWRCB seeking funding
- How to couple Adaptive Management with UAAs and SSOs

# Support Papers

- Issue papers
  - Basin Planning
  - Urban Runoff Permits
  - Stakeholder Involvement
  - Targets vs. WQ Objectives
  - UAAs

# Where to go from here...

- Contact Rik Rassmussen of SWRCB for updates on the G&P
- Stormwater Policy Advisory Committee to meet in September 2005