

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

June 28, 2013

Thomas Howard, Executive Director
State Water Resources Control Board
1001 I Street
Sacramento, CA 95812-0100

re: Ventura River TMDL – Resolution 2013-0005

Dear Mr. Howard,

We have received the California State Water Resources Control Board (State Board) submittal of the amendments to the Water Quality Control Plan for the Los Angeles Region containing Total Maximum Daily Loads (TMDLs) for listed water quality impairments in California's Ventura River, including its estuary and tributaries (State's TMDLs). Based on EPA's review of the TMDLs submitted under Clean Water Act (CWA) Section 303(d), EPA finds the State's TMDLs adequately address the pollutants of concern and upon implementation will lead to the attainment of the applicable water quality standards for the Ventura River, including its estuary and tributaries. All required elements are adequately addressed; therefore, the TMDLs submitted by the State Board for the Ventura River are hereby approved pursuant to CWA Section 303(d)(2).

EPA received a complete TMDL package, Resolution 2013-0005, for review from the State on June 4, 2013 (Los Angeles Regional Water Quality Control Board adopted on December 6, 2012; State Board adopted on February 19, 2013; and Office of Administrative Law approved on June 4, 2013). The State Board adopted the TMDLs to address algae, eutrophic conditions and nutrient impairments in the Ventura River, its estuary and tributaries, as identified on the State of California's CWA Section 303(d) lists from 1998 through 2010. The TMDLs include load and wasteload allocations as needed, take into consideration seasonal variations and critical conditions, and provide adequate margins of safety. The State has provided adequate opportunities for public review and comment on the TMDLs, and demonstrated how public comments were considered in the final TMDLs. The TMDL submittal also contains detailed plans for implementing the TMDLs. EPA has reviewed these plans and that review has informed EPA's understanding and approval of the TMDLs. However, EPA does not act upon the implementation plans themselves.

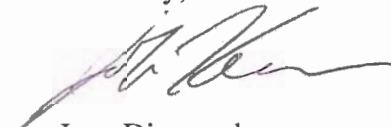

Concurrent with the development and public review of the State TMDLs, EPA developed proposed TMDLs to address the CWA Section 303(d) listings for pumping and water diversion impairment in Reaches 3 and 4 of the Ventura River. EPA released its draft TMDLs for public comment on December 10, 2012, held a public hearing on January 14, 2013, and accepted public comments on the draft TMDLs through January 25, 2013.

EPA found that the effects of pumping and water diversions in these reaches were correlated with the impairment of aquatic life and cold water habitat beneficial uses due to nutrient loading and algae growth. Consequently, EPA's draft TMDLs for Reaches 3 and 4 of the Ventura River addressed water quality impairments of designated beneficial uses that were also addressed by the State's TMDLs for algae, eutrophic conditions and nutrients. EPA's proposed concentration-based wasteload and load allocations for total nitrogen and total phosphorus were consistent with the mass-based nitrogen and phosphorus loadings specified in the State's TMDLs. EPA's proposed TMDLs were developed to address water quality impairments caused by nitrogen and phosphorus under current hydrological conditions; EPA did not attempt to delineate the Ventura River's natural hydrological conditions, or address other issues related to the pumping and diversion of water in Reaches 3 and 4 of the Ventura River.

Based on EPA's approval of the State's TMDLs addressing the algae, eutrophic conditions and nutrient impairments, together with other available information regarding Reaches 3 and 4 of the Ventura River, EPA has determined that it is unnecessary at this time to establish separate nitrogen and phosphorus TMDLs for the pumping and water diversion impairment listings for Reaches 3 and 4 of the Ventura River. The State's TMDLs address the same beneficial uses as EPA's draft TMDLs, identify the same stressors as EPA, were developed with reference to the existing hydrological conditions in the watershed, including pumping and water diversion activities, and provide the same nutrient loading capacities. The State's nitrogen and phosphorus TMDLs also apply throughout the Ventura River, its estuary, and all tributaries. EPA finds that the State's nitrogen and phosphorus TMDLs provide equivalent protection of water quality in Reaches 3 and 4 of the Ventura River as EPA's proposed TMDLs. Therefore, EPA is not establishing nitrogen and phosphorus TMDLs for the pumping and water diversion impairment listings. Other State and Federal agencies have additional authorities which may be available to address other potential impacts of pumping and water diversion within Reaches 3 and 4.

EPA recognizes that implementation of the State's TMDLs is already underway, and that it involves highly innovative and rigorous approaches to both tracking and accounting of pollutant load reductions as well as on-the-ground techniques for achieving water quality improvements. We strongly encourage the State to continue its important work with responsible parties and affected stakeholders to implement these strategies.

Sincerely,


For  Jane Diamond
Director, Water Division