

California Regional Water Quality Control Board
Santa Ana Region

July 15, 2011

Item 8 – Errata

Changes shown in underline (additions)/strikeout (deletions) format.

- I. **Revise the underline/strikeout version of the Draft Revised Organochlorine Compounds TMDLs for San Diego Creek, Upper and Lower Newport Bay shown in Attachment 1 to Resolution No. R8-2011-0037 as follows (note: corresponding changes will be made in the Revised Organochlorine Compounds TMDLs for San Diego Creek, Upper and Lower Newport Bay shown in Attachment 2 to Resolution No. R8-2011-0037):**

p.6, 4.b.2. Organochlorine Compounds TMDLs, Wasteload Allocations, Load Allocations and Compliance Dates, modify last sentence of first paragraph as follows:

The TMDLs are to be achieved as soon as possible but no later than ~~December 31, 2015 (seven years from the date of OAL approval of this Basin Plan Amendment (BPA))~~ December 31, 2020.

p.6, Table NB-OCs-6, modify table note a as follows:

Compliance to be achieved as soon as possible but no later than ~~December 31, 2015 (seven years from the date of OAL approval of this Basin Plan Amendment (BPA))~~ December 31, 2020.

p.7, Table NB-OCs-7, modify table note a as follows:

Compliance to be achieved as soon as possible but no later than ~~December 31, 2015 (seven years from the date of OAL approval of this Basin Plan Amendment (BPA))~~ December 31, 2020.

p. 8, 4.b.2, modify last sentence in second to last paragraph in this section as follows:

Consistent with the TMDL compliance schedule, these allocations are to be achieved as soon as possible but no later than ~~December 31, 2015 (seven years from the date of OAL approval of this Basin Plan Amendment (BPA))~~ December 31, 2020.

p. 9, Table NB-OCs-9, modify table note b as follows:

Compliance to be achieved as soon as possible but no later than ~~December 31, 2015 (seven years from the date of OAL approval of this Basin Plan Amendment (BPA))~~ December 31, 2020.

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p.10, Table NB-OCs-10, modify table note b as follows:

Compliance to be achieved as soon as possible but no later than ~~December 31, 2015 (seven years from the date of OAL approval of this Basin Plan Amendment (BPA))~~
December 31, 2020.

p. 13, 4.b.3. Implementation of Organochlorine Compounds TMDLs, modify second to last sentence in last paragraph as follows:

Completion of the Work Plan will result, in part, in recommendations for revisions to these TMDLs based on review by an Independent Advisory Panel and the results of ongoing or requisite monitoring and investigations, and in the development of a comprehensive plan for BMPs and other actions needed to assure compliance with the TMDLs, wasteload allocations and load allocations as soon as possible after execution of the Work Plan but no later than ~~December 31, 2015 (seven years from the date of OAL approval of this Basin Plan Amendment (BPA))~~ December 31, 2020¹.

p. 15, Table NB-OCs-13, modify Table note b as follows:

Final compliance with the TMDLS to be achieved no later than ~~December 31, 2015 (seven years from the date of OAL approval of this Basin Plan Amendment (BPA))~~
December 31, 2020.

p. 15, Table NB-OCs- 13, modify Table note c as follows:

The Regional Board may, after a public hearing, and without need for a Basin Plan amendment, revise the schedules in this table, except for the final compliance date of ~~December 31, 2015 (seven years from the date of OAL approval of this Basin Plan Amendment (BPA))~~ December 31, 2020, if it determines good cause exists for such revisions.

p. 17, Phase I Implementation, Task 1, modify the first sentence in the second paragraph as follows:

Compliance with the TMDLs and wasteload allocations is to be achieved as soon as possible, but no later than ~~December 31, 2015 (seven years from the date of OAL approval of this Basin Plan Amendment (BPA))~~ December 31, 2020.

p. 17, Phase I Implementation, Task 1, modify the first sentence in section 1 (b) as follows:

Final effluent limitations. Final effluent limitations based on the wasteload allocations will also be specified, with a schedule requiring compliance as soon as possible, but no later than ~~December 31, 2015 (seven years from the date of OAL approval of this Basin Plan Amendment (BPA))~~ December 31, 2020.²

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p. 18, Phase I Implementation, Task 1, modify the last sentence in section 1 (b) as follows:

Following the completion of the Work Plan tasks, NPDES permits/WDRs will require dischargers to comply with wasteload allocations in the shortest practicable time, but in no event later than ~~December 31, 2015 (seven years from the date of OAL approval of this Basin Plan Amendment (BPA))~~ December 31, 2020.

p. 18, Phase I Implementation, Task 1, modify first sentence in section 2 as follows:

Non-Working Group Dischargers. For dischargers not participating in the Working Group, NPDES permit/WDR provisions will require compliance with the wasteload allocations as soon as possible after adoption of NPDES permit/WDRs that implement the TMDLs, but no later than ~~December 31, 2015 (seven years from the date of OAL approval of this Basin Plan Amendment (BPA))~~ December 31, 2020.

p. 20, Phase I Implementation, Task 2, modify fourth paragraph as follows:

In addition, responsible parties may address these BMP/monitoring program requirements through their participation in the development and implementation of an appropriate, Regional Board approved Work Plan (see Task 7). WDRs or conditional waivers of WDRs issued to agricultural operators pursuant to the Nonpoint Source Policy shall specify that for those operators who participate in the development and implementation of a Regional Board approved Work Plan, compliance with the TMDLs and load allocations is to be achieved as soon as possible, but no later than ~~December 31, 2015 (seven years from the date of OAL approval of this BPA)~~ December 31, 2020. The way that this deadline applies to a particular agricultural operator differs depending on whether the operator is participating in the Working Group:

p. 21, Phase I Implementation, Task 2, modify first sentence in first paragraph in section 1 (b) as follows:

(b) Final limitations: Final limitations based on the load allocations will also be specified in the WDRs/waivers, with a schedule requiring compliance as soon as possible but no later than ~~December 31, 2015 (seven years from the date of OAL approval of this BPA)~~ December 31, 2020.

p. 21, Phase I Implementation, Task 2, modify last paragraph in section 1 (b) as follows:

Following the completion of the Work Plan tasks, WDRs/waivers will require agricultural operators to comply with load allocations in the shortest practicable time, but in no event later than ~~December 31, 2015 (seven years from the date of OAL approval of this BPA)~~ December 31, 2020.

p. 21, Phase I Implementation, Task 2, modify the first paragraph in section 2 as follows:

Non-Working Group Dischargers. For agricultural operators not participating in the Working Group, provisions in WDR/waivers of WDRs will require compliance with the load allocations as soon as possible after adoption of WDRs/waivers of WDRs that implement the TMDLs, but no later than ~~December 31, 2015 (seven years from the date of OAL approval of this BPA)~~ December 31, 2020. In this case, the determination of what constitutes “as soon as possible” will be at the discretion of the Regional Board’s Executive Officer.

p. 22, Phase I Implementation, Task 3, modify the fourth paragraph as follows:

The Regional Board will consider whether WDRs or a WDR waiver is necessary and appropriate for responsible parties not currently regulated, based on the monitoring results. WDRs or a WDR waiver, if issued, will include appropriate load allocations to implement these TMDLs. For responsible parties compliance with the TMDLs and load allocations is to be achieved as soon as possible, but no later than ~~December 31, 2015 (seven years from the date of OAL approval of this BPA)~~ December 31, 2020. The way that this deadline applies to a particular responsible party differs depending on whether that responsible party is participating in the Working Group:

p. 22, Phase I Implementation, Task 3, modify the first sentence in the first paragraph in section 1 (b) as follows:

Final limitations based on the load allocations will also be specified in the WDRs/waivers, with a schedule requiring compliance as soon as possible but no later than ~~December 31, 2015 (seven years from the date of OAL approval of this BPA)~~ December 31, 2020.

p. 23, Phase I Implementation, Task 3, modify the second paragraph in section 1 (b) as follows:

Following the completion of the Work Plan tasks, WDRs/waivers will require responsible parties to comply with load allocations in the shortest practicable time, but in no event later than ~~December 31, 2015 (seven years from the date of OAL approval of this BPA)~~ December 31, 2020.

p. 23, Phase I Implementation, Task 3, modify the first sentence in section 2 as follows:

For responsible parties not participating in the Working Group, compliance with the load allocations will be as soon as possible after TMDLs adoption and approval, but no later

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than ~~December 31, 2015 (seven years from the date of OAL approval of this BPA)~~ December 31, 2020. In this case, the determination of what constitutes “as soon as possible” will be at the discretion of the Regional Board’s Executive Officer.

p. 27, Task 7, modify fifth paragraph as follows:

At a minimum, the expected result of the execution of the Work Plan is a comprehensive, watershed plan for BMP implementation, monitoring, special investigations and other actions that will assure compliance with the OCs TMDLs, as they may be amended, as soon as possible after completion of execution of the Work Plan but no later than ~~December 31, 2015 (seven years from the date of OAL approval of this BPA)~~ December 31, 2020³.

II. Modify tentative Resolution No. R8-2011-0037 as follows:

1. Modify finding 18, add new finding 19, and re-number subsequent findings accordingly:

18. The U.S. Environmental Protection Agency (USEPA) indicated support of the Regional Board’s organochlorine compounds TMDLs Basin Plan amendment, based on the technical approach and adaptive implementation plan. ~~As such, these Regional Board TMDLs, once approved by the State Board and the Office of Administrative Law, will replace those that were promulgated by USEPA on June 14, 2002. USEPA has stated that once these Regional Board OC TMDLs are approved by the State Board, the Office of Administrative Law and USEPA, they will replace those OC TMDLs that were promulgated by USEPA on June 14, 2002, as delineated in the table below.~~

Waterbody-pollutant combinations for which Organochlorine Compounds TMDLs were established by USEPA (2002) and Regional Board (2007)

<u>Waterbody</u>	<u>TMDLs Currently In Place</u>	<u>OCs TMDLs that will be in Place upon Approval of these State OCs TMDLs</u>	
		<u>USEPA</u>	<u>Regional Board</u>
<u>San Diego Creek and tributaries (includes San Diego Creek Reaches 1 and 2 and Peter's Canyon Channel)</u>	<u>Chlordane, Dieldrin, DDT, PCBs, Toxaphene</u>	<u>Dieldrin</u>	<u>DDT, Toxaphene, PCBs (informational), Chlordane (informational)</u>
<u>Upper Newport Bay</u>	<u>Chlordane, DDT, PCBs</u>	<u>--</u>	<u>Chlordane, DDT, PCBs</u>
<u>Lower Newport Bay</u>	<u>Chlordane, Dieldrin, DDT, PCBs</u>	<u>Dieldrin</u>	<u>Chlordane, DDT, PCBs</u>
<u>Rhine Channel</u>	<u>Chlordane, Dieldrin, DDT, PCB</u>	<u>Chlordane, Dieldrin, DDT, PCBs</u>	<u>(Rhine Channel TMDLs not included in OCs TMDLs; impairment to be addressed by dredging)</u>

19. In 2002, USEPA promulgated TMDLs for dieldrin in San Diego Creek and its tributaries and in Lower Newport Bay based on USEPA's impairment assessment. The impairment assessment conducted by Regional Board staff in developing recommendations for organochlorine compound TMDLs in 2007 found no impairment due to dieldrin in San Diego Creek and its tributaries, Upper Newport Bay and Lower Newport Bay. The 2008-2010 Clean Water Act Section 303(d) List of impaired waters for the Santa Ana Region approved by USEPA does not identify dieldrin as a source of impairment in San Diego Creek or its tributaries, Upper Newport Bay and Lower Newport Bay. It is therefore appropriate to request that USEPA retract its dieldrin TMDLs for San Diego Creek and its tributaries and for Lower Newport Bay.

2. Add paragraph 7 to NOW, THEREFORE BE IT RESOLVED THAT paragraphs:

7. The Executive Officer is directed to file a request to the USEPA, Region 9, that USEPA take appropriate action to withdraw the USEPA-promulgated TMDLs for dieldrin for San Diego Creek and its tributaries and Lower Newport Bay.
