

Frequently Asked Questions About the TMDL Process

Q. What is a TMDL?

A. TMDL stands for Total Maximum Daily Load. It is a calculation of the maximum amount of a pollutant that a water body can receive and still meet standards established by states and tribes to protect the beneficial uses of that water, such as municipal supply, body-contact recreation, agricultural irrigation and support of aquatic life. A TMDL sets the total amount of a single pollutant that can enter the water body, divides the total load among all of the sources of that pollutant in the watershed, and tells each discharger how much it can contribute.

Q. How do TMDLS differ from other pollution regulations?

A. Sewer plants, factories and other easily identifiable sources of pollution have long had to obtain permits regulating their waste discharges. TMDLs are primarily a way of addressing contamination from “nonpoint sources” that lack an easily identifiable discharge point, such as city streets, rangeland and farms.

Q. Who establishes the TMDLs?

A. They can be developed by state or federal agencies, or by stakeholder groups. Regardless of how they are developed, they are implemented in California by the state’s Regional Water Quality Control Boards following approval by the State Water Quality Control Board and the Environmental Protection Agency.

Q. What gives the Board the legal authority to impose these regulations?

A. Although authorized under section 303 of the Clean Water Act of 1972, TMDLs and nonpoint-source pollution were largely ignored by state and federal regulatory agencies until relatively recently. The EPA did not even adopt regulations for them until 1985, refining those standards further in 1992. And it has only been within the past decade that enforcement has begun, largely a consequence of lawsuits by environmental organizations seeking to force the EPA and the states to adopt TMDLs for impaired streams and lakes. There have been about 40 such legal actions in 38 states, and the EPA is under court order or consent decrees in many regions to ensure that TMDLs are established, either by the state or by EPA. One such consent decree is in place for the greater Los Angeles region, including Ventura County.

Q. How does the process work?

A. It starts with what regulators refer to as the “303 (d) list,” a comprehensive listing of all impaired waters within their jurisdiction that states, territories and tribes are required to submit periodically to the U.S. Environmental Protection Agency. Each listing identifies the specific pollutants for which the water fails to meet health and safety standards. Once the pollutants have been identified, researchers conduct studies to figure out where they are coming from, how much of each can be discharged into the watershed under varying hydrological conditions without posing a risk, and how much each discharger will be allowed to emit. After those studies have been completed, the TMDL limits are written, submitted to EPA for approval and adopted by the state.

Q. What TMDLs have been developed for Ventura County?

A. It varies by watershed. For Calleguas Creek, six TMDLS have been adopted: nitrogen and algae, historic pesticides (DDT and chlordane), metals (copper, nickel, zinc, mercury and selenium), toxicity (anything that kills aquatic life or impairs its ability to reproduce), sediment and trash. A TMDL for salts (chloride, total dissolved solids, boron and sulfate) is awaiting EPA approval, and one for bacteria is being developed. For the Santa Clara River, TMDLs for chloride, nitrogen and algae have been adopted, and those for historic pesticides, toxicity, salts and trash are in the works. For the Ventura River, a trash TMDL is in effect, and TMDLs for nitrogen and algae, historic pesticides and bacteria are in development or will be soon.

Q. What's the difference between TMDLs and the pollutant limits contained in the Conditional Waiver program for which VCAILG was formed?

A. There is some overlap in the requirements for compliance, but they are two different regulatory approaches to improving water quality. The Farm Bureau, VCAILG and their consultants (Larry Walker Associates) are working to ensure that the monitoring and mitigation requirements developed through the TMDL process take advantage of work already done — and money already spent — to develop the Conditional Waiver compliance program.

Q. If these are two different programs, why did I get a TMDL bill from VCAILG?

A. The Regional Board asked VCAILG to serve as the collection agency for billing of costs associated with the TMDL process in the Calleguas Creek watershed. VCAILG directors agreed to do so, because otherwise the Regional Board might have taken steps to incorporate the TMDL limits into the Conditional Waiver itself. Had they done so, it would have opened the entire waiver program to renegotiation, which might have exposed growers to the risk of additional rules and costs imposed at the behest of third parties.

Q. How much does the TMDL program cost?

A. It will vary from year to year, depending on the scope of work conducted. Total costs for the first year are estimated at about \$1.4 million for the Calleguas watershed alone.

Q. Are agricultural landowners paying for the whole program?

A. No. Costs are being shared among all contributors discharging runoff into the watershed, including cities, sanitation districts, water agencies, the U.S. Navy and the California Department of Transportation.

Q. What is agriculture's share?

A. In the Calleguas Creek watershed, agriculture is responsible for 47 percent of the total cost. The initial billing to growers was for \$17 an acre, and it is likely a supplemental billing will be necessary after contractors and consultants are hired and the actual costs become more clear.