

Item #5

# Consideration of a Resolution to Adopt the Clean Water Act Section 303(d) List of Impaired Waters Portion of the 2024 California Integrated Report

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# Presentation Outline

- Integrated Report Overview
- Summary Statistics
- Comments & Responses
- Program Improvements & Future Integrated Reports

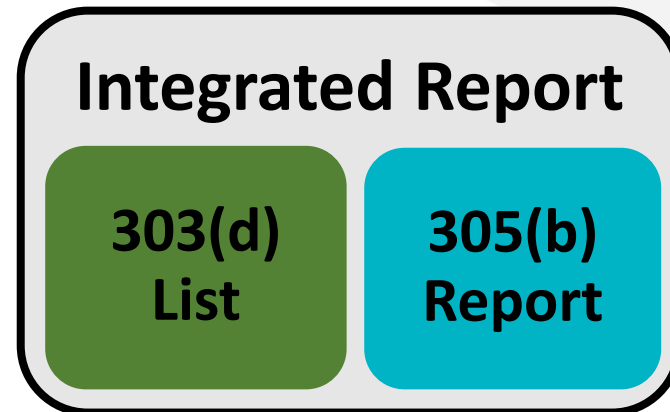


# Integrated Report Overview

The Integrated Report includes Clean Water Act Sections 303(d) and 305(b) reporting requirements

## 303(d) List of Impaired Waterbodies

- Identify waters where water quality standard are not attained
- Requires approval by State Water Board and U.S. EPA



## 305(b) Report

- Report on the overall condition of surface water quality
- Report does not require State Water Board or U.S. EPA approval

# Integrated Report Process

Data  
Solicitation

Assemble

Evaluate

Assess

Public  
Process

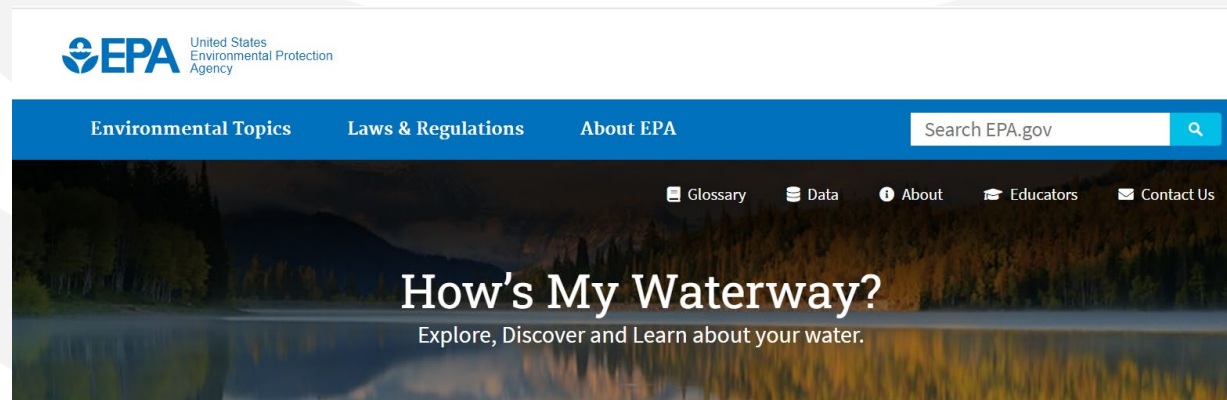
U.S. EPA  
Submittal

# Integrated Report Condition Categories

Category	Description
<b>1</b>	Data/information indicate beneficial uses are supported.
<b>2</b>	Insufficient data/information to determine beneficial use support.
<b>3</b>	Insufficient data/information to determine beneficial use support but a beneficial use may be potentially threatened.
<b>4</b>	A beneficial use is impaired and a TMDL is <u>not</u> needed because:  <b>4a:</b> A TMDL has been developed and approved by U.S. EPA.  <b>4b:</b> Another regulatory program is reasonably expected to result in beneficial use attainment.  <b>4c:</b> The beneficial use impairment is caused by pollution and not a pollutant.
<b>5</b>	A beneficial use is impaired and a TMDL is needed.

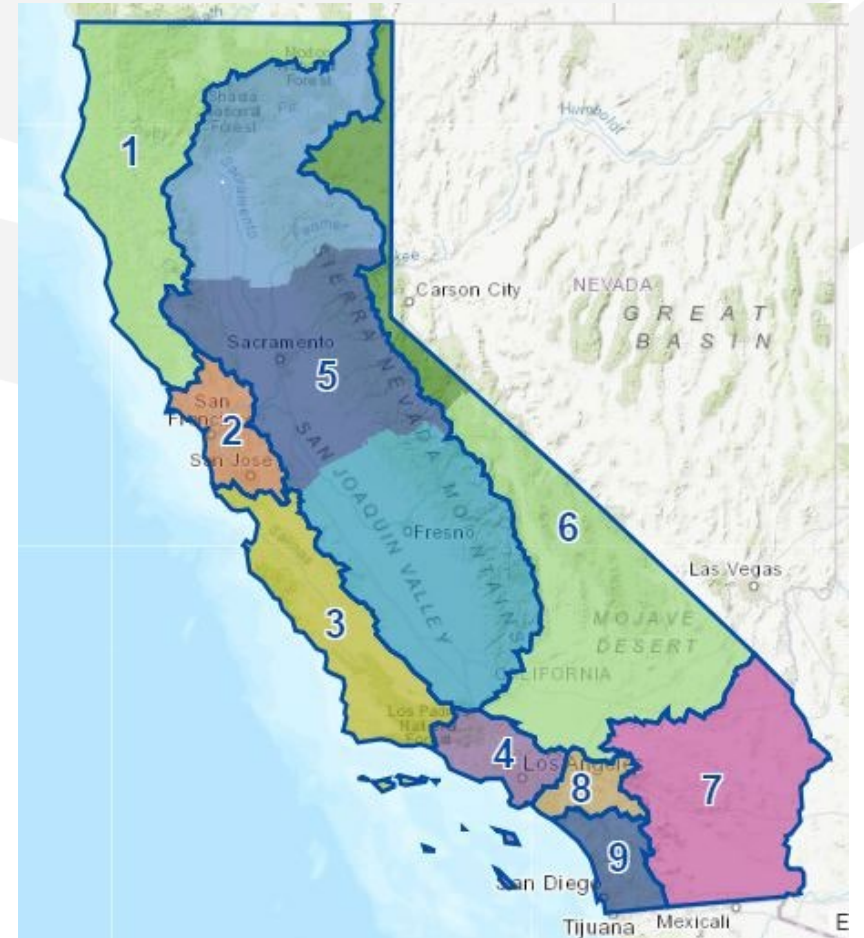
# 303(d) List Uses

- TMDL or Restoration Plan Prioritization
- U.S. EPA How's My Waterway
- CalEnviroScreen
- Grant Funding Prioritization
- Informs Permit Development



# 2024 California Integrated Report

- On-cycle
  - San Francisco Bay (Region 2)
  - Los Angeles (Region 4)
  - Santa Ana (Region 8)
- Off-cycle
  - Central Coast (Region 3)
  - Sacramento River watershed of the Central Valley Region (Region 5)
  - San Diego (Region 9)
- Data Cut-off Date: October 16, 2020



# Summary Statistics

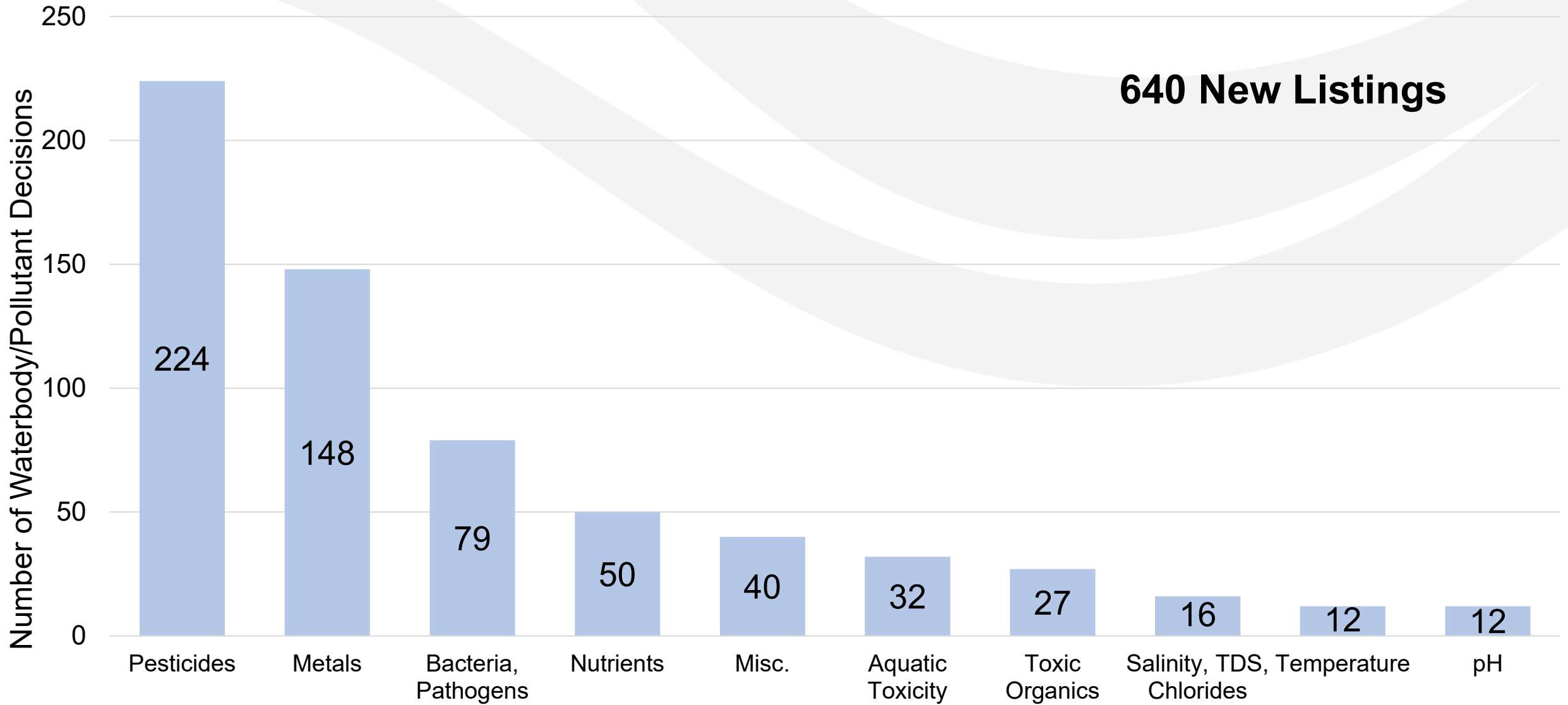
<b>Statistic</b>	<b>2018 Cycle</b>	<b>2020-2022 Cycle</b>	<b>2024 Cycle</b>
<b>Data Rows Assembled</b>	1,411,000	4,587,101	5,351,531
<b>Waterbodies with Data Assessed</b>	532	1,630	1,594
<b>Lines Of Evidence Assessed</b>	38,256	112,537	93,600
<b>Waterbody-Pollutant Combinations Assessed</b>	6,283	24,964	20,303



## Proposed 303(d) List and Delist Recommendations

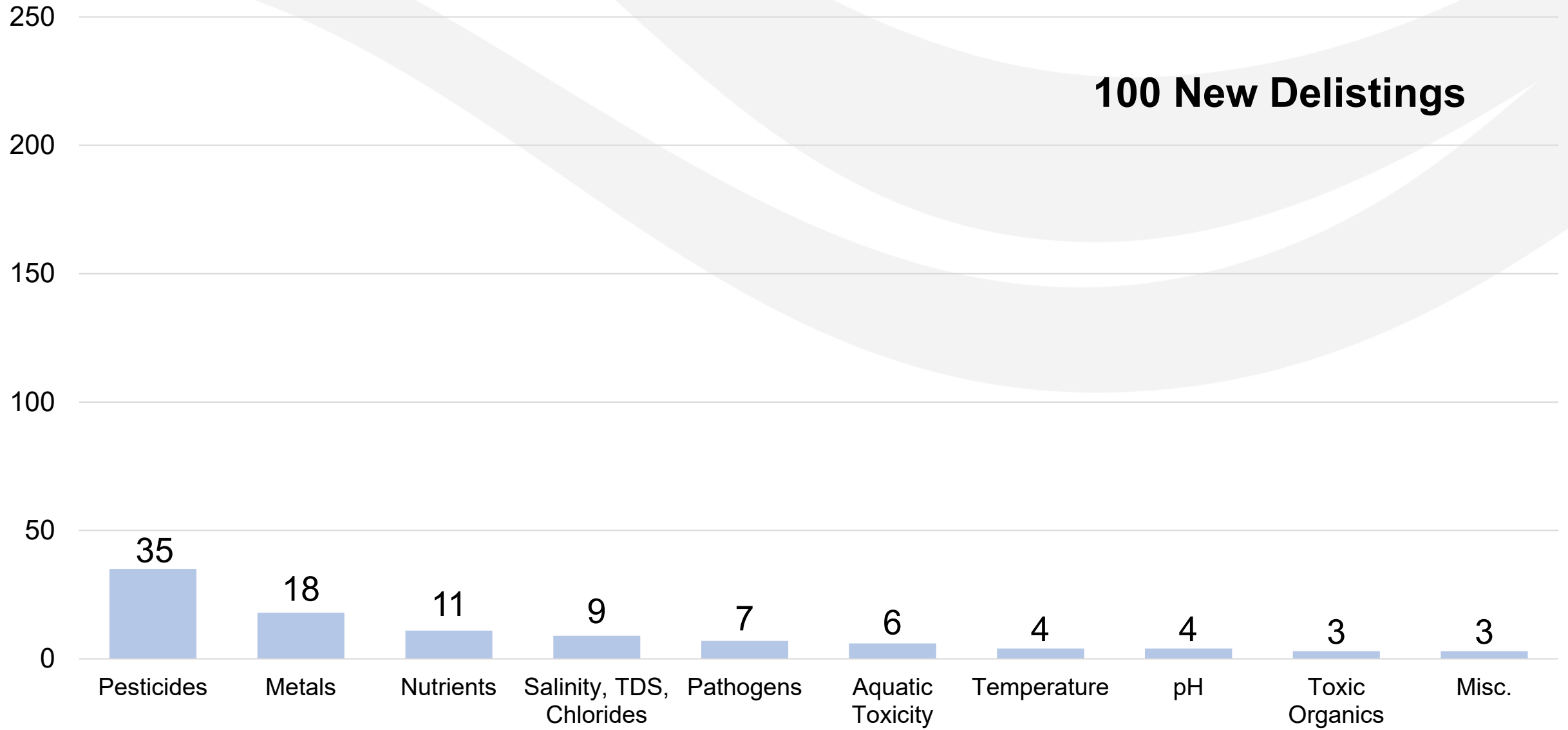
Region	2020-2022 303(d) Listings	New Listings	Delistings	2024 303(d) Listings
North Coast	217	0	0	217
San Francisco Bay	348	133	0	476
Central Coast	1,177	29	3	1,200
Los Angeles	877	334	37	1,215
Central Valley	1,202	95	57	1,246
Lahontan	256	0	0	256
Colorado River Basin	110	0	0	110
Santa Ana	142	49	0	188
San Diego	844	0	3	839
<b>STATEWIDE TOTAL</b>	<b>5,173</b>	<b>640</b>	<b>100</b>	<b>5,747</b>

# Proposed 2024 New 303(d) Listings



# Proposed 2024 New 303(d) Delistings

Number of Waterbody/Pollutant Decisions



# Presentation Outline

- Integrated Report Overview
- Summary Statistics
- ➔ • Comments & Responses
- Program Improvements & Future Integrated Reports



# Waterbody Listing Uses

## Comments

- Concerns that a new listing immediately triggers new regulatory requirements per existing permits or new permitting requirements

## Response

- Informational List – does not by itself directly establish new regulatory requirements
- 303(d) list may be used to inform permit development in a separate action

# Waters of the U.S.

## Assessment Methodology

- Defer to federal agencies to determine whether a waterbody is a federal jurisdictional water
- If information makes it clear that a waterbody is not a Water of the U.S., the waterbody is excluded
- If information is unclear or ambiguous, the waterbody is included

## Comments

- Requested confirmation that all assessed waters are waters of the U.S.

## Response

- There is no general list available that identifies whether waterbodies are Waters of the U.S.
- Some effluent data from outfall structures removed and listing recommendations revised, as appropriate

# Aluminum Assessments

## Assessment Methodology

- Narrative objective is interpreted using the U.S. EPA Final Aquatic Life Criteria for Aluminum in Freshwater
- Total fraction data are assessed
- Water chemistry data are used to calculate aluminum toxicity

## Comments

- Commenters asserted that assessments should rely on dissolved fraction data

# Aluminum Assessments

## Response

- Continue to rely on total aluminum fraction data
  - Dissolved fraction data may underestimate aquatic toxicity
- New analytical method needed to more accurately estimate the bioavailable fraction of aluminum



# Pyrethroids Assessments

## Assessment Methodology

- Narrative objective interpreted using numeric pyrethroid concentration goals
  - UC Davis Methodology for Derivation of Pesticide Water Quality Criteria for the Protection of Aquatic Life
  - Freely dissolved pyrethroid concentration data

## Comments

- Selection and use of evaluation guidelines for pyrethroids in water should not be used
- Commenters object to the use of total fraction data
- Requested no new TMDLs prioritized until Statewide Urban Pesticides Provisions Project is effective

# Pyrethroids Assessments

## Response

- Listing Policy Section 6.1.3: Evaluation Guideline Selection Process
  - Applicable to the BU
  - Protective of the BU
  - Linked to pollutant
  - Scientifically-based and peer reviewed
  - Well described
  - Identifies a range above which impact may occur and below which no or few impacts are predicted
- Continue to rely on freely dissolved pyrethroid concentration data
- Not necessary to wait for Statewide Urban Pesticides Provisions Project

# Benthic Community Effects

## Assessment Methodology

- Degraded Biology + Associated Pollutant(s) = Impairment
- California Stream Condition Index (CSCI) Score < 0.79 = degraded biology
- Place 44 waterbody-pollutant combinations in Category 3 on interim basis

## Comments

- Both support and opposition with the interim approach
- Concern that use of the CSCI 0.79 score is inappropriate

# Benthic Community Effects

## Response

- Continue with Category 3 placement on an interim basis and use of 0.79 threshold
- 0.79 threshold supported by Listing Policy section 6.1.5.8
- It is not necessary to wait for the Biostimulation, Cyanotoxins, and Biological Condition Provisions project to make assessments – Supported by Listing Policy Section 6.1.3

# Water Quality Objectives Informed by Controllable Sources or Waste Discharges

## Assessment Methodology

- Some data were assessed without first examining if exceedances were the result of controllable sources or waste discharge
- Example: “The chloride objectives listed in Table 4-1 shall not be exceeded as a result of controllable water quality factors.”

## Comments

- Commenters in Santa Ana and Los Angeles regions identified that some water quality objectives were incorrectly applied

# Water Quality Objectives Informed by Controllable Sources or Waste Discharges

## Response

- Confirmed that some objectives were not applied appropriately
- Supplemented the record to demonstrate the exceedance was a result of a controllable factor or waste discharge
  - Category 5 (303(d) List)
- If there was not information available
  - Category 3 (Watch List)
- Research was conducted only for assessments that we received comments on

# Change Sheet Revisions – Chino Creek Reach 1B

## Issue:

- TDS, sodium, sulfates and chloride listing recommendations for Chino Creek Reach 1B were revised after correctly applying the Santa Ana Regional Water Control Board Basin Plan Objective.
- The Waterbody Fact Sheets reflect the accurate listing recommendation of ‘Do not List’
- An error was found in Staff Report Section 7.3.2.2, which incorrectly indicates the creek is to be listed as impaired.

## Change Sheet Remedy:

- Direct staff to remove Section 7.3.2.2 from the Staff Report.

# Non-Designated Existing Beneficial Uses

## Assessment Methodology

- Fish tissue data were assessed where the waterbody is not designated with the COMM beneficial use in the applicable water quality control plan, but evidence suggested the use is occurring
- Fish tissue data (e.g., mercury, PCBs) collected from the SWAMP bioaccumulation program or regional monitoring programs
- Concentration exceeds safe consumption levels

## Comments

- Commenters disagreed with assessing waters for COMM where the use is not designated.



# Non-Designated Existing Beneficial Uses

## Response

- Data were assessed because the evidence suggests the beneficial use is occurring and appears to be an existing beneficial use
- Listing Policy section 3.4: Health Advisories
- Listing Policy section 3.11: Situation-Specific Weight of Evidence
- Research conducted for 24\* waterbody-pollutant combinations received comments and were evaluated to determine compliance with the Listing Policy

\*Revised from 21 in the First Revised Proposed Final Staff Report (January 26, 2024)

# Change Sheet Revisions – Non-designated Beneficial Uses

## Issue:

- Data from Santa Ana Delhi Channel were assessed for multiple pollutants because the Commercial and Sport Fishing (COMM) use was thought to be occurring even though it was not designated in the Santa Ana Basin Plan.
- Sufficient evidence is now available to show that COMM is not occurring and is likely not existing.
  - The water contact recreation (REC-1) use was de-designated following a use attainability analysis.
  - REC-1 includes fishing where ingestion of waters is possible.

## Change Sheet Remedy:

- Direct staff to revise eleven waterbody-pollutant listing decisions for Santa Ana Delhi Channel
- Direct staff to make conforming changes to Staff Report, associated appendices, and response to comments

# Change Sheet Revisions – For Santa Ana Delhi Channel

## Specific Waterbody-Pollutant Combinations:

Decision ID 132659 (Chlordane)	Decision ID 132666 (Hexachlorobenzene/ HCB)
Decision ID 149268 (DDT)	Decision ID 132670 (Mirex)
Decision ID 132674 (PCBs)	Decision ID 149194 (PAHs)
Decision ID 132665 (Heptachlor epoxide)	Decision ID 132661 (Dieldrin)
Decision ID 132663 (Endrin)	Decision ID 132662 (Endosulfan)
Decision ID 132669 (Lindane/gamma-HCH)	

# Data and Analysis Transparency and Readily Available Data and Information

## Comments

- Concerns over data omitted and data quality requirements
- Request to increase transparency on data assessment methodologies
- Concern over including older data that may not be representative of current water quality conditions
- Concern about data submission timelines and length of public comment period

# Data and Analysis Transparency and Readily Available Data and Information

## Response

- Provided more information about why data were omitted
- Staff increasing transparency of pollutant assessment methodologies
- Excluding older data - Listing Policy Section 6.1.5.3
- Planning to give more time for public review and comment period in future listing cycles

# Change Sheet Revisions – Newport Bay, Upper (Ecological Reserve)

## Issue:

- Malathion data from Upper Newport Bay were originally excluded because of unresolved data quality issues
- The sample type was missing

## Change Sheet Remedy:

- Direct staff to revise one waterbody-pollutant listing decision for Newport Bay, Upper (Ecological Reserve) from “Do not Delist” to “Delist” (Decision ID 154746)
- Direct staff to make conforming changes to Staff Report, associated appendices, and response to comments
- Direct staff to work with Orange County and the County Flood Control District to resolve outstanding data quality issues and consider including data in a future integrated report

# Program Improvements & Next Cycles

## Active Program Improvements:

- Database modernization and automation improvements
- Streamlining internal documentation and optimizing work processes for increased efficiency
- Efforts to clarify public information

## 2026 Integrated Report:

- North Coast, Lahontan, Colorado River Basin, San Joaquin River watershed of Central Valley Region
- Public review draft expected Spring 2025

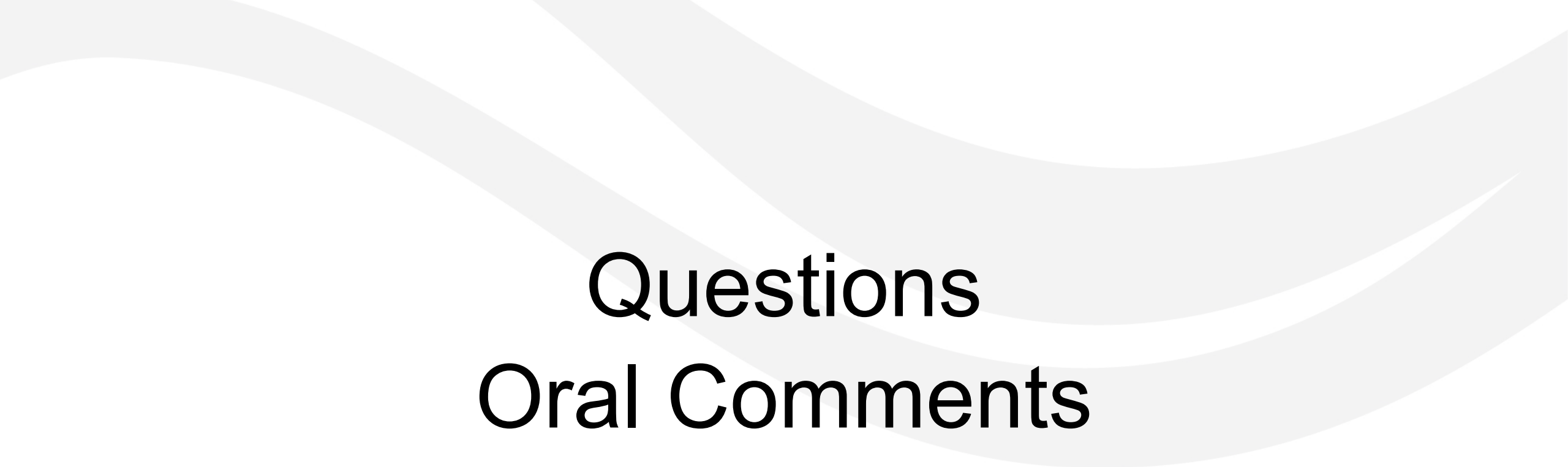
## 2028 Integrated Report:

- Central Coast, San Diego, San Joaquin River Delta and Tulare Lake Basin of Central Valley Region
- Data solicitation is expected to start Spring 2024

# Staff Recommendation

Adopt the Resolution approving the proposed Clean Water Act Section 303(d) List of Impaired Waters portion of the 2024 California Integrated Report





**Questions**  
**Oral Comments**  
**Board Discussion**