



# Santa Ana Watershed Project Authority

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One Water One Watershed

AWRA INTEGRATED WATER RESOURCES MANAGEMENT AWARD  
HARVARD KENNEDY SCHOOL'S TOP 25 INNOVATIONS IN AMERICAN GOVERNMENT



June 18, 2015

Thomas P. Evans  
Commission  
Chair

Kurt V. Berchtold, Exec. Officer  
Santa Ana Regional Water Quality Control Board  
3737 Main St., Suite 500  
Riverside, CA 92501-3348

Celeste Cantú  
General  
Manager

**RE: Petition to Reopen and Revise the Middle Santa Ana River Bacterial Indicator TMDL**

Orange  
County  
Water  
District

Dear Mr. Berchtold:

Western  
Municipal  
Water District

Ten years ago, the Santa Ana Regional Water Quality Control Board ("Regional Board") adopted a Total Maximum Daily Load for Pathogen Indicator Bacteria in the Middle Santa Ana River Watershed (MSAR-TMDL).<sup>1</sup> Shortly thereafter, stakeholders named in the MSAR-TMDL formed a Task Force to develop a coordinated compliance strategy. Diligent implementation of these plans has significantly reduced bacteria loads from controllable sources throughout the watershed including the waterbodies named in the MSAR-TMDL.<sup>2</sup>

Eastern  
Municipal  
Water  
District

Just a few months after the CBRPs were approved, the Regional Board also revised many of the water quality standards related to primary and secondary contact recreation.<sup>3</sup> U.S. EPA approved most of these Basin Plan amendments by letter dated April 8, 2015 and, as a result, the revised standards are now in full force and effect.

San  
Bernardino  
Valley  
Municipal  
Water  
District

Some, but not all, of the Basin Plan amendments were anticipated when the MSAR-TMDL was originally adopted. For example, TMDL targets for pathogen indicator were specified as both fecal coliform bacteria and *e. coli* bacteria in expectation that the latter would replace the former when the Basin Plan was amended. This is precisely what came to pass.

Inland  
Empire  
Utilities  
Agency

<sup>1</sup> Res. No. R8-2005-0001; Aug. 26, 2005. Subsequently approved by the State Water Resources Control Board ("SWRCB") on May 15, 2006 (Res. No. 2006-0030), the Office of Administrative Law ("OAL") on Sept. 1, 2006, and U.S. EPA on May 16, 2007.

<sup>2</sup> Seasonal water quality monitoring reports are regularly submitted by the Task Force to the Regional Board.

<sup>3</sup> Res. No. R8-2012-0001 (June 15, 2012). Subsequently approved by the SWRCB on Jan. 21, 2014 and OAL on July 2, 2014.



However, there were numerous other changes made to recreational water quality standards in the Basin Plan amendments that have not yet been integrated into the MSAR-TMDL. These changes have a profound effect on how compliance with the new bacteria objectives is defined and demonstrated. Among the most significant revisions are the following:

- 1) Cucamonga Creek - Reach 1, one of the 303d-listed streams identified in the MSAR-TMDL, is no longer designated REC1.
- 2) Obsolete water quality objectives for total coliform and fecal coliform have been deleted from the Basin Plan.
- 3) REC1 and REC2 uses, and the related water quality objectives, are temporarily suspended during certain high flow condition.
- 4) Bacteria from certain natural background sources (e.g. birds, wildlife, stream sediments, etc.) have been deemed "uncontrollable" loads.
- 5) The Single Sample Maximum (SSM) value is assigned based on a tiered risk-based system that varies with the intensity of recreational use.
- 6) A Regional Bacteria Monitoring Program has been established with special emphasis on waterbodies with high levels of recreational use.

In addition to the actual Basin Plan amendments, the Regional Board has also approved detailed Comprehensive Bacteria Reduction Plans (CBRPs) for Riverside County and San Bernardino County.<sup>4</sup> The Municipal Separate Stormwater Sewer ("MS4") agencies named in the MSAR-TMDL are required to implement the CBRPs as a mandatory condition of their NPDES permits.<sup>5</sup> This approach was used in lieu of adopting the TMDLs Urban Waste Load Allocation (WLA) as numeric effluent limits in the MS4 permit. The CBRPs confirm the MS4's on-going term commitment to achieve compliance with the Urban WLA for controllable sources using an iterative and adaptive management strategy for continuous water quality improvement.

In the decade since the MSAR-TMDL was first enacted, a great deal of new data has been developed. This information has fundamentally transformed our understanding of bacterial loads in the region. For example, long-term water quality monitoring reveals that compliance is easier to achieve in the cooler months than in warmer weather. This is opposite of what was assumed when the TMDL was adopted where the time to comply during the "wet" season (November-April) is 10 years longer than during the "dry" season (May-October). It is essential that the MSAR-TMDL be updated to reflect this new data and to ensure greater consistency with the revised water quality standards for recreational uses. The wet vs. dry distinction is best addressed by the

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<sup>4</sup> Res. No. R8-2012-0015 for Riverside Co. Res. No. R8-2012-0016 for San Bernardino Co. Feb. 10, 2012.

<sup>5</sup> See page 61 of 117 in NPDES No. CAS 618033 (Res. No. R8-2010-0033) for Riverside County; See page 50 of 125 in NPDES No. CAS 618036 (Res. No. R8-2010-0036) for San Bernardino County. Both adopted Jan. 29, 2010.s

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new high flow suspension. And, the deadlines for compliance during warm vs. cool months should be reconsidered in light of the new data.

Revising the MSAR-TMDL will require considerable resources to ensure success. And, just as it did with the bacteria Basin Plan amendments, the Task Force is prepared to provide substantial technical and financial support for the project. As always, the Task Force will work closely with Regional Board staff in a collaborative public forum to expedite the effort.

By this petition, the members of the MSAR-TMDL Task Force respectfully request that the Regional Board formally initiate the process to reopen and revise the TMDL for Pathogen Indicator Bacteria in the Middle Santa Ana River Watershed. The Task Force is prepared to begin immediately and requests that effort be designated as a "High Priority" during the forthcoming Triennial Review process. A suggested timetable is presented below:

Task	Description	Deadline
1	Annotated outline of the revised TMDL	Oct., 2015
2	First draft of the revised TMDL	June, 2016
3	Second draft of the revised TMDL	Oct., 2016
4	Final revised TMDL (incl. CEQA)	Dec., 2016
5	Regional Board hearing	Mar., 2017
6	State Board hearing	Sept., 2017
7	OAL review	Dec., 2017
8	EPA review	June, 2018

This is an aggressive schedule but the Task Force believes it is achievable because the TMDL is being revised to account for water quality standards changes or NPDES permit requirements that have already been approved. Moreover, it is important that any effort to update the TMDL be initiated before the dry season compliance deadlines take effect at the end of 2015.

Thank you for your consideration. The Task Force looks forward to continuing our productive partnership with the Regional Board to achieve our mutual goal of protecting water quality and recreational uses in the Santa Ana River watershed.

Respectfully,



Mark Norton PE, LEED AP, ENV SP  
Water Resources & Planning Manager  
Middle Santa Ana River TMDL Task Force Administrator