California Regional Water Quality Control Board
Santa Ana Region

July 24, 2015

ITEM: 13

SUBJECT: TRIENNIAL REVIEW OF THE WATER QUALITY CONTROL PLAN FOR THE SANTA ANA RIVER BASIN (BASIN PLAN)

DISCUSSION:

The purpose of this hearing is to give the public an opportunity to comment on the proposed Fiscal Year (FY)FY2015-2018 Triennial Review Priority List and Work Plan, and for the Regional Board to consider adoption of tentative Resolution No. R8-2015-0085, approving the 2015 Triennial Review and FY2015-2018 Triennial Review Priority List and Work Plan. The proposed Priority List and Work Plan is shown in Attachment 1 to the tentative Resolution.

The California Water Code requires periodic review of water quality control plans (basin plans). Federal law requires that the water quality standards (beneficial uses, water quality objectives and the antidegradation policy) established in the Basin Plan be reviewed at least once every three years (hence the term "Triennial Review") to determine whether changes are or may be necessary.

Where the need or potential need for such changes is identified, Board staff develops a proposed list of these issues, together with recommended priorities and schedules whereby the issues would be addressed. The recommended priorities/schedules reflect the limited Regional Board Basin Planning resources (2.0 PYs) that are currently available and are expected to be available to conduct the needed reviews and to develop and process proposed Basin Plan amendments, if found necessary. Where appropriate (where changes to water quality standards are contemplated), it is expected that some of the listed issues will be addressed with Regional Board Total Maximum Daily Load (TMDL) resources.

The proposed priorities and schedules also reflect work that is already underway in response to prior triennial reviews and implementation commitments (for the review/adoption of water quality objectives) in established TMDLs.

Historically, stakeholder support of work on triennial review issues of particular concern to the stakeholders has enabled the Regional Board to enhance the priority of that work and to facilitate its completion. The work of the Stormwater Quality Standards Task Force to review recreation standards for inland surface waters is a prime example.

Consistent with past practice, the proposed Triennial Review list shown in Attachment 1 to the tentative resolution also includes work to revise the descriptive text, graphics and organization of the Basin Plan and to incorporate all approved amendments. This work is essential to assure that the Basin Plan remains current and as reader-friendly as possible.

Public participation is an important part of this process. On June 18, 2015, Regional Board staff conducted a public meeting to solicit comments on staff's preliminary draft list of Basin Planning issues under consideration for inclusion in the FY2015-2018 Triennial Review Priority List and Work Plan. Announcements of the Triennial Review public meeting were sent by electronic mail to hundreds of interested parties, and posted on the Regional Board's web site. The proposed final Triennial Review list of Basin Plan issues reflects consideration of comments made at the public meeting, and of written comments submitted to Board staff.

The proposed list shows all the identified issues, their proposed priority and schedule, and the resources expected to be necessary to address them. A detailed discussion of each of these issues is provided in Attachment B to this report. A summary of the comments received and Board staff's responses are shown in Attachment C. The original written comments are also included in Attachment C or can be found at the Regional Board's website at: http://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.shtml

At the stakeholder meeting on June 18, 2015, Board staff presented a preliminary Triennial Review Priority List and Work Plan. The list presented at that time included work related to standards changes, but also the work underway or contemplated to incorporate new and revised TMDLs in the Basin Plan. While this was intended to capture the extent of anticipated changes to the Basin Plan as a whole, it created unintended confusion and concern that certain water quality standards items identified as priority items would preclude necessary work on TMDLs, and vice versa. In fact, at the June 18, 2015 meeting, Board staff received two petitions to prioritize work to revise two established TMDLs: the Lake Elsinore/Canyon Lake Nutrient TMDLs and the Middle Santa Ana River bacteria indicator TMDLs (see Attachment C). The stakeholders who filed the petitions committed to providing resources to support and facilitate the revision work.

Board staff understands and agrees with the need to consider revisions to these TMDLs, and we welcome the commitment of resources. However, the need to revise the TMDLs will be addressed via the Board's TMDL resources and TMDL work plan, which are, strictly speaking, separate from this triennial review priority list and work plan. Given the commitment of resources by the stakeholders, Board staff believes that work to revise these TMDLs can proceed in a timely manner, without affecting the Triennial Review issues. Accordingly, for the present purpose of this Triennial Review, staff has revised the proposed list to

incorporate work that is expected to be accomplished with Basin Plan resources and only those TMDL-related tasks that entail possible changes in water quality standards.

The proposed Triennial Review list shown in Attachment 1 to the tentative resolution reflects Board staff's best estimate of the resources and timing needed to complete the work. However, experience suggests that unexpected complexity and/or controversy can significantly affect both the timing and resources required. This may necessitate completion of work on some of these issues in the next Triennial Review cycle.

The following attachments are part of this report:

Attachment A - Tentative Resolution No. R8-2015-0085

Attachment 1 to Tentative Resolution No. R8-2015-0085: FY2015-2018 Proposed Triennial Review Priority List and Work Plan

Attachment B - Discussion of Issues

Attachment C – Comments/Response to Comments

These documents have also been posted at:
http://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.shtml

RECOMMENDATION:

Board Staff recommends adopting Resolution No. R8-2015-0085, approving the 2015 Triennial Review and the proposed FY2015-2018 Triennial Review Priority List and Work Plan.

Draft FY2015-2018 Basin Plan Triennial Review Priority List and Work Plan
July 24, 2015

Issue No.	**Draft FY2015 - 2018 Basin Plan Triennial Review Priority List and Work Plan**	Estimated Basin Planning Staff Resources Required[1] (Supporting stakeholders, if any, designated in footnotes) [Bracketed resources are provided by the Regional Board's TMDL program resources[2]]			
	Issue Description	FY 15-16	FY 16-17	FY 17-18	Total PYs
1.	Recreation Standards for Inland Surface Waters: a. With stakeholders, develop pathogen indicator monitoring plan(s) identified in 2012 Recreation Standards Amendments.	0.2[3]			0.2
	b. Review/comment on proposed statewide policy for pathogen indicator objectives for recreation beneficial uses based on the 2012 USEPA Water Quality Criteria for Recreational Waters. (Proposed statewide policy development being led by State Water Resources Control Board (SWRCB) staff).	0.1[3]	0.1		0.2
	c. Consider modifications to Basin Plan recreation objectives/implementation strategies based on an adopted statewide policy. If necessary, consider development of Region-specific reference/natural source exclusion policy.		0.5	0.2	0.7
2.	Consider pathogen indicator objectives for recreation beneficial uses of enclosed bays and estuaries based on USEPA's 2012 criteria (and State Board bacteria objectives policy if/when available). Delete obsolete fecal coliform objectives for recreational beneficial uses of enclosed bays and estuaries.	0.4	0.2		0.6
3.	Develop/consider selenium site specific objectives (SS0s) for the Newport Bay watershed.	[0.2][3]	[1.1]		[1.3]

[1] Available Basin Planning Resources for each fiscal year are assumed to be 2 Personnel Years (PYs).
[2] Tasks entail consideration of changes to water quality standards.
[3] Work on this matter began/ongoing in 2014-15.

Issue No.	Issue Description	Estimated Staff Resources (PYs)			
		FY 15-16	FY 16-17	FY 17-18	Total PYs
4.	Review nutrient objectives for San Diego Creek (part of Nutrient TMDL implementation plan)	[0.2][3]	[0.2]	[0.1]	[0.5]
5.	Update N/TDS (Salt Management Plan) plan, including: a. consideration of revision of TDS and TIN wasteload allocations; b. revision of management zone boundaries for the upper Temescal Basins; adoption of maximum benefit program for the Elsinore Management Zone; c. Consideration of need for/nature of policy re TDS compliance during drought conditions.	0.3[3] 0.1 0.1	0.1 0.1	0.1 0.1	0.5 0.3 0.1
6.	Participate with State Board staff to develop a biological integrity assessment implementation plan. Incorporate the new plan into the Basin Plan.	[0.1][3]	[0.1]		[0.2]
7.	Review beneficial use designations and reach descriptions for waters listed in Table 3-1. Includes review of waters for which REC1 or REC1/REC2 beneficial uses were de-designated via approved Use Attainability Analyses to determine if the de-designations remain justified. Specifically consider designation of EST to all tidal prism and salt marsh waters, and COMM to inland waters.	0.4	0.2		0.6

Issue No.	Issue Description	Estimated Staff Resources (PYs)			
		FY 15-16	FY 16-17	FY 17-18	Total PYs
8.	Revise total dissolved solids objectives for Rattlesnake, Syphon, and Sand Canyon reservoirs based on use for storage of recycled water.			0.3	0.3
9.	Add the following waters to Tables 3-1 and 4-1 and designate appropriate beneficial uses and water quality objectives: • Newport Coast waters: Buck Gully, Morningstar, Los Trancos, and Muddy Canyon Creeks • Big Canyon Creek (Newport Bay Watershed) • San Gabriel River watershed waters: Carbon, Fullerton, and Brea Creeks • Waters tributary to Anaheim Bay: Bolsa Channel and East Garden Grove Wintersburg Channel. • Prado Lake • Warm Creek (Tributary to Santa Ana River in San Bernardino City area, Sand Creek in upper elevation)	0.2	0.1		0.3
10.	Add adopted Basin Plan Amendments to the electronic Basin Plan.	0.1	0.1	0.1	0.3
11.	Review and revise Big Bear Lake water quality standards[4]. May include: a. Revision of the total inorganic nitrogen and total phosphorus numeric water quality objectives for Big Bear Lake. b. Development of objectives for other indicators of impairment (e.g., chlorophyll *a*, macrophyte coverage and species composition). c. Development of biocriteria for Big Bear Lake.		[0.2]	[0.2]	[0.4]

[4] Initiation and/or completion of these tasks are dependent on State Board's actions on statewide nutrient water quality objective and biological integrity policy (see Issue No.6)

Issue No.	Issue Description	Estimated Staff Resources (PYs)			
		FY 15-16	FY 16-17	FY 17-18	Total PYs
12.	Restructure Basin Plan to place all adopted TMDLs in Chapter 6. Will require non-substantive changes to table/figure titles/references in TMDLs already included in the Basin Plan.	0.2	0.1		0.3
13.	Revise the SHEL beneficial use definition to be consistent with the State Water Resources Control Board's Ocean Plan and other regional boards' basin plans. Participate with State Board staff in developing revised SHEL fecal coliform objectives.		0.3	0.2	0.5
14.	Add digital maps to the Basin Plan showing surface and ground waters and the water quality standards that apply to them. Include related hydrological, boundary and other spatial data layers that reflect current data.	0.1	0.1		0.2
15.	Update and revise Basin Plan narrative program/policy discussions, including: a) Update information on approved policies in Chapter 2 (e.g., Nonpoint Source Enforcement Policy, 303(d) Listing Policy, etc.); b) Update "Disposal of Hazardous and Nonhazardous Waste" in Chapter 5 to reflect Loss of SWAT program; c) Update SLIC Program Discussion; d) Update Animal Confinement Facilities (Dairies) discussion in Chapter 5; e) Update Nonpoint Source Program discussion in Chapter 5. f) Update narrative on efforts to remediate groundwater contamination from perchlorate, USTs, and other sources in the region in Chapter 5. g) Update the Wetlands Section in Chapter 3 to include discussions of the Regional Board 401 Certification process and USEPA, State Board, Cal Department Fish and Wildlife and U.S. Army Corps of Engineers wetland Regulatory measures. Update the discussion of the Region's treatment and Mitigation wetlands. h) Update and revise the Monitoring and Assessment Chapter (to be Chapter 7) to include current regional activities such as an update of the Prado Basin monitoring.			0.5	0.5

Issue No.	Issue Description	Issue Description			
		FY 15-16	FY 16-17	FY 17-18	Total PYs
16.	Consider deletion/revision of site-specific objectives for copper, cadmium and lead for the Santa Ana River and tributaries. Consider site-specific objectives for aluminum, chlorine and cyanide for the River.			0.5	0.5
17.	Review ammonia objectives for freshwater based on 2013 USEPA national criteria.		0.5		0.5
18.	Review chemical oxygen demand (COD) objectives for inland surface waters		0.2	0.2	0.4
19.	Prepare/administer the 2015/2018 Triennial Reviews.	0.1[3]		0.1	0.2
	Total Basin Planning PYs Required	2.3	2.6	2.3	7.2
	[Total TMDL PYs Required]	[0.5]	[1.6]	[0.3]	[2.4]

California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. R8–2015-0085

Adoption of FY2015-2018 Triennial Review Priority List and Work Plan

WHEREAS:

1. Section 303(c) of the Clean Water Act requires that states hold public hearings for review of water quality standards (beneficial uses, water quality objectives and antidegradation policy) at least once every three years.

2. California Water Code Section 13240 requires that water quality control plans be periodically reviewed. Water quality control plans specify the state's water quality standards.

3. An updated Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) was adopted by the Regional Board on March 11, 1994, and approved by the State Water Resources Control Board (SWRCB) on July 21, 1994. The updated Basin Plan was approved by the Office of Administrative Law (OAL) and became effective on January 24, 1995. The United States Environmental Protection Agency, Region 9 (USEPA) has approved most of the 1994 Basin Plan but has reserved action on certain water quality standards. The Basin Plan has been amended subsequently to incorporate Total Maximum Daily Loads, revised Nitrogen and TDS management strategies, language authorizing the inclusion of compliance schedules in NPDES permits, revised recreation standards for inland surface waters, and other changes.

4. To comply with the federal and state requirements for review of water quality standards/basin plans, Regional Board staff prepared a preliminary proposed list and work plan of issues to be addressed in the following three years (FY 2015-2018). The issues on this list were prioritized, by fiscal year, to reflect water quality concerns, ongoing work and commitments, and the availability of needed resources.

5. Copies of the proposed list and work plan were distributed to all interested parties for their review and comment.

6. Regional Board staff conducted a public meeting with interested stakeholders on June 18, 2015 to consider the preliminary proposed prioritized list and work plan of Basin Planning Issues to be addressed in FY 2015-2018. Notice of this meeting was given to all interested parties. Board staff revised the preliminary list and work plan based on the comments received. Written responses to the comments received were prepared.

7. The Regional Board conducted a public hearing on July 24, 2015 to consider the adoption of staff's revised prioritized list and work plan (dated July 24, 2015). Notice of the public hearing was given to all interested parties and published in accordance with Water Code Section 13244.

8. The Regional Board considered all testimony at the public hearing regarding the proposed FY2015-2018 Triennial Review Priority List and Work Plan.

THEREFORE BE IT RESOLVED THAT:

1. The California Regional Water Quality Control Board, Santa Ana Region, approves the 2015 Triennial Review and adopts the FY2015-2018 Triennial Review Priority List and Work Plan, shown in Attachment 1 to this Resolution.

2. Areas of the Basin Plan not identified as needing investigation and possible revision are reaffirmed as adequate at the present time. The Basin Plan remains in effect until subsequent amendments are adopted and approved.

3. The Executive Officer is directed to forward copies of this resolution to the State Water Resources Control Board in fulfillment of the requirement of Section 13245 of the Water Code.

I, Kurt V. Berchtold, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on July 24, 2015.

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Kurt V. Berchtold
Executive Officer

2015 TRIENNIAL REVIEW
DESCRIPTION OF ISSUES

July 24, 2015

Issue No. 1

Recreational Standards for Inland Surface Waters:

a. With stakeholders, develop bacteria indicator monitoring plan(s) identified in 2012 Recreation Standards Amendments.
b. Review/comment on proposed statewide policy for pathogen indicator objectives for recreation uses based on the 2012 USEPA Water Quality Criteria for Recreational Waters (Proposed statewide policy development being led by State Water Resources Control Board (SWRCB) staff).
c. Consider modifications to Basin Plan recreation objectives/implementation strategies based on an adopted statewide policy. If necessary, consider development of Region-specific reference or natural source exclusion policy.

a. The 2012 Recreation Standards Amendments to the Santa Ana Region Basin Plan (2012 Amendments) require the development and implementation of a comprehensive, watershed-wide bacteria quality monitoring program for inland surface waters. This program is now being developed, with principal support from the Orange, Riverside, and San Bernardino County stormwater agencies, working in conjunction with Regional Board staff. The proposed comprehensive monitoring program is to be submitted by the stormwater agencies later in 2015 and will be implemented upon Regional Board approval. [*Ongoing*]

b. State Board staff is working with subject matter experts selected from staff of the regional boards to develop a statewide policy for bacteria objectives for recreation uses based on the 2012 USEPA Water Quality Criteria for Recreational Waters. The policy is expected to include revised bacterial quality objectives based on *E. coli* (freshwaters) and enterococcus (marine waters). These are the bacterial indicators now recommended by USEPA to assess and protect primary contact recreation (REC1) uses. The policy is also expected to include implementation strategies, such as the high flow suspension of recreational standards under certain stream flow conditions, and a reference/ or natural source exclusion policy to account for uncontrollable bacteria indicator inputs from natural sources in regulatory actions such as Total Maximum Daily Loads (TMDLs).

   Region 8 staff provided written and oral comments concerning the policy in response to a CEQA scoping meeting conducted by State Board staff. We will continue to review documentation provided and make appropriate recommendations as development of the policy proceeds. Consideration of the

policy in spring 2016 is anticipated but this action may be delayed as the result of drought-related priorities. [*Ongoing*]

c. The statewide bacteria objectives policy will likely conflict with certain provisions of the 2012 Recreational Standards Amendments. The 2012 Amendments were based, in part, on the 1986 USEPA Water Quality Criteria for Recreational Waters. The 1986 criteria differ from the 2012 criteria now recommended to the states by USEPA. The differences are policy driven rather than science driven: USEPA's stated purpose in revising the criteria recommendations is to assure nationwide consistency in the level of health protection provided to the nation's recreational waters. Any differences between the 2012 Amendments and the statewide policy based on USEPA's 2012 criteria will likely require consideration of further amendments to the recreation standards for freshwaters in the Santa Ana Region Basin Plan.

   As noted in b., above, the statewide bacteria objectives policy may include a reference system and/or natural source exclusion policy to allow regional boards to assure that regulatory actions, including TMDLs, are properly focused on controllable bacteria indicator sources that have public health significance. Such a policy is already employed by some other regional boards. Board staff supports this approach and recommends the development of a Santa Ana Region-specific approach should the statewide bacteria objectives policy not include it.

Issue No. 2

Consider pathogen indicator objectives for recreation beneficial uses of enclosed bays and estuaries based on USEPA's 2012 criteria (and statewide bacteria objectives policy if/when available). Delete obsolete fecal coliform objectives for enclosed bays and estuaries.

The Santa Ana Region Basin Plan includes bacteria quality objectives for recreational use of enclosed bays and estuaries that are based on fecal coliform. These fecal coliform objectives have been made obsolete by USEPA's 1986 and 2012 Water Quality Criteria for Recreational Waters, and by USEPA's promulgation of enterococci criteria (objectives) for these waters in 2004 (40 CFR 131.41). USEPA found that fecal coliform are not a reliable indicator of health risk associated with primary contact recreation (REC1). However, a Basin Plan amendment is required to delete the obsolete fecal coliform objectives.

As noted, USEPA now recommends the adoption of enterococci criteria to protect the REC1 use in enclosed bays and estuaries and, in 2004, promulgated enterococci objectives for enclosed bays and estuaries, including those in the Santa Ana Region. These promulgated objectives were based on USEPA's 1986 Water Quality Criteria for Recreational Waters. USEPA revised those criteria in 2012. It is expected that the statewide bacteria objectives policy now under development (see Issue 1.b.) will

incorporate enterococci objectives for enclosed bays and estuaries based on the 2012 Criteria, and that the USEPA will de-promulgate and revise the enterococci objectives in 40 CFR 131.41.

The Regional Board has established a fecal coliform TMDL for Newport Bay that is intended to assure that the fecal coliform objectives currently in place for the Bay for both recreation and shellfish harvesting beneficial uses are achieved. Given that the fecal coliform objectives established to protect recreation have been found obsolete, continued reliance on those objectives and implementation of the applicable portions of the fecal coliform TMDL are longer scientifically justified. Deletion of the recreation use fecal coliform objectives is necessary.

Regional Board staff will coordinate the deletion of the fecal coliform objectives and adoption of new enterococci objectives for enclosed bays and estuaries with the development of the statewide bacteria objectives policy, to the extent feasible. However, recognizing that there may be delays in the development and adoption of the statewide bacteria objectives policy, Board staff recommends moving forward with appropriate amendments to revise the objectives in parallel fashion so that Region-specific amendments can be considered independently by the Regional Board, if necessary, in a timely manner.

Once new objectives to protect recreation are in place, it will be appropriate to conduct a new impairment assessment based on those objectives to determine whether a TMDL is needed. (It should be noted that those parts of the established Fecal Coliform TMDL that address shellfish harvesting and compliance with applicable fecal coliform objectives will remain in place, irrespective of actions to revise/replace TMDL provisions related to recreational uses of the Bay.)

In light of the resource implications of ongoing compliance efforts to meet the recreation fecal coliform objectives/TMDL that are no longer scientifically defensible, it is important that actions to delete the fecal coliform objectives, replace the objectives, consider the need for a new TMDL and to develop that new TMDL, if necessary, be taken in the near future.

Issue No. 3

Develop/consider site specific objectives (SSOs) for the Newport Bay Watershed waters for selenium

As part of the effort to develop revised selenium TMDLs for the Newport Bay Watershed (Issue No. 4), the determination was made that site-specific objectives for selenium should be adopted, and recommendations for those objectives have been made. Those recommendations are reflected as numeric targets in the revised draft selenium TMDLs. However, additional work is necessary to complete the development of a Basin Plan amendment to adopt the recommended selenium site-specific objectives. It is expected

that this amendment will be considered by the Regional Board in FY 2016-17. [*Ongoing*]

Issue No. 4

Review nutrient objectives for San Diego Creek (part of Nutrient TMDL implementation plan)

The Regional Board approved a nutrient TMDL for the Newport Bay/San Diego Creek watershed in 1998. The TMDL requires the Regional Board to review and revise the nitrogen objectives for San Diego Creek. Information developed to date from TMDL implementation will be used to recommend new nitrogen water quality objectives for San Diego Creek. The State Board's actions on statewide nutrient water quality objectives will also be considered. Revised objectives may also be applied to other freshwater creeks in the Newport Bay/San Diego Creek watershed.

The new water quality objectives may result in recommendations for revised numeric targets and load allocations for the nutrient TMDL, and changes in implementation strategies. In addition, a great deal of information has been developed since the TMDL was adopted, and BMPs have been implemented. Also, the watershed has undergone significant land use changes that have affected runoff quality and quantity. If impairment due to nutrients is no longer demonstrated, recommendations will be made for de-listing and removal of the TMDL. If impairment continues to be demonstrated, appropriate recommendations for revisions to the TMDL will be made. The consideration of revision of the TMDL or de-listing/removal of the TMDL will rely on TMDL and other resources, not Basin Planning resources.

Issue No. 5

Update N/TDS (Salt Management Plan) plan, including:

a. **consideration of revision of TDS and TIN wasteload allocations;**
b. **revision of management zone boundaries for the upper Temescal Basins; adoption of maximum benefit program for the Elsinore Management Zone;**
c. **consideration of need for/nature of policy re TDS compliance during drought conditions.**

A significant element of the Santa Ana Region Basin Plan is the Nitrogen/Total Dissolved Solids (TDS) management plan, which is contained in Chapter 5 Implementation. Salt management has long been and remains a high priority for the Regional Board and water supply and wastewater agencies in the Region since it has profound effects on the protection of ground and surface waters for domestic supply, groundwater recharge and other beneficial uses.

This salt management plan, coupled with nitrogen and TDS objectives in Chapter 4 of the Basin Plan, is the basis for waste discharge requirements. The plan includes nitrogen and TDS wasteload allocations for discharges to the Santa Ana River, "maximum benefit" programs to be implemented by specific agencies in certain groundwater management zones, nitrogen loss coefficients that are applied in determining nitrogen discharge limitations, etc.

The N/TDS management plan must be reviewed and updated periodically as conditions in the Region change, especially as the quality and quantity of available water supplies change over time, as the need to recycle wastewater to conserve potable sources increases, and as monitoring and sophisticated modeling determine the efficacy of water resource management strategies and the need for and nature of modifications.

Board staff is presently engaged in work to update the nitrogen and TDS wasteload allocations. We anticipate that amendments to the salt management plan will be necessary also to address revisions to the boundaries of the upper Temescal groundwater management zones, and the adoption of a maximum benefit program for the Elsinore groundwater management zone to accommodate increased recycled water use. [*Ongoing*]

In response to comments provided by Jayne Joy of Eastern Municipal Water District (see Attachment C, comment # 2), Board staff have also proposed the allocation of a limited amount of staff resources to consider the need for and nature of a policy to address TDS compliance during drought conditions. Issues of TDS compliance can significantly affect opportunities to use recycled water in place of potable water. As indicated in the response to Ms. Joy's comment, Board staff believes that there would likely be stakeholder support for the development of such a policy, if found necessary. The resources identified for FY15-16 would be used, in part, to investigate other resource commitments. Actions to promote and allow the use of recycled water, where feasible, are consistent with statewide policy.

Issue No. 6

Participate with State Board staff in the development of the biological integrity assessment implementation plan. Incorporate new State Board policy on biological integrity into the Basin Plan.

A key goal of this effort is to establish consistent, statewide methods for conducting biological assessments and interpreting biological data as indicators of biological integrity in California's surface waters. It is envisioned that biological assessments may be used to assess the biological community condition of streams and the effectiveness of management plan implementation, and evaluate whether additional management actions are necessary to improve biological community condition. State Board staff and staff of the regional boards are participating in the development of this plan, which, if and when adopted by the State Board, will be incorporated in the Basin Plan. [*Ongoing*]

Once adopted in the Basin Plan, the policy is expected to necessitate substantial additional work over time by each of the regional boards to incorporate bioassessment requirements in waste discharge requirements, evaluate bioassessment data, and to identify stream or stream reaches where biological conditions warrant improvement. Actions to achieve this improvement will need to be identified and implemented.

Issue No. 7

Review beneficial use designations and reach descriptions for waters listed in Table 3-1. Includes review of waters for which REC1 or REC1/REC2 beneficial uses were de-designated via approved Use Attainability Analyses to determine if the de-designations remain justified. Also of special interest are the beneficial use designations of EST, RARE, WILD, SPWN, and COMM, which may be appropriate for a number of waters.

Preliminary Board staff recommendations include:

a. Add RARE to appropriate waters, including: all reaches of San Diego Creek; valley reaches of Lytle, Cajon, and City Creeks; Day Creek; Barton Creek; Waterman Creek; Fish Creek; Reaches 4, 5, 6, and 7 of the San Jacinto River; Strawberry Creek; Fuller Mill Creek; North Fork of the San Jacinto River; Reach 6 of the Santa Ana River; Reaches 1 & 2 of Mill Creek; Reach 1, 3, and 4 of San Timoteo Creek; Bear Creek; the Shay Meadows wetland; and Baldwin Lake;
b. Add SPWN to appropriate waters, including Mountain Home Creek, Lytle Creek, San Antonio Creek, San Jacinto River - North Fork, San Jacinto River Reach 7, and Coldwater Canyon Creek;
c. Add WILD (remove I and add X, existing or potential, to San Jacinto River Reaches 4 & 5.
d. Add Estuarine Habitat (EST) to Los Cerritos Wetlands, Huntington Beach Wetlands, Greenville-Banning Channel Tidal Prism, and Santa Ana-Delhi Channel Tidal Prism.
e. Add COMM to Big Bear Lake, Irvine Lake, Lake Hemet, Lake Perris, Lake Elsinore, Prado Lake and possibly Santa Ana River Reach 6, Bear Creek, and Lytle Creek Middle Fork.

Changes needed to reflect existing hydrology:

f. Erwin Lake – revise beneficial uses to intermittent.

Spawning, reproduction, and development (SPWN) waters support high quality aquatic habitats necessary for reproduction and early development of fish and wildlife. Several inland waters have been designated SPWN; however, other waters appear to qualify but have not been so-designated. It may be appropriate to add the SPWN designation to several inland waters that support this beneficial use, particularly if native or sport fish are reproducing successfully.

Information has become available indicating that a number of the Region's waters support recently listed rare, threatened and/or endangered species or their habitat, and/or have been given a federal Critical Habitat Designation. Designation of these waters with the RARE beneficial use should be considered. In addition, there are some waters for which there are historic accounts of a listed species but no information to confirm current habitation. The waters that currently are not designated RARE but that have been reported to support this use include:

- All Reaches of San Diego Creek (for the Least Bell's Vireo);
- Valley reaches of Lytle, Cajon, and City Creeks (for the San Bernardino Kangaroo Rat);
- Day Creek, City Creek, Barton Creek, Fuller Mill Creek, North Fork of the San Jacinto River, Strawberry Creek, and Reach 7 of the San Jacinto River (for the Mountain Yellow Legged Frog);
- Reach 6 of the Santa Ana River (for the Southwestern Willow Flycatcher and historically the Mountain Yellow Legged Frog);
- Mill Creek Reach 2 (for the Southwestern Willow Flycatcher and historically the Mountain Yellow Legged Frog);
- Mill Creek Reach 1 (for the San Bernardino Kangaroo Rat);
- Reach 4, 5, 6, and 7 of the San Jacinto River (for the San Bernardino Kangaroo Rat);
- Reach 5 and 6 of the San Jacinto River (for the Arroyo Toad);
- Reach 3, 4, and 5 of the San Jacinto River (for the San Jacinto Crownscale);
- Oak Glenn Creek (for the Southwestern Willow Flycatcher);
- Reach 1, 3, and 4 of San Timoteo Creek (for the Southwestern Willow Flycatcher and Least Bell's Vireo);
- Bear Creek (for the Southwestern Willow Flycatcher);
- Shay Meadows wetland (for the unarmored three spine stickleback); and
- Baldwin Lake (for the unarmored three spine stickleback).

Species information included above was provided by the Center for Biological Diversity, California Department of Fish and Game, and the United States Fish and Wildlife Service.

Wildlife habitat (WILD) waters support wildlife habitats that may include, but are not limited to, the preservation and enhancement of vegetation and prey species used by waterfowl and other wildlife. Recent information has become available that certain waters support the wildlife habitat (WILD) beneficial use and have not been assigned that beneficial use. Therefore it is appropriate to assign the WILD beneficial use to these waters.

Estuarine Habitat (EST) waters support estuarine ecosystems, which may include, but are not limited to, preservation and enhancement of estuarine habitats, vegetation, fish and shellfish, and wildlife, such as waterfowl, shorebirds, and marine mammals. United State Fish and Wildlife Service staff has recommended that the EST beneficial use be

designed for the Huntington Beach Wetlands, Los Cerritos Wetlands, and the tidal prism reaches of the Santa Ana-Delhi and Greenville-Banning Channels. These waters were added to the Basin Plan by the 2012 Recreation Standards amendments.

The commercial and sportfishing (COMM) beneficial use is designated for waters that are used for commercial or recreational collection of fish or other organisms, including those collected for bait. Currently, the Basin Plan only designates COMM to marine waters. The State Water Resources Control Board Mercury Reservoir Task Force recommends that all state reservoirs currently or potentially listed for mercury be designated with COMM. In addition, State Board staff recommends that all inland surface waters, such as trout streams, lakes/ponds not listed for mercury, and even flood control channels, where fish are regularly caught and eaten should be designated COMM.

Issue No. 8

Consider revision of total dissolved solids objectives for Rattlesnake, Syphon, and Sand Canyon reservoirs based on use for storage of recycled water.

Irvine Ranch Water District (IRWD) staff has asked the Regional Board to consider revising the total dissolved solids (TDS) water quality objective for Rattlesnake, Sand Canyon, and Syphon Reservoirs (see Attachment C, comment #3). IRWD owns and operates these reservoirs. Sand Canyon and Rattlesnake Reservoirs are currently utilized for seasonal storage of recycled water produced at the Michelson Water Recycling Plant. Syphon Reservoir is being enlarged to be integrated into the IRWD's recycled water system. The current Basin Plan TDS water quality objective for these reservoirs is 720 mg/L. IRWD staff state that in recent years it has been increasingly difficult to meet the water quality objective because of higher TDS levels in the recycled water produced at the Michelson Water Recycling Plant. IRWD staff believe that a higher TDS water quality objective could be established while fully protecting the beneficial uses of the reservoirs. The beneficial uses currently designed in the Basin Plan for these reservoirs are Agricultural Supply (AGR), Water Contact Recreation (REC-1), Non-Contact Water Recreation (REC-2), Warm freshwater habitat (WARM), and Wildlife Habitat (WILD).

Issue No. 9

Add the following waters to Table 3-1 and 4-1 and designate appropriate beneficial uses and water quality objectives:

- **Newport Coast waters: Buck Gully, Morningstar, Los Trancos, and Muddy Canyon Creeks.** Board staff's preliminary recommendations are to designate these waters existing or potential ("X") REC-1, REC-2, WARM, WILD, and possibly RARE beneficial uses.

- **Big Canyon Creek (Newport Bay Watershed):** Board staff's preliminary recommendations are to designate these waters existing or potential ("X") REC-1, REC-2, WILD, WARM, and possibly RARE beneficial uses.

- **San Gabriel River watershed waters: Carbon, Fullerton, and Brea Creeks:** Board staff's preliminary recommendations are to designate these waters existing or potential ("X") REC-1, REC-2, WARM, and WILD beneficial uses.

- **Waters tributary to Anaheim Bay: Bolsa Channel and East Garden Grove and Wintersburg Channel:** Board staff's preliminary recommendations are to designate these waters existing or potential ("X") REC-1, REC-2, WILD, WARM, EST, and likely RARE beneficial uses.

- **Prado Lake:** Board staff's preliminary recommendation is to designate existing or potential ("X") REC-1, REC-2, WILD, and WARM beneficial uses.

- **Warm Creek (Tributary to Santa Ana River in San Bernardino City area, Sand Creek in upper elevation):** Board staff's preliminary recommendations are to designate these waters existing or potential ("X") REC-1, REC-2, WILD, and WARM beneficial uses.

  Buck Gully empties into the ocean just south of Corona Del Mar State Beach and into the Newport Beach Marine Life Refuge Area of Special Biological Significance (ASBS). Los Trancos, Muddy Canyon and Pelican Point Creeks flow through Crystal Cove State Park. All these waters discharge into the Irvine Coast Marine Life Refuge Area ASBS.

  East Garden Grove Wintersburg, Anaheim-Barber City, and Bolsa Chica Channels are soft-bottomed, engineered flood control channels that discharge into Huntington Harbour and Anaheim Bay. The most downstream reaches are dominated by tidal waters.

  Carbon, Fullerton, and Brea Creeks drain into Coyote Creek, a tributary to the San Gabriel River.

  Big Canyon Creek discharges into upper Newport Bay. The Big Canyon Creek watershed covers sections of Corona Del Mar which include the Big Canyon Golf Course. The Creek feeds a large freshwater marsh near its mouth that is part of the upper Newport Bay Ecological preserve. The creek has been found to discharge elevated levels of selenium into Upper Newport Bay.

Issue No. 10

Add adopted Basin Plan Amendments to the electronic Basin Plan

Adopted amendments must be added to the electronic Basin Plan, available on the Regional Board's website, to keep it up to date. Printed versions of the Basin Plan are no longer available. Timely action to incorporate the amendments contributes to accuracy and reduces the chance of error.

Issue No. 11

Review and revise Big Bear Lake water quality standards. May include:

a. Revision of the total inorganic nitrogen and total phosphorus numeric water quality objectives for Big Bear Lake.
b. Development of objectives for other indicators of impairment (e.g., chlorophyll a, macrophyte coverage and species composition).
c. Development of biocriteria for Big Bear Lake.

The implementation plan included in the established Nutrient TMDL for Big Bear Lake identifies tasks for the consideration of revised nutrient objectives and development of biocriteria. This work is expected to be accomplished using TMDL, rather than Basin Planning resources.

Issue No. 12.

Restructure Basin Plan to place all adopted TMDLs in Chapter 6. Will require non-substantive changes to table/figure titles/references in TMDLs already included in the Basin Plan.

At present, all Total Maximum Daily Loads adopted by the Regional Board via Basin Plan amendments are included in Chapter 5 Implementation. To facilitate stakeholder access to and review of these established TMDLs, Board staff recommends that the TMDLs be relocated to a separate Chapter (Chapter 6). The current Chapter 6 and Chapter 7 would become Chapter 7 and 8, respectively. Non-substantive changes to tables, figures, titles etc. in the already incorporated TMDLs to reflect their placement in Chapter 6 would be required. In addition, certain non-substantive changes to the table of contents in Chapter 5 and the main Basin Plan table of contents would also be required. This new format is expected to be initiated with the selenium and metals TMDLs for Newport Bay and its watershed.

Issue No. 13

Revise the SHEL beneficial use definition to be consistent with the State Water Resources Control Board's Ocean Plan and other regional boards' basin plans. Participate with State Board staff in developing revised SHEL fecal coliform objectives.

As defined in the Basin Plan, waters designated Shellfish Harvesting (SHEL) "support habitats necessary for shellfish (e.g., clams, oysters, limpets, abalone, shrimp, crab, lobster, sea urchins, and mussels) collected for human consumption, commercial or sports purposes." Stringent fecal coliform objectives (fecal coliform median concentration of not more than 14 MPN /100 ml and not more than 10% of samples exceed 43 MPN/100 ml) are included in the Basin Plan to protect human consumers of shellfish. Compliance with this stringent objective is highly problematic.

There are no commercial shellfish growing/harvesting operations in the Santa Ana Region. However, according to California Department of Fish and Wildlife (CDFW) biologists and local CDFW game wardens stationed in Orange County, a variety of shellfish are or potentially are harvested for sport/recreational purposes in all of Region 8's ocean waters and enclosed bays and estuaries. The extent of human consumption of the shellfish is unknown; some, if not the majority of the shellfish collected are used as bait.

Statewide, there is inconsistency among the regional boards/State Board (California Ocean Plan) in the definition of shellfish and the SHEL beneficial use. Similarly, there is inconsistency with respect to the bacteria indicator objectives established to protect the use.

A State Board/Regional Board task force is considering recommendations for revisions to the statewide water quality standards for the commercial and sport/recreation collection of shellfish. The matters under review include:

- Redefine the shellfish beneficial use to exclude commercial shellfish operations;
- Add the objective of 14 fecal coliform MPN per 100mL, (some coastal Regional Boards and the Ocean Plan currently list 70 total coliform MPN per 100mL as the SHEL objective) for the SHEL beneficial use;
- Consider the use of a Reference/Natural Source Option for implementation of SHEL bacteria objective; and
- Apply the Aquaculture beneficial use for waters where commercial shellfish operations are occurring, using the 14 MPN per 100mL fecal coliform objective

Region 8 staff will consider revising the SHEL beneficial use definition to be consistent with the other coastal Regional Boards and the Ocean Plan while participating with the

State Board Work Group to develop recommendations for revised statewide objectives for commercial and sport/recreation collection of shellfish.

Issue No. 14

Add digital maps to the Basin Plan showing surface and groundwaters and the water quality standards that apply to them. Include related hydrological, boundary and other spatial data layers that reflect current data

Funds obtained through the State Board have been used to support the creation of digital maps for every Region. The maps show surface waters, groundwaters, associated water quality standards and beneficial uses, hydrologic units and tributary waters. California State University at Northridge and State Board GIS staff are producing the maps with assistance from Regional Board staff and likely will be finished in fiscal year 2016-17. Santa Ana Board staff are assisting the contractors in reviewing the draft maps to insure accuracy. The contractors are using the most up to date data (such as the CalWaters GIS layers) so as to reflect the Region's waters as accurately as possible. This activity should clarify the Region 8 boundary in the few locations where it is not clearly defined between Regions.

Issue No. 15

Update and revise Basin Plan narrative program/policy discussions, including:

a) Update information on approved policies in Chapter 2 (e.g., Nonpoint Source Enforcement Policy, 303(d) Listing Policy, etc.);

The list of approved policies shown in the Basin Plan (Chapter 2) has not been wholly updated since 1995. Explicit references to new policies adopted by the State Board since that time need to be included in the Basin Plan, and the descriptions of other plans and policies already included in the Plan need to be updated. Plans and policies that need to be addressed include the State Board's Nonpoint Source Management Plan, Nonpoint Source Implementation and Enforcement Policy, the Water Quality Control Policy for Developing California's Clean Water Act Section 303 (d) List (referred to as the 303 (d) Listing Policy), and the so-called "Trash Amendments".

b) Update "Disposal of Hazardous and Nonhazardous Waste" in Chapter 5 to reflect Loss of SWAT program;

Chapter 5 of the Basin Plan references the Solid Waste Assessment Test (SWAT) program, which was implemented in 1985. The purpose of the SWAT program was to determine whether hazardous or toxic substances above regulatory thresholds, or any other constituents which may threaten water quality, were migrating from a solid waste disposal facility. As of 1995, funding for this program ceased and is not expected to be reinstated. The Basin Plan should be amended to reflect this change.

c) Update SLIC Program Discussion;

The Basin Plan currently contains a description of the SLIC program, the purpose of which is to address groundwater contamination from volatile organic compounds (VOCs). The information/data in the description need to be updated to reflect current conditions.

d) Update Animal Confinement Facilities (Dairies) discussion in Chapter 5;

The Regional Board's program to address waste discharges from confined animal facilities has evolved significantly, and the Basin Plan should be revised to reflect the current direction of these ongoing activities.

e) Update Nonpoint Source Program discussion in Chapter 5;

Much has been added to the Nonpoint Source Program since the relevant text in the Basin Plan was last updated in 1995. Two major policies that have been added to the NPS program are the NPS Plan and the Implementation and Enforcement Policy. In 2000 a statewide approach for managing NPS pollution, the Plan for California's Nonpoint Source Pollution Control (NPS Plan), was adopted. The NPS Plan required implementation of NPS control Management Measures in the six land use categories of agriculture, marinas & boating, urban, forestry, hydromodification, and wetlands. A key element of the 2000 Plan was implementing these management measures using a three-tiered approach in which the first tier, self-determined implementation, is favored. The second and third tier of implementation incorporate escalating regulatory involvement to achieve program objectives.

In 2004 the Policy for Implementation and Enforcement (I&E) Policy was adopted to provide guidance for enforcement of the state's NPS pollution control program. The NPS I&E Policy abandons the three-tiered approach for implementation of management measures contained in the 2000 NPS Plan as not being supported by the California Water Code and inconsistent with the SWRCB's Enforcement Policy. The NPS I&E Policy gives direction to Regional Boards to regulate all non-point sources of pollution using the administrative authorities provided by the Water Code's Porter-Cologne Act. Regulatory actions to address NPS pollutant discharges include, but are not limited to, Basin Plan prohibitions, Waste Discharge Requirements (WDRs), and Waivers of WDRs. The NPS discussion in Chapter 5 should be update to reflect this evolution.

f) Update narrative on efforts to remediate groundwater contamination from perchlorate, USTs, and other sources in the region in Chapter 5;

In 1997, California's Department of Health Services found levels of perchlorate in drinking water wells throughout the State of California, including wells in the City of

Rialto. Perchlorate can interfere with the iodide uptake of the thyroid gland, which can result in decreased production of thyroid hormones necessary for prenatal and postnatal growth and development, as well as for normal metabolism and mental function in adults. Perchlorate is used as an ingredient in the manufacturing process of such items as solid fuel propellant for rockets, missiles and fireworks and in industrial applications where it is used in the manufacture of matches, flares, pyrotechnics, ordnance and explosives.

It is apparent that previous defense and/or industrial activities have contributed to perchlorate groundwater contamination in the Rialto area. The Regional Water Quality Control Board (RWQCB) has been directing site assessment and remediation efforts in this area for the last several years. The RWQCB has been very active in working with the responsible parties, other affected agencies, and holding numerous public meetings to develop an appropriate remedial action plan. This major activity should be described in the Basin Plan.

g) Update the Wetlands Section in Chapter 3 to include discussions of the Regional Board 401 Certification process and USEPA, State Board, California Department Fish and Wildlife and U.S. Army Corps of Engineers wetland regulatory measures. Update the discussion of the Region's treatment and mitigation wetlands.

Staff proposes to develop regional criteria for determining appropriate mitigation when wetlands and other Waters of the State are impacted by various construction activities, primarily those involving dredging and filling. Dredging and filling activities in waters of the United States are subject to:

- Permits issued by the U.S. Army Corps of Engineers, pursuant to CWA Section 404; and,
- Water quality standards certifications issued by the SWRCB or Regional Board pursuant to CWA Section 401.

In some cases, waste discharge requirements are adopted by the Board for dredge and fill projects. These regulatory actions implement federal and state requirements for "no net loss of wetlands" as a result of land use practices, and state and federal policies encouraging the expansion of existing wetlands and creation of new ones.

Successful mitigation of the loss of wetlands and other Waters of the State depends on a number of factors, including consideration of the ecological functions and values of the impacted area, and the location of the proposed mitigation (within or outside of the impacted watershed), among others.

To develop information needed to further investigate this issue, an inventory and assessment of the quality of the riverine wetland resources in Region is being conducted. This work has been partially funded by a USEPA grant and is nearing completion.

The criteria that staff proposes to develop will enable both staff and the regulated community to more easily and consistently determine appropriate mitigation projects when wetlands and other waters of the State are affected by construction or development.

h) Update and revise the Monitoring and Assessment Chapter (currently Chapter 6 to become Chapter 7 (see Issue No. 17)) to include current regional activities, such as an update of the Prado Basin monitoring.

The current Chapter 6 needs to be updated to reflect current regional monitoring. Much of the monitoring described in the Chapter is no longer conducted.

Issue No. 16

Consider deletion or revision of established site-specific objectives for copper, cadmium and lead for the Santa Ana River and tributaries. Consider site-specific objectives for aluminum, chlorine and cyanide for the River.

Site-specific objectives (SSOs) for copper, cadmium, and lead for the Santa Ana River and certain tributaries were incorporated in the 1995 Basin Plan and submitted for review and approval by the USEPA (USEPA was also engaged in the development of these SSOs). USEPA reserved action on these SSOs in light of its promulgation of the California Toxics Rule (CTR), which incorporated new scientific information concerning the appropriate objectives for these metals that was not available at the time the SSOs were adopted. USEPA reserved action to allow the Regional Board to consider whether it would be appropriate to delete the SSOs and to rely instead upon the CTR. Given the new scientific information, it appears appropriate to withdraw the SSOs in favor of the numeric water quality criteria in the CTR.

The Santa Ana River Dischargers Association (SARDA) has identified at least three pollutants for which site-specific objectives may be warranted, including aluminum, chlorine and cyanide. The concern is that strict application of the national criteria/guidance for these constituents recommended by USEPA may be overly stringent to protect aquatic life beneficial uses. Site-specific objective development efforts might employ the recalculation procedure, one of the methods recommended by USEPA to tailor USEPA's recommended national criteria to site-specific conditions.

Issue No. 17

Review ammonia objectives based on 2013 USEPA national criteria.

The 1995 Basin Plan incorporated new site-specific objectives for un-ionized ammonia (the toxic form of ammonia) for the Santa Ana River and certain tributaries. These objectives are implemented by limitations on ammonia in waste discharges to these waters. The requisite effluent ammonia limits are also specified in the Basin Plan.

Finally, the 1995 Basin Plan includes revised, basin-wide un-ionized ammonia objectives. USEPA reserved action regarding approval of these new objectives and requested that Board staff submit additional technical justification.

USEPA published revised national criteria guidance for ammonia in the Federal Register on December 22, 1999, and then again in 2013. These revised criteria are based on updated scientific information concerning un-ionized ammonia toxicity. Board staff has advised USEPA that given this new science, it would not be worthwhile to pursue USEPA approval of the objectives in the Basin Plan. Staff advised USEPA that we would recommend that review of these objectives (and associated implementation provisions) be included in the Triennial Review list. USEPA is required to promulgate criteria (objectives) for states failing to adopt numerical objectives consistent with the new criteria.

Issue No. 18

Review chemical oxygen demand (COD) objectives for inland surface waters

Chemical oxygen demand (COD) is an indirect measure of the amount of oxygen used by inorganic and organic matter in water. High COD levels decrease the amount of dissolved oxygen available for aquatic organisms. Low (generally under 3 mg/L) dissolved oxygen, or "hypoxia," causes adverse effects on aquatic organisms, including the death of individual organisms as well as large "dead zones". Hypoxic water can also release pollutants stored in sediment.

USEPA has not published recommended COD water quality criteria. Early Basin Plans for the Santa Ana Region established numeric COD objectives for certain inland surface waters. The technical basis for these numeric objectives specified is unclear. These objectives have not been reviewed or revised. Given the implications of potential non-compliance with these objectives as the result of stormwater discharges, the review of these objectives to confirm their propriety and scientific defensibility is appropriate.

Issue No. 19

Prepare/administer the 2015 Triennial Review

The Triennial Review process requires the development by Board staff of a preliminary list of issues that should be addressed to update and revise the Basin Plan, together with estimates of the resources that will be required and a proposed schedule. The preliminary list is distributed to all interested parties, and one or more workshops to solicit comments and recommendations are conducted. Based on the comments received, Board staff prepares a draft final list for consideration by the Regional Board. [*Ongoing*]

Response to Comments[1] on the preliminary FY2015-2018 Basin Plan Triennial Review Priority List and Work Plan[2]

1. Jian Peng
Chief, Water Quality Planning
OC Watersheds
Orange County Public Works

Comment:

Mr. Peng stated that the Orange County Public Works staff support the following items on the [preliminary (May 15, 2015)] triennial review priority list and workplan: REC standards for inland surface waters; REC standards for bays and estuaries; Newport Bay Fecal Coliform TMDL reconsideration; Newport Bay Se TMDL, and Newport Bay Se Site Specific Objectives (SSOs).

In addition, Mr. Peng had two questions. The first question related to resource allocations. Will Basin Planning resources be used for TMDL and other issues that non-Basin Planning staff will work on? The second question; will staff shorten the list in order to assign staff resources for the issues on the list and would it help to have stakeholders speak at the Board meeting in support of the list to ensure Board approval?

Response:

As noted in the footnote below, the proposed Triennial Review Priority List and Work Plan has been modified since Mr. Peng made his comments. To clear up confusion, Regional Board staff have removed all priority issues that relate to TMDL development. TMDLs are funded from a different source than funding for Triennial Review Basin Planning issues. The new list only contains issues related to development of water quality standards (beneficial uses, water quality objectives, and antidegradation). Only those TMDL-funded issues that relate to the development of water quality standards remain in the list. Funding for work to address the issues on the revised Triennial Review Priority List will be the two Personal Years (PYs) that has been allotted for the

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[1] Comments presented in this response have been summarized or paraphrased from the original. Original written comments are included in this Attachment and posted on the Santa Ana Regional Board's web site at http://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.shtml

[2] The preliminary list included tasks related to the reconsideration/adoption of new Total Maximum Daily Loads (TMDLs) to provide a comprehensive picture of the anticipated changes to the Basin Plan over the next three years. However, this created confusion and concern about the priorities for and ability to conduct work related specifically to water quality standards. Hence, many of the comments received address these TMDL-related priorities. Since the programmatic resources available to conduct many TMDL tasks are different from Basin Planning resources, the revised list now includes only those TMDL tasks related to water quality standards changes, per established TMDL implementation plans. TMDL funds, not Basin Planning resources, are expected to be used to perform work on these tasks.

last several years for Basin Planning, some TMDL funding, and other funding that may be made available by stakeholder groups.

Board staff welcomes expressions of support for the proposed list.

2. Jayne Joy
Eastern Municipal Water District

Comment:

California's drought condition has adverse impacts on the salinity levels in source waters for several agencies within the Santa Ana Regional Water Quality Control Board jurisdiction. In response to the severe drought and for sustainability, the Metropolitan Water District has been supplying more Colorado River Water and less State Project Water to water agencies in our Region. Colorado River Water contains significantly higher salinity levels than State Project Water. As the salinity rises in source water it results in commensurate increases in the salinity or total dissolved solids (TDS) concentrations in the recycled water produced for reuse or discharge in the Santa Ana Region. Complying with the TDS objectives for both groundwater and surface water discharges can be challenging during severe drought conditions. Temporary relief from these regulations may be required and reasonable due to the limited state-wide and regional water supply availability of low TDS supply water. The agencies would like to explore alternative TDS compliance criteria to protect and sustain recycled water as a viable water source during severe drought. In addition, the Regional Board is also encouraged to consider Maximum Benefit Demonstrations for groundwater basins to create additional assimilative capacity for TDS and to expedite the approval process of such effort. It is requested that the Santa Ana Regional Board work with interested agencies on the development of a course of action, possibly a basin plan amendment that would address the salinity impacts that may arise during severe drought conditions.

Response:

Regional Board staff understand the issues described and the proposed Triennial Review list has been modified to include an item for consideration of the need for and nature of a formal policy, which might be incorporated in the Basin Plan, regarding TDS compliance during drought conditions. See item 5 c. in the revised Triennial Review list. Actions to encourage and allow the use of recycled water are consistent with the State Board's Recycled Water Policy.

As shown in the revised Triennial Review priority list, only a relatively small amount of resources (0.1 PY) is proposed for FY15-16 for this work. The rationale for this is two-fold. First, the Regional Board, working extensively with the N/TDS Task Force and now the Basin Monitoring Program Task Force, has laid a significant amount of groundwork for the management of TDS in groundwater and surface water in the Region, and the State Water Resources Control Board has adopted a Recycled Water Policy (relying

heavily on the work done in the Santa Ana Region). Board staff believes that it is important to first consider whether and to what extent additional work is needed to develop such a drought policy and, if so, what form that policy should take. This would be the intent of the recommended allocation for FY15-16. Second, as Ms. Joy has suggested, Board staff believes that there are a number of potentially interested agencies and parties who might provide resource support to develop such a policy. The level of interest and resource commitment would be explored in FY15-16. It may be that an existing Task Force, e.g., the Basin Monitoring Program Task Force, could be employed to conduct necessary work to develop such a policy, if warranted. This might provide administrative/cost efficiency.

3. Fiona M. Sanchez
Director of Water Resources
Irvine Ranch Water District

Comment:

The Irvine Ranch Water District (IRWD) continues to express support for Issue No.12, "Revise total dissolved solids objectives for Rattlesnake, Syphon, and Sand Canyon reservoirs based on use for storage of recycled water." Changing source water conditions, and water conservation practices, can impact the TDS concentrations of the sewage treated at IRWD's Recycled Water Plants. Due to current and future conditions that could impact the TDS of IRWD's recycled water and ability to discharge to their reservoirs, IRWD requests that Issue No. 12 remain on the 2015-2018 Triennial Review Priority List. IRWD is aware that issues on the approved Triennial Review Priority List may not necessarily result in an amendment to the Basin Plan. Furthermore, IRWD recognizes that they may need to commit their own resources to be able to get an approved amendment that revises the objectives for their reservoirs.

Response:

This item, to consider revisions to the TDS objectives for Rattlesnake, Syphon and Sand Canyon reservoirs, has been on prior Triennial Review lists, but Board staff resources have not been sufficient to address this issue to date.

As noted in the prior response, actions to promote and allow the use of recycled water are consistent with statewide policy. Accordingly, this item has been moved up in the revised proposed list of Triennial Review priorities (see item 8), with the expectation of resource support from IRWD.

4. Michael R. Markus
General Manager
Orange County Water District

Comment:

The Orange County Water District (OCWD) manages the Orange County Groundwater Basin, which is the primary water supply for 2.4 million residents in Orange County. Maintaining the quality of Santa Ana River water is important to protect the water quality of the Orange County Groundwater Basin. The OCWD urges the Regional Board to continue to provide staff support in managing N/TDS in the Santa Ana Watershed as directed in the 2004 N/TDS Basin Plan Amendment. The OCWD supports Triennial Review Issue No. 5, "Update N/TDS (Salt Management Plan) plan" and thanks the Regional Board for making it a priority.

Response:

Comments noted.

5. Mark Norton
Santa Ana Watershed Project Authority
on Behalf of the Lake Elsinore and Canyon Lake Task Force and
Middle Santa Ana River TMDL Task Force

Comment:

On behalf of the two Task Forces, Mr. Norton presented petitions for the review of the Lake Elsinore and Canyon Lake Nutrient TMDLs and the Middle Santa Ana River Bacterial Indicator TMDL. Each petition includes a proposed schedule to conduct the review and the commitment of resources to support this effort.

Response:

Regional Board staff agree that review and revision of both of these TMDLs is appropriate given the considerable body of data that has accrued since their adoption, and in light of the largely approved recreation standards amendments for inland fresh surface waters. We appreciate and expect to rely on the commitments of resource support.

As noted previously, Board staff has extracted TMDL development/revision items from the revised proposed Triennial Review priority list as a matter of clarity. Board staff expects to work with the stakeholders to formulate a plan and schedule for work to complete the requested, and appropriate, TMDL reviews.

6. Ray Hiemstra
Associate Director
Orange County Coastkeeper

Comment:

a. Orange County Coastkeeper's (Coastkeeper) overarching concern is the long delay (almost 10 years) in the triennial review process. It is important that the Regional Board make a commitment to complete the triennial review on a regular basis. In addition, the Draft Priority List contains some priorities that are not related to a general updating of the Basin Plan and should be done outside of the scope of the triennial review. Coastkeeper believes the following issues that are listed in the draft triennial review priority list [May 15, 2015 preliminary list] are a priority and should be retained:

- Develop pathogen indicator monitoring plan identified in the 2012 Recreational Standards Amendments;
- Review/comment on the proposed statewide policy for pathogen indicator objectives for recreational beneficial uses based on the 2012 USEPA Water Quality Criteria;
- Develop/consider a TMDL BPA for metal in Newport Bay;
- Develop/consider a bacteria indicator (*E. Coli*) TMDL for Knickerbocker Creek;
- Reconsider Nutrient TMDLs for Newport Bay watershed, including review of nutrient objectives for San Diego Creek;
- Reconsider Sediment TMDLs for Newport Bay watershed;
- Update N/TDS plan;
- Participate with State Board staff to develop a biological integrity assessment implementation plan;
- Review beneficial use designations and reach descriptions for waters listed in Table 3-1;
- Add certain Waters to Tables 3-1 and 4-1;
- Add adopted Basin Plan Amendments to the electronic Basin Plan;
- Reconsider Nutrient TMDLs for Canyon Lake / Lake Elsinore (San Jacinto Watershed)
- Review and revise Big Bear Lake water quality standards and Nutrient TMDL;
- Restructure Basin Plan to place all adopted TMDLs in Chapter 6;
- Revise total dissolved solids objectives for Rattlesnake, Syphon, and Sand Canyon;
- Add digital maps to Basin Plan;
- Update and revise Basin Plan narrative program/policy discussions;
- Review ammonia objectives fort freshwater based on 2013 USEPA national criteria;
- Prepare/administer the 2015 Triennial Review.

Response:

A significant amount of work has been undertaken and completed in response to the 2006 Triennial Review priority list. Board staff's focus has been to complete that priority work rather than to prepare and conduct the Triennial Review process. That said, Board staff has kept Triennial Review needs in mind by compiling, over time, a list of the issues that appear to warrant consideration. These issues are reflected in the proposed Triennial Review priority list and workplan.

As noted previously, Board staff has revised the proposed preliminary list by eliminating tasks related to the development of new/revision of established TMDLs, since this work will be addressed outside the Triennial Review process, using available TMDL resources. This does not diminish the importance of this work or the Board's commitment to it.

b. Coastkeeper stated that in addition to issues listed on the draft Triennial Review Priority List, the following should be added on the basis that they are statewide priorities or permits that will expire during the next three years:

- Adding an implementation plan for the Statewide Trash Policy, which should be the number 1 priority;
- Renewal of the Sector-Specific General Permit for Storm Water Runoff Associated with Industrial Activities from Scrap Metal Recycling Facilities (Sector Scrap Metal Permit); and
- Designation of State Water Quality Protection Areas for existing Marine Protected areas.

Response:

The State Water Board recently (April 7, 2015) adopted an amendment to the California Ocean Plan and Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (collectively referred to as the "Trash Amendments"). These Amendments include implementation requirements for permitted storm water and other dischargers. Once the amendments are approved by USEPA and become effective, the regional water boards will be expected to implement these requirements in permits. The State Water Board is responsible for the development and update of statewide water quality control plans and policies, including implementation provisions. In short, Board staff believes that this a permitting matter, rather than a Triennial Review issue.

The renewal of permits, such as the Scrap Metal Recycling Facilities permit, is outside the scope of the Triennial Review.

A detailed discussion of Marine Managed Areas (MMAs), Marine Protected Areas (MPAs) and State Water Quality Protection Areas (SWQPAs), and the multiple agencies

responsible for their designation and management, is beyond the scope of the needed response. The Santa Ana Region encompasses several SWQPAs designated as Areas of Special Biological Significance (ASBS), including the Upper Newport Bay Ecological Reserve, Newport Coast Marine Life Refuge and the Irvine Coast Marine Life Refuge. ASBS are SWQPAs that require special protection, including the prohibition of waste discharges into them. The Region also encompasses several MMAs that are State Marine Conservation Areas (Bolsa Bay, Bolsa Chica Basin and Crystal Cove).

The State Water Board has designating authority for SWQPAs. Recent (2012) amendments to the California Ocean Plan identified a second category of SWQPA (SWQPA-GP (general protection). SWQPA-GP require less restrictive protection that ASBS.

Pursuant to these Ocean Plan amendments, any individual can nominate areas of ocean waters for designation as SWQPA – ASBS or SWQPA-GP by the State Water Board. Nominations are to be made to the appropriate Regional Board and must include specified information. Coastkeeper is encouraged to make such nominations to the Regional Board.

c. Coastkeeper states that there are several projects that appear to be TMDL re-openers or deletions related to impending or already missed deadlines, including the following issues related to the Fecal Coliform TMDL for Newport Bay:

- Consider pathogen indicator objectives for recreational beneficial uses of enclosed bays and estuaries;
- Reconsider Fecal Coliform TMDL for Newport Bay.

Coastkeeper states that this existing TMDL should not be withdrawn and its existing requirements should be enforced until new criteria and an associated TMDL are developed. The passage of a TMDL compliance deadline is not a reason to prioritize withdrawing the TMDL. Coastkeeper supports the development of new bacteria objectives for Newport Bay based on the 2012 USEPA recommendations, but not to the detriment of Newport Bay.

Response:

Issue No. 2 on the proposed Triennial Review priority list is the deletion of obsolete fecal coliform objectives for recreational uses of enclosed bays and estuaries and the consideration of new pathogen indicator objectives based on the USEPA 2012 criteria recommendations (and based on USEPA promulgation in 2004 of enterococcus objectives for coastal waters (which include enclosed bays and estuaries)). These recommended actions are intended to assure that the applicable objectives, and any control actions required to meet them, are based on the based available science.

The preliminary (May 15, 2015) Triennial Review priority list upon which Coastkeeper bases these comments includes an item for the reconsideration of the Fecal Coliform

TMDL for Newport Bay. If and when obsolete fecal coliform objectives for the Bay are deleted and new objectives are established, then the following actions would be necessary and appropriate: (1) those parts of the Fecal Coliform TMDL that address compliance with the fecal coliform objectives for recreational uses should be withdrawn, since they are not scientifically defensible; (2) a new impairment assessment based on the new objectives should be conducted; (3) if warranted by the results of the impairment assessment, a new TMDL to address compliance with the new objectives would be developed and recommended for approval. These recommendations are motivated by the need to assure the best available science and responsible use of limited public resources to attain appropriate objectives.

Once again, for the reasons previously discussed, the issue pertaining to reconsideration of the fecal coliform TMDL has been removed from the revised recommended priority list.

d. Coastkeeper states that the proposed revision of the shellfish objective should not be included as a priority and suggests that the proposed revision attempts to circumvent shellfish protections in the existing Fecal Coliform TMDL for Newport Bay through the Triennial Review process. Coastkeeper states that the existing objectives should be kept and enforced until new statewide objectives are completed. Prioritizing the shellfish beneficial use definition is best addressed in future triennial reviews as the Region has more significant problems to resolve than redefining terms that allow for the potential weakening of water quality protections.

Response:

Board staff believes that Coastkeeper has misconstrued the nature of and rationale for these proposed items. Board staff's recommendations are in the context of ongoing and proposed work coordinated by the State Water Board to consider the SHEL beneficial use definition and appropriate water quality objectives on a statewide basis. This effort is to assure statewide consistency, and that the objectives are based on the best available science. It is prudent to be a part of this effort. It is not clear to Board staff how this would allow for the weakening of water quality protections. Board staff agrees that the existing objectives must be maintained and enforced until replaced by new statewide objectives; Board staff has not and does not propose any action(s) to the contrary.

e. Coastkeeper recommends the removal of Issue No. 1c, which calls for the consideration of modifications to Basin Plan recreation objectives/implementation strategies based on the anticipated statewide bacteria objectives policy, and, if necessary, the consideration of a Region-specific reference/natural source exclusion policy. Coastkeeper indicates that re-opening the matter of recreation objectives could unnecessarily antagonize stakeholders and federal regulators (who participated in the recreation standards amendments), many of whom thought this matter concluded. Coastkeeper asserts that giving this matter high priority, as

proposed, could reasonably be interpreted as an attempt to avoid an impending TMDL deadline and "a mechanism for developing new loopholes than to achieve statewide conformity".

Response:

Once again, Board staff believes that Coastkeeper has seriously misconstrued the nature of and rationale for this item. Stakeholders, including USEPA regulators, have long recognized that a statewide objectives policy development process was underway and that the results of that process might necessitate changes to the recreation standards amendments approved by the Regional Board in 2012 and recently (April 8, 2015) largely approved by USEPA. The Regional Board is simply required to conform its Basin Plan to the requirements of an adopted statewide policy, to the extent of any conflict, unless the statewide policy explicitly endorses a region-specific approach.

Coastkeeper's assertions regarding avoidance of deadlines and "developing new loopholes" may stem from the recommendation to consider a Region-specific reference system/natural source exclusion policy, if necessary. As State Board staff described in an informational document presented at the CEQA scoping meetings for the development of the statewide bacteria objectives policy, the statewide policy may consider the inclusion of a reference system/natural source exclusion policy approach. This is based on the recognition that it would be appropriate to account for natural and uncontrollable sources of bacteria when judging compliance with bacteria objectives, determining the need for a TMDL and/or enforcement actions. Regional Board staff have indicated their support for the inclusion of such an approach in the statewide policy. This is a matter that affects the prudent and efficient use of scarce public resources to address water quality problems that can be controlled. If this is not included in the statewide policy, then Board staff believes it would be reasonable and appropriate to develop such a policy for the Santa Ana Region. The reference system/natural source exclusion approaches have been implemented successfully by other Regional Boards.

f. Coastkeeper recommends the deletion of the items related to the development and adoption of the Selenium TMDL for the Newport Bay watershed and selenium site-specific objectives (SSOs). Coastkeeper believes that the proposed TMDL has little chance of being approved by USEPA and the issue is currently being addressed by a time schedule order and should continue under that order.

Response:

As Coastkeeper has noted, a substantial amount of time and effort by Regional Board staff and stakeholders in the Newport Bay watershed has been expended in the development of a selenium TMDL and selenium SSOs. Work on the TMDL is expected to come to a close by the end of this year with the recommendation for Regional Board adoption of a Basin Plan amendment to incorporate the TMDL. A Basin Plan

amendment to incorporate selenium SSOs is expected to follow within one to two years. There is ample scientific evidence that selenium SSOs are necessary and appropriate.

Whether or not USEPA will approve either the TMDL or the SSOs does not determine whether or not this work should proceed. (It should be noted that efforts to develop the TMDL and SSOs have been coordinated with USEPA.) The best available science demonstrates that USEPA's Selenium TMDL for the San Diego Creek/Newport Bay watershed, promulgated in 2002, must be revised, and an implementation plan must be added. Time schedule orders are in place to address point source discharges of selenium, but this will not suffice to achieve ultimate compliance with selenium objectives. A TMDL to supplant that promulgated by USEPA is necessary and appropriate.

g. Coastkeeper recommends that the proposed item for review of chemical oxygen demand objectives for inland surface waters should be removed. Coastkeeper asserts that this objective was created for valid reasons and that there are no reasons known to Coastkeeper that justify an "update". Review of objectives without substantial justification is not an efficient use of scarce resources.

Response:

The recommendation for review of the chemical oxygen demands objectives for inland surface waters is at the end of the proposed priority list. Different numeric objectives are specified for different inland surface waters in the Basin Plan. The origin of these values is unclear and undocumented, and the objectives have not been reviewed or considered since at least the 1983 Basin Plan (and likely even earlier). Board staff believes that it is reasonable to consider a review of these objectives, if the demands of other higher priority work allow it.

h. In conclusion, Coastkeeper commends the Regional Board for issuing a draft priority list for 2015. However, Coastkeeper suggests that the list "appears to be a list of priorities from the perspective of regulated entities...and not the people who reside and recreate in the Regional Board's jurisdiction. The apparent focus on "reviewing", "reconsidering" and "revising" concerns Coastkeeper insofar as the document can be read as a plan for "regulatory retrenchment and/or retreat." Coastkeeper recommends a reorganization of the list and the addition of other items that emphasize the improvement of water quality over time (including the items identified in comment b., above).

Response:

Board staff appreciates Coastkeeper's effort to protect and improve the environment and the time taken to provide detailed comments and recommendations. However, we disagree strongly with the suggestion that the list is based on the priorities and interests of regulated entities, rather than the interests of the environment or the general public.

The proposed list is intended to reflect Board staff's professional judgment of the issues that need to be addressed to assure that Basin Plan water quality and beneficial uses are protected, and that requirements based on the Basin Plan standards are legally and scientifically justified. The proposed list respects the significant amount of work that is already underway by Regional and State Board staff, and the stakeholders. Proceeding in this way promotes the efficient use of resources. "Reviewing", "reconsidering" and "revising" are the very essence of the Triennial Review process, not a method for retrenchment or retreat.

Woelfel, David@Waterboards

From: Peng, Jian <Jian.Peng@ocpw.ocgov.com>
Sent: Monday, June 15, 2015 4:23 PM
To: Cross, Wanda@Waterboards; Woelfel, David@Waterboards
Cc: Crompton, Chris
Subject: RE: OCPW Discussion of Triennial Review

Wanda and Dave,

Since this is the first time for me to work on the triennial review for Region 8, I am not very familiar with the process. I just want to point out our priorities are fairly well aligned with those listed on the Priority List.

We support all top five priorities: Rec standards for inland surface water; rec standards for bays and estuaries; Newport Bay FC TMDL reconsideration; Newport Bay Se TMDL; and Newport Bay Se SSO.

My main questions are as follows:

1. For the bracketed resources (i.e. those provided by non-Basin Planning staff), can I assume that they will not consume Basin Planning resources for triennial review and will not need the Board to assign staff resources? This is significant in terms of how many issues can be worked on. If Basin Planning staff works only on non-bracketed priorities, the top 19 issues can be worked on; otherwise the number will reduce to just top 5 issues.
2. In terms of process, I assume you will shorten the list and have your Board to approve the list in order to assign the staff resource for the issues on the list. Do you need us as stakeholder to speak in support of the list to ensure the Board approves it?

I would be happy to discuss once you have time prior to the meeting at SAWPA.

Thanks and see you both Thursday!

-Jian

Jian Peng, PhD || Chief, Water Quality Planning || (714) 955-0650 (O) || (714) 640-7991 (M) || OCWatersheds.com

From: Cross, Wanda@Waterboards [mailto:Wanda.Cross@waterboards.ca.gov]
Sent: Thursday, May 28, 2015 12:54 PM
To: Woelfel, David@Waterboards; Peng, Jian
Subject: RE: OCPW Discussion of Triennial Review

Hello Jian,

I understand you left Dave Woelfel a voicemail regarding the Triennial Review (TR). You and I talked last week about some possible ways the County could help with the work identified in the TR priority list, and staff attending the stakeholder workshop on June 18. Can you also send us your written comments prior to the TR workshop? Depending upon those comments, we may want still to talk with you prior to the workshop.

Thanks,
Wanda

Wanda M. Cross

Consider Revision to the TDS Requirements under Severe Drought Conditions. Will require temporary waiver or change in Compliance Determination for Waste Discharge Requirements and NPDES permit limitations.

On January 17, 2014, Governor Jerry Brown declared a drought emergency officially recognizing that California is in an extended dry period and water supplies are limited. Almost every area of California had record-low rainfalls in 2013, 2014, and 2015. California's drought condition has had adverse impacts on the salinity levels in source waters for several agencies within the Santa Ana Regional Water Quality Control Board jurisdiction. As the salinity rises in source water it results in commensurate increases in the salinity or total dissolved solids (TDS) concentrations in the recycled water produced for reuse or discharge into the Santa Ana Region. Complying with the TDS objectives for both groundwater and surface water discharges can be challenging during severe drought conditions. Temporary relief from these regulations may be required and reasonable due to the limited state-wide and regional water supply availability of low TDS supply water.

Most of the water agencies located within the Santa Ana Region, obtain their water supply from local and imported water resources. Those agencies that purchase imported water have experienced a change in the source water available through Metropolitan Water District (MWD). In response to the severe drought and for sustainability, MWD has increased their supply from the Colorado River Water (CRW) and reduced their supply from the State Project Water (SPW). The salinity concentration in the CRW is significantly higher than SPW. In addition, the SPW salinity has also increased and is nearly 80 mg/L higher in concentration than its average value. The higher TDS in the source water is passed through the wastewater treatment facilities into the recycled water.

As a result of these source water changes, the recycled water produced in the Santa Ana Region has elevated TDS concentrations making compliance with current TDS objectives challenging. Recycled water programs have continued to grow in the Santa Ana Region and this source of water is relied upon to irrigate parks, schools, and agriculture. It is a vital part of the agencies water portfolio, especially during drought conditions because it is a drought-proof resource. The agencies would like to explore alternative TDS compliance criteria to protect and sustain recycled water as a viable water source during severe drought. In addition, the Santa Ana Regional Board is also encouraged to consider Maximum Benefit Demonstrations for groundwater basins to create additional assimilative capacity for TDS and to expedite the approval process of such efforts. It is requested that the Santa Ana Regional Board work with interested agencies on the development of a course of action, possibly a basin plan amendment that would address the salinity impacts that may arise during severe drought conditions.

IRVINE RANCH WATER DISTRICT 15600 Sand Canyon Ave., P.O. Box 57000, Irvine, CA 92619-7000 (949) 453-5300

July 2, 2015

Via Email: Wanda.Cross@waterboards.ca.gov

Ms. Wanda Cross, Senior Environmental Scientist
California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348

RE: Draft 2015 Triennial Review Priority List

Dear Ms. Cross:

The Irvine Ranch Water District (IRWD) appreciates the opportunity for public comment and participation in the development of the Draft 2015 Triennial Review Priority List (Draft List) that will be considered by the Santa Ana Regional Water Quality Board (Regional Board) for adoption. Currently, the 2015 Draft List has several carry order items on it from the previously approved Triennial Review List. IRWD would like to express its continued support to keep, *Issue No. 18 – Consider revision of total dissolved solids objectives for Rattlesnake, Syphon and Sand Canyon reservoirs based on use for storage of recycled water*, on the 2015 Draft List.

IRWD has, and continues to effectively manage the salinity within our service area to meet TDS water quality objectives at the recycled water reservoirs. We are in the process of completing a Salt Management Plan that will identify management strategies, cost estimates for implementing recommended actions and provide recommendations for policies that may be considered to manage recycled water salt concentrations throughout the District under both current and future conditions.

Changing source water conditions, and water conservation practices, can impact the TDS concentrations of the sewage treated at IRWD's Recycled Water Plants. During the ongoing drought, and implementation of mandatory potable water conservation regulations, the ability for IRWD to fully operate and store recycled water, while complying with all regulations and water quality objectives, is critical. Due to current and future conditions that could impact the TDS of IRWD's recycled water and ability to discharge to our reservoirs, IRWD requests that Issue No. 18 remain on the 2015 Draft List. As emphasized by Regional Board staff in the June 19, 2015 Stakeholder meeting, IRWD is aware that issues on the approved Triennial Review List may not necessarily result in an amendment to the Santa Ana River Basin Plan (Basin Plan). Furthermore, IRWD recognizes that we may need to commit our own resources if we wish for this issue to result in an approved amendment to the Basin Plan.

Irvine Ranch Water District appreciates the efforts of the Basin Planning staff to develop the Draft 2015 Triennial Review Priority List, and would like to thank the Regional Board for considering our comments.

Please do not hesitate to contact me at (949) 453-5325 or Lyndy Lewis at (949) 453-5832 if we can be of assistance to you or your staff.

Sincerely,

Fiona M. Sanchez
Director of Water Resources

DIRECTORS
PHILIP L. ANTHONY
DENIS R. BILODEAU, P.E.
SHAWN DEWANE
JAN M. FLORY
CATHY GREEN
DINA NGUYEN
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ORANGE COUNTY WATER DISTRICT

ORANGE COUNTY'S GROUNDWATER AUTHORITY

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PHILIP L. ANTHONY

General Manager
MICHAEL R. MARKUS, P.E., D.WRE

July 6, 2015

Mr. Dave Woelfel
Ms. Wanda Cross
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501

RE: 2015 Triennial Review of the Water Quality Control Plan – Santa Ana River Basin (Basin Plan)

Dear Mr. Woelfel and Ms. Cross:

Thank you for the opportunity to comment on the "Draft Priority List of Basin Planning Issues to be Considered During the Next 3 Years."

The Orange County Water District (OCWD, District) was established by the State of California in 1933 to manage the Orange County Groundwater Basin. Water produced from the basin is the primary water supply for approximately 2.4 million residents in Orange County. OCWD maintains and operates facilities in the cities of Anaheim and Orange to recharge surface water into the groundwater basin. Santa Ana River baseflows and stormflows provide the majority of the water supply used to recharge the basin. As such, maintaining the quality of Santa Ana River water is important to protect the water quality of the Orange County Groundwater Basin.

The Basin Monitoring Program Task Force (Task Force) was formed in response to adoption of Resolution No. R8-2004-0001. This amendment to the Basin Plan created the Total Dissolved Solids and Nitrogen Management Plan for the Santa Ana Watershed. The Task Force is charged with the responsibility to implement this watershed-wide salt management plan. OCWD considers this effort to be vital for the protection of Orange County's water supply. Region Board staff has provided consistent and valuable support that has played a major role in the successful work of the Task Force. We appreciate this support and urge the Regional Board to continue to provide staff support for this effort. Included in the draft Triennial Review list is to update the salt management plan, Issue No. 10. We support this item to be included as part of the Triennial Review and thank you for continuing to make this a priority.

PO Box 8300
Fountain Valley, CA 92728-8300

18700 Ward Street
Fountain Valley, CA 92708

(714) 378-3200
(714) 378-3373 fax

www.ocwd.com

Sincerely,

Michael R. Markus, P.E., D.WRE, BCEE, F.ASCE
General Manager

ORANGE COUNTY
COASTKEEPER®
3151 Airway Avenue, Suite F-110
Costa Mesa, CA 92626
Phone 714-850-1965
Fax 714-850-1592
www.coastkeeper.org

July 08, 2015

Sent via E-mail: david.woelfel@waterboards.ca.gov

Santa Ana Regional Water Quality Control Board
Attention: Dave Woelfel
3737 Main Street, Suite 500
Riverside, California 92501-3348

Re: 2015 Triennial Review of the Water Quality Control Plan – Santa Ana River Basin Plan (Basin Plan)

Dear Mr. Woelfel:

Orange County Coastkeeper ("Coastkeeper") is a nonprofit clean water organization located in Costa Mesa, California. Our mission is to protect and promote sustainable water resources that are drinkable, fishable, swimmable, and sustainable. Coastkeeper appreciates the opportunity to comment on the Draft Priority List of Basin Planning Issues to be Considered during the Next 3 years ("Draft Priority List"). We hope that you will take our comments into consideration before presenting staff's recommended Draft Priority List to the Regional Board for approval.

I. General Comments

Coastkeeper's overarching concern is that it has been almost ten years since the last triennial review. We feel it is important that the Regional Board make a commitment to complete triennial reviews in a regular basis as required by state and federal law. While we support the 2015 update, a commitment by the Regional Board to review the region's priorities is required to accurately reflect changed conditions and respond to contemporary issues. Also, the Draft Priority List contains some priorities that are not related to a general updating of the Basin Plan and should be done outside of the scope of the triennial review.

II. Priority Items

Coastkeeper acknowledges the limitations placed on regulatory agencies and the need to prioritize scarce resources by focusing on those problems that are both significant and resolvable. From our perspective, the Draft Priority List contains two types of projects: those that update the Basin Plan for items that can be completed in a timely manner; and other projects that consume staff time, have few results, and are best considered for the next triennial review. For those projects that fall within the second category, Coastkeeper recommends either eliminating those priorities from the Draft Priority List, or shifting those items to a lower priority in order to resolve other important items within this three year period. As such, Coastkeeper recommends retaining items 1a, 1b, 6-18, 20-21, 23 and 25 as priorities and either eliminating the other items from the Draft Priority List or moving those items to the lowest priority.

In addition to the items detailed in the Draft Priority List, Coastkeeper suggests adding the implementation of the Amendments to Statewide Water Quality Control Plans for Trash ("Statewide Trash Policy"), renewal of the Sector-Specific General Permit for Storm Water Runoff Associated with Industrial Activities from Scrap Metal Recycling Facilities within the Santa Ana Region (R8-2012-0012)("Sector Permit"), and the designation of State Water Quality Protection Areas for existing Marine Protected Areas ("SWQPA designation") be added as priorities.

These proposed items are either stated priorities from the State Water Resources Control Board or permits that will expire during the next three years. Each of these priorities can also be completed within a reasonable amount of time. Coastkeeper recommends reprioritizing the Draft Priority List to include the Statewide Trash Policy as the first priority, the Sector Permit as the fourth priority, and the SWQPA designation as the fifth priority. A full reprioritization of the Draft Priority List is attached to this letter.

III. Non Triennial Review items

Then there are a several projects that appear to be TMDL re openers or deletions related to impending or already missed TMDL deadlines. For instance, items 2 and 3 regarding the Fecal Coliform TMDL for Upper Newport Bay. The existing TMDL should not be withdrawn and its existing requirements should be enforced until new criteria and an associated TMDL are developed. The December 2014 compliance deadline in this TMDL has already been missed, that is not a reason to prioritize withdrawing the TMDL. Coastkeeper supports the development of new bacteria objectives for Newport Bay based on the 2012 USEPA recommendations, but not to the detriment of Newport Bay.

Draft Priority List item 19's proposed revision of the shellfish objective should not be included as a priority. Shellfish in the region do not meet the existing objectives for human consumption. In fact, shellfish have not been legally harvested in the Upper Newport Bay since the 1970s. The proposed revision attempts to circumvent shellfish protections in the existing TMDL through the triennial review process rather than through a well-developed stakeholder plan to restore a once viable shellfish fishery. There is a high demand for shellfish for human consumption in the region. This is evidenced by the creation of a large shellfish aquaculture project offshore of Orange County. The reason there is little harvesting of local shellfish for food is the fear of pollution impacting their quality. The existing objectives should be kept and enforced until new statewide objectives are completed. Prioritizing the shellfish beneficial use definition is best addressed in future triennial reviews as our Region has more significant problems to resolve than redefining terms that allow for the potential weakening of water quality protections.

Some projects should be dropped from the list completely. This applies to item 1c. Coastkeeper worked with stakeholders to complete a decade long effort to create new freshwater bacteria standards for the region. The result is a set of standards that all parties agreed on and is site specific. Re-opening this issue via item 1c threatens to unnecessarily antagonize stakeholders and federal regulators on an issue that many thought had been concluded. Critics of this priority, identified as a subpart of the highest priority for the Regional Board during the next three years, could reasonably interpret this item as an attempt to avoid the impending 2015 dry weather deadline for the Middle Santa Ana River TMDL and a mechanism for developing new loopholes than to achieve statewide conformity.

Another example of items that should not be included in the Draft Priority List are items 4 and 5: the proposed Selenium TMDL and SSO's. This TMDL has been in development for over ten years with little progress since 2010. In that time, the entire environmental community has withdrawn from the failed stakeholder process and Coastkeeper believes the proposed TMDL has little chance of being approved by

the USEPA. This issue is currently being addressed by a Time Schedule Order and should continue under that Order.

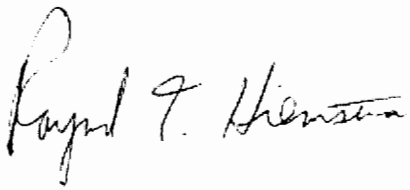
Item 24 of the Draft Priority List, Review of the Chemical Oxygen Demand objectives for inland surface waters, should also be deleted from the list. This objective was created for valid reasons and there are no existing new reasons known to Coastkeeper justifying an "update." Reviewing or updating objectives without substantial justification at the expense of including other priorities not currently on the Draft Priorities List is not an efficient use of scarce resources.

Coastkeeper commends the Regional Board on issuing a Draft Priority List for 2015. The regular circulation of Draft Priority Lists is something Coastkeeper looks forward as a vehicle for the public to influence the focus of regulators on issues that are of importance to us. Unfortunately, the Draft Priority List appears to be a list of priorities from the perspective of regulated entities, such as counties and cities, and not the people who reside and recreate in the Regional Board's jurisdiction. The Regional Board's focus on "reviewing," "reconsidering" and "revising," concerns Coastkeeper insofar as the document can be read as a plan for regulatory retrenchment and/or retreat. Coastkeeper supports and recommends a reprioritization of the Draft Priority List and the addition of other items that emphasize the improvement of water quality over time. The public wants the restoration and protection of water bodies and their beneficial uses, not the revision of the definition of those uses as with the shellfish priority that could reasonably result in the weakening of regulations affecting the restoration of shellfish harvesting in Upper Newport Bay.

When reviewing the Draft Priority List, Coastkeeper asked itself, "will this issue improve water quality?" Too often the answer was no. Consequently, Coastkeeper reprioritized the items and deleted those considered by us to be allowing for weakened requirements or less accountability. The reprioritized list includes some new items that are significant to the region and important to improve water quality.

In conclusion, Coastkeeper appreciates the opportunity to submit these comments to the Regional Board. We greatly value or relationship with the Regional Board and our ability to work collaboratively on a variety of issues. Please feel free to contact me directly at 714-850-1965 ext. 304 or at ray@coastkeeper.org with any questions or concerns you may have.

Thank You,



Ray Hiemstra
Associate Director
Orange County Coastkeeper

Amended Draft Priority List

New Priority	Old Priority	Abbreviated Description
1	N/A	Statewide Trash Policy
2	6	Develop/consider a TMDL BPA for metals in Newport Bay.
3	7	Develop/consider a bacteria indicator (E. coli) TMDL for Knickerbocker Creek
4	N/A	Sector Permit Renewal
5	N/A	SWQPA for MPAs
6	1	Recreation Standards for Inland Surface Waters (1.a.)
7	23	Review ammonia objectives for freshwater based on 2013 USEPA national criteria
8	11	Participate with SB staff to develop a biological integrity assessment implementation plan. Incorporate the new plan in to the Basin Plan
9	12	Review BU designations and reach descriptions for waters listed in Table 3-1.
10	13	Add the following waters to Table 3-1 and 4-1

11	14	Add adopted Basin Plan Amendments to the electronic Basin Plan
12	15	Reconsider Nutrient TMDLs for Canyon Lake/Lake Elsinore
13	16	Review and revise Big Bear Lake WQS and Nutrient TMDL.
14	17	Restructure Basin Plan to place all adopted TMDLs in Chapter 6.
15	18	Revise TDS objectives for Rattlesnake, Syphon, and Sand Canyon reservoirs based on use for storage of recycled water
16	20	Add digital maps to the Basin Plan showing surface and ground waters and the WQS that apply to them.
17	21	Update and revise Basin Plan narrative program/policy discussions.
18	1	Recreation Standards for Inland Surface Waters (1.b.)
19	25	Prepare/Administer the 2015 Triennial Review

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Valley
Municipal
Water
District

Inland
Empire
Utilities
Agency

June 18, 2015

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

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

Dear Mr. Berchtold:

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).[1] 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.[2]

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.[3] 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.

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.

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[1] 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.

[2] Seasonal water quality monitoring reports are regularly submitted by the Task Force to the Regional Board.

[3] 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.[4] 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.[5] 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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[4] Res. No. R8-2012-0015 for Riverside Co. Res. No. R8-2012-0016 for San Bernardino Co. Feb. 10, 2012.

[5] 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

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 are 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

Lake Elsinore & San Jacinto Watersheds Authority

City of Lake Elsinore • City of Canyon Lake • County of Riverside
Elsinore Valley Municipal Water District • Santa Ana Watershed Project Authority

June 18, 2015

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

RE: Petition to Reopen and Revise the Lake Elsinore and Canyon Lake Nutrient TMDL

Dear Mr. Berchtold:

In 2004, the Santa Ana Regional Water Quality Control Board ("Regional Board") adopted a Total Maximum Daily Load (TMDL) for Nutrients in Lake Elsinore and Canyon Lake (LECL).[1] Shortly thereafter, the Lake Elsinore San Jacinto Watershed Authority formed a Task Force to develop a coordinated compliance strategy for the numerous stakeholders named in the TMDL. In the years since, these stakeholders have:

1) Established a comprehensive water quality monitoring program.[2]
2) Prepared and submitted a Sediment Nutrient Reduction Plan for Lake Elsinore.[3]
3) Installed a large-scale aeration and mixing system in Lake Elsinore.
4) Initiated a fishery management program to reduce carp & shad in Lake Elsinore.
5) Applied more than 340 tons (330,000 gallons) of alum in Canyon Lake.
6) Dredged nearly 20,000 cubic yards of nutrient-rich sediment from Canon Lake.
7) Constructed or rehabilitated 200 acres of wetlands adjacent to Lake Elsinore.
8) Provided nearly 50,000 acre-feet of reclaimed water to stabilize Lake Elsinore.
9) Installed numerous BMP projects throughout the watershed.
10) Updated and recalibrated the watershed runoff models.[4]
11) Developed dynamic models to simulate and predict water quality in both lakes.
12) Prepared and submitted a Comprehensive Nutrient Reduction Plan (CNRP).[5]
13) Sponsored more than a dozen public workshops and conferences to promote greater understanding and support for TMDL projects in the watershed.

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[1] Res. No. R8-2004-0037 (Dec. 20, 2004); subsequently approved by the State Water Resources Control Board on May 19, 2005 and by the Office of Administrative Law on July 26, 2005. U.S. EPA provided final approval for the TMDL on September 30, 2005.

[2] Approved by the Regional Board on March 3, 2006 (Res. No. R8-2006-0031)

[3] Approved by the Regional Board on November 30, 2007 (Res. No. R8-2007-0083)

[4] TetraTech, Inc. San Jacinto Watershed Model Update - Final (2010). October 7, 2010.

[5] Approved by the Regional Board on July 19, 2013 (Res. No. R8-2013-0044). A similar NMP was prepared and submitted by the agricultural stakeholders in April, 2013 and is pending Regional Board approval.

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Collectively, these efforts have significantly reduced the total phosphorus concentrations in both lakes. And, we are beginning to observe measurable improvements in the average chlorophyll-a (algae) levels as well. All of the projects originally proposed in the Sediment Nutrient Reduction Plan have been or are being implemented. While there is no question that the prior projects were successful, the lakes have not yet fully attained the applicable water quality standards and more effort may be required. But, first, the TMDL must be updated.

In the decade since the LECL-TMDL was first enacted, a great deal of new data has been developed. This information has fundamentally transformed our understanding of how nutrient loading affects the lakes under both natural, undeveloped and current land use conditions. The scientific studies commissioned by the Task Force have shown conclusively that many of the modeling assumptions used to develop the original TMDL were not accurate; specifically:

1) Subsidence and storage in Mystic Lake was significantly underestimated.
2) Agricultural land use was significantly overestimated.
3) Nutrient decay cycles were significantly underestimated.
4) Discharges from CAFOs were significantly overestimated.
5) Natural variations in precipitation were not adequately characterized.
6) Natural salinity restrictions on algae-foraging zooplankton were not considered.
7) Nitrogen reduction effectiveness of aeration and mixing was not yet known.
8) TMDL calculations improperly assumed a static level (1240') for Lake Elsinore.
9) Mixing between the main body and East Bay of Canyon Lake was overestimated.

In addition to the numerous technical revisions needed, the TMDL must also be updated to account for several new regulatory policies and permits enacted in the last ten years:

1) On-site retention requirements for new urban development or redevelopment.
2) Comprehensive new statewide requirements for septic systems.[6]
3) Exemption of parcels <20 acres from the Conditional Waiver for Ag Discharges.
4) Recent reauthorization of the Deminimus Discharge permit.[7]
5) The Comprehensive Nutrient Reduction Plan (CNRP) and AgNMP.
6) U.S. EPA's revised 304(a) criteria for ammonia.[8]
7) State Board's Policy for Compliance Schedules in NPDES Permits.[9]
8) AB1881; Model Water Efficient landscape ordinance (Statewide).

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[6] Water Quality Control Policy for Siting, Design, Operation and Maintenance of On-site Wastewater Treatment Systems (OWTS). Res. No. 2012-0032 adopted June 19, 2012.
[7] NPDES Permit No. CAG 998001.
[8] 78 Fed. Reg. 163, 52192 (August 22, 2013)
[9] Res. No. 2008-0025 (April 15, 2008)

Finally, some of the TMDL targets and implementation requirements should be re-stated to provide the clarity needed to assess compliance:

1) More precise temporal averaging periods and definitions are required.
2) More precise spatial averaging periods should be specified.
3) Exceptions based on the natural exceedance frequency expected for the pre-development land use condition should be defined.
4) The WLA and LA should not assume the existence of any particular mitigation project (e.g. aeration/mixing system) without imposing a corresponding obligation to implement such a project.

The long list of recommended improvements is not intended to suggest that the original TMDL was defective or deficient at the time it was adopted. Rather, this list demonstrates just how much more we know today than we knew 11 years ago. This is not unusual or surprising and is the principle reason that federal and state regulations require that all TMDLs be periodically reviewed and updated.

Therefore, by this petition, the members of the LECL-TMDL Task Force respectfully request that the Regional Board formally initiate the process to reopen and revise the Nutrient TMDL for Canyon Lake and Lake Elsinore. The Task Force will continue to work closely with Regional Board staff, and is prepared to provide substantial technical and financial support, to undertake this effort.

The Task Force is ready to begin updating the TMDL immediately and requests that the Regional Board designate this effort as a "High Priority" during the forthcoming Triennial Review process. A suggested timetable is presented below:

Task	Description	Deadline
1	Contract with consultants to develop revised TMDL	Oct., 2015
2	Annotated outline for the revised TMDL	Dec., 2015
3	Revised causal and response targets	Apr., 2016
4	Revised source loading analysis	June, 2016
5	Revised TMDL, WLA & LA	Aug., 2016
6	Phase 2 Implementation Plan	Oct., 2016
7	Draft TMDL	Dec., 2016
8	Final TMDL (w/ CEQA documentation)	Mar., 2017
9	Regional Board hearing	June, 2017
10	State Board hearing	Dec., 2017
11	OAL Review	June, 2018
12	EPA Review	June, 2019

This is an aggressive schedule but the Task Force believes it is achievable because most of the technical studies are or will be done by the end of this calendar year. Because the Basin Plan must be revised in order to update the TMDL, the State Board and U.S. EPA must also approve any such amendments. Based on recent experience with the bacteria Basin Plan amendments, the regulatory review process will require a minimum of two years to complete after the draft documents are submitted to the Regional Board for consideration. Therefore, this project must commence immediately in order to conclude before the final compliance deadlines specified in the current TMDL take effect at the end of 2020.

Thank you for your consideration. The Task Force looks forward to continuing our productive partnership with the Regional Board to achieve are mutual goal of improving water quality and protecting beneficial uses in Canyon Lake and Lake Elsinore.

Respectfully,

Mark Norton

Mark Norton PE, LEED AP, ENV SP
LESJWA Administrator
Lake Elsinore and Canyon Lake TMDL Task Force Administrator