

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF MAY 22, 2014

Prepared on April 14, 2014

ITEM NUMBER: 17

SUBJECT: Triennial Review 2014 Process

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This item presents a brief discussion of issues that may interest the Board. Upon request, staff can provide more detailed information about any particular item.

THIS ACTION: Informational

Summary

The Central Coast Regional Water Quality Control Board (Central Coast Water Board) plans to conduct the 2014 Triennial Review of the Water Quality Control Plan for the Central Coast (Basin Plan).

The purpose of the Triennial Review is to identify necessary or desired amendments to the Basin Plan, and prioritize those that are most important and can be implemented in the next three-year period with the personnel and other resources available to the Central Coast Water Board for planning, policy development and standard-setting. The Central Coast Water Board's Triennial Review will identify Basin Plan amendment projects based on the priority water quality issues for the Central Coast Region.

Staff is currently preparing a preliminary list of Basin Planning issues for consideration and prioritization in the upcoming Triennial Review. The purpose of this list is to encourage input from staff and interested parties to assist the Central Coast Water Board in prioritizing Basin Plan amendment projects that will best address the water quality needs of the Central Coast Region.

Background

Both state and federal laws mandate the periodic review and update of basin plans. Federal law [CWA section 303(c)(1)] requires that a State's water quality standards be reviewed every three years. The last Triennial Review was completed in September 2009.

In California, water quality standards include designated beneficial uses for surface and groundwaters, narrative or numeric water quality objectives to protect those beneficial uses, and a provision to protect high quality waters from degradation to the minimum level allowed by the objectives (i.e., antidegradation). The Basin Plan also includes implementation plans for water quality objectives, consisting of various regulatory programs. Basin Plans fulfill statutory requirements for water quality planning in California Water Code (CWC) section 13240 and the federal Clean Water Act (CWA) section 303(c).

Any changes to the Basin Plan must be approved by the Central Coast Water Board, the State Water Resources Control Board, and the Office of Administrative Law. Surface water standards also require the approval of the United States Environmental Protection Agency (USEPA) to become effective.

The Basin Plan was initially adopted by the Central Coast Water Board in 1975, and has periodically been revised. The objective of the Basin Plan is to “show how the quality of surface and groundwaters in the Central Coastal Basin should be managed to provide the highest water quality reasonably possible” (Basin Plan, Chapter 1, Section I).

Basin Plan Triennial Review Process

The federal Clean Water Act (Section 303(c)) requires states to hold public hearings for review of water quality standards at least once every three years. The Porter-Cologne Water Quality Control Act requires the Water Board to review the entire Basin Plan periodically. While a major part of the review process consists of identifying outdated standards or plans and gaps, an important part of the review is also the reaffirmation of those portions of the plan that are current and effective.

The Basin Plan Triennial Review process generally includes a public workshop, a public comment period, and a public hearing. At the conclusion of the public comment period, Central Coast Water Board staff will present to the Central Coast Water Board, in a public hearing, a list of priority issues to be evaluated in the future as Basin Plan amendments.

The priority list will identify the priority issues that can be completed within existing resource allocations over a three-year period and a secondary list of issues requiring additional resources to complete. The issues approved by the Central Coast Water Board to be placed on the priority list will prompt Central Coast Water Board staff to investigate the need for a Basin Plan amendment; it does not necessarily mean that a Basin Plan amendment will subsequently be made, for example if the issue can be addressed through an existing implementation program or if staff assesses the need for additional information to determine the appropriate numeric threshold for a new water quality objective.

The 2009 Triennial Review

The 2009 Triennial Review List consisted of 13 priority issues. These 13 priority issues are listed below and can also be viewed at the Central Coast Water Board's Triennial Review website

(http://www.waterboards.ca.gov/centralcoast/publications_forms/publications/basin_plan/triennial_review/).

1. Vision Framework
2. Biostimulatory Substances Objective Revision
3. Aquatic Life Protection
4. Watershed Protection
5. Groundwater Recharge Area Protection
6. Aquatic Habitat Protection / Riparian Buffer Zone Protections
7. Revision of Groundwater Objectives
8. Comprehensive Basin Plan Editorial Revisions
9. Designation of Beneficial Uses
10. Groundwater Basin Configurations Update
11. Bacteria Objectives Revision for E. coli in Freshwater
12. Bacteria Objectives Revision for Enterococcus in Saline Waters
13. Tributary Rule

Since 2009, Regional Board staff has made measured progress on several of these issues (Vision Framework, Watershed Protection, Comprehensive Basin Plan Editorial Revisions, Groundwater Basin Configurations Update). In addition, State Board staff, working with *ad hoc* Regional Board technical advisory committees or roundtables, has made progress on some of the 2009 priority issues (Biostimulatory Substances Objective Revision, Bacteria Objectives Revision for *E. coli* in Freshwater).

For the 2009 Triennial Review List, staff projected that the Central Coast Water Board had adequate resources to complete the first six projects in the subsequent three years at the level of resources that existed then, about two personnel years, and based on other Central Coast Water Board program priorities. Although staff completed some data collection and preliminary analyses to support several additional projects, this level of effort was less than expected. Staff completed fewer Basin Plan amendment projects than expected from the 2009 Triennial Review List because of staff losses and the realigning of programs and priorities associated with the Central Coast Water Board's Vision, e.g., resources to support the new Irrigated Lands Regulatory Program.

This experience will be informative for prioritizing the new list of projects, again, based on the current level of resources (still about two personnel years) and other Central Coast Water Board program priorities.

Basin Plan Amendment Procedure

Once the Basin Plan Triennial Review process is complete, Water Board staff determines the need for a Basin Plan amendment. Additionally, Basin Plan amendments can also occur for issues not identified during the Basin Plan Triennial Review. For example, amendments can occur for urgent issues to reflect new legislation.

Basin Plan Amendments are typically prepared by implementing the following:

- Staff analysis and assessment to determine if and what proposed changes need to be made to any water quality standards (e.g., water quality monitoring data to inform a new numeric threshold);
- Stakeholder input, conceptual review of the analysis and results;
- Staff preparation of a draft technical project report supporting proposed changes;
- Scientific Peer Review of the basis and conclusions for changes;
- Environmental Impact Analysis of implementing changes;
- Public Comment; and
- Public Hearing.

Basin Plan amendment hearings are advertised to the public in areas affected by the amendment or throughout the region. Basin Plan amendments become effective when they are approved by the Central Coast Water Board, the State Water Resources Control Board, and the California Office of Administrative Law. Surface water standards also require the approval of the United States Environmental Protection Agency (USEPA) to become effective.

2014 Triennial Review Schedule

The 2014 Triennial Review Process will be launched the summer of 2014. The following is an approximate schedule for implementation of the process:

Stakeholder involvement- solicitation of new issues and comment on current Triennial Review List issues from Central Coast Water Board staff	April – May 2014
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and Board members, and other interested parties;	
Staff preparation of a Draft Staff Report and Prioritized List of Basin Plan Issues;	June 23, 2014
Public workshop describing the draft list and soliciting public comments;	July 22, 2014
Public comment period;	July 14, 2014-August 29, 2014
Staff preparation of a Revised Draft Staff Report and Prioritized List of Basin Plan Issues considering public comments; and	September 26, 2014
Public hearing for The Central Coast Water Board to approve a Prioritized List of Basin Plan Issues as the Triennial Review List.	November 13, 2014

Public input is an important part of the Triennial Review Process. The preliminary stakeholder solicitation of input will initiate identification and prioritization of issues. The public workshop will both provide information to and solicit comments from interested parties regarding the Basin Plan Triennial Review. In addition, interested parties also have an opportunity to submit written comments during the 45-day comment period. Staff will incorporate public comments into a Staff Report and Prioritized List of Basin Plan Issues, and present that report to the Central Coast Water Board for approval at a subsequent public hearing.

Once the Prioritized List of Basin Plan Issues is adopted, staff will begin to address each issue as a Basin Plan amendment project (which might not result in a proposed Basin Plan amendment, as discussed above). The priority list will identify the priority issues that staff estimates can be completed within existing resource allocations over a three-year period. As such, staff will develop a project charter and project workplan, in coordination with other Water Board activities and programs for each Basin Plan amendment project.

The Central Coast Water Board will base the 2014 Triennial Review List on consistency with the Central Coast Vision of Healthy Watersheds, understanding of current water quality conditions and regulatory programs, and review of the Basin Plan to insure staff pursues amendments to the Basin Plan that will "show how the quality of surface and groundwaters in the Central Coastal Basin should be managed to provide the highest water quality reasonably possible" (Basin Plan, Chapter 1, Section I).