



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

AUG 03 2015

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

Dear Mr. Berchtold:

This letter is in response to your letter dated June 11, 2015, requesting clarification on aspects of our April 8, 2015 action letter regarding *Amendments to the Water Quality Control Plan for the Santa Ana River Basin to Revise Recreational Standards for Inland Fresh Waters in the Santa Ana Region*.

Listed below are the Santa Ana Regional Water Quality Control Board's (RB8) specific issues, and the Environmental Protection Agency Region 9's (EPA R9) responses.

### Issue 1

#### **Use of the term "Existing" vs "Existing or Potential."**

In the amendment, RB8 modified the definition of the term "X" from "present or potential" to "existing or potential." In EPA's action letter we referred to "X" as only "existing." RB8 requests confirmation that EPA approves the X beneficial use designations for the waterbodies listed as "existing or potential uses."

**Response:** EPA R9 understands that the designation "X" is now defined as "existing or potential." Our April 8, 2015 action letter referred to the removal of the "existing" beneficial use of REC1 for Cucamonga Creek, Reach 1. EPA R9 clarifies that we intended to approve the removal of the "designated" beneficial use of REC1, and not the removal of an "existing" use for Reach 1 of Cucamonga Creek.

### Issue 2

#### **Disapproval of exemption from REC2: Santa Ana Delhi Channel Reach 1, and Disapproval of removal of REC2: Cucamonga Creek Reach 1 and Temescal Creek Reach 1b.**

RB8 is concerned that EPA R9 disapproved the exemption of the REC2 beneficial use in the Santa Ana Delhi Channel Reach 1, and the removal of the REC2 use in Cucamonga Creek Reach 1 and Temescal

Creek Reach 1b, in order to retain some protections for downstream REC1 uses. RB8 agrees that downstream areas should be protected, and reminds EPA R9 that there are efforts underway to address the protection of downstream, and that they have near-term implementation of various control measures. RB8 points out that the above mentioned efforts are not driven by the REC2 designation, but are driven by the downstream REC1 uses. RB8 and the dischargers understand that they are obligated to protect downstream uses.

RB8 requests that EPA R9 provide a statement that "...had the [BMP] facilities been built and operating, USEPA would have approved the de-designations ...". Additionally, RB8 requests that EPA R9 "... explicitly identify any further qualifying circumstances that would preclude such further approval [of de-designation of REC2]."

**Response:** At the time of EPA R9's review, there was not sufficient certainty and assurance of the implementation of downstream protection measures. Until such time, in order to protect the Santa Ana Delhi Channel Reach 1, Cucamonga Creek Reach 1, and Temescal Creek Reach 1b, EPA R9 would like to assure that the highest attainable use would remain. Therefore, we maintained the REC2 use for those waters. We are not precluding the possibility of future approval of removal of the REC2 use from those waters. Each amendment will be considered on a case-by-case basis.

### **Issue 3**

#### **Removal of fecal coliform objectives for REC2 lakes and streams; and Removal of total coliform objectives for lakes and streams designated MUN.**

RB8 points out that EPA R9 did not explicitly approve the removal of the fecal coliform objectives for REC2 lakes and streams and removal of total coliform objectives for MUN lakes and streams.

**Response:** EPA R9 approved the adoption of *E. coli* criteria adopted for all fresh waters in the Region (for REC1; and for REC2 in the form of antidegradation targets that will be calculated for REC2-only waters) that replace and supersede fecal and total coliform criteria that were struck out in the Basin Plan Amendment. Therefore, EPA R9's approval included the strikeouts, or the removal of fecal coliform objectives for REC2 lakes and streams and removal of total coliform objectives for lakes and streams designated MUN.

### **Issue 4**

#### **Antidegradation targets for REC2-only waters.**

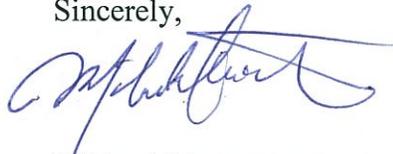
The amendment included antidegradation targets for REC2-only fresh waters and antidegradation targets for REC2-only "other waters." In the action letter, EPA R9 approved the antidegradation targets for REC2-only fresh waters and was silent on the REC2-only antidegradation targets for "other waters."

**Response:** The intent of EPA R9 in approving the antidegradation targets for REC2-only waters was to approve all of the antidegradation targets for REC2-only waters, including REC2-only "other waters"

which, specifically, is the 75<sup>th</sup> percentile *Enterococcus* criteria for the Greenville-Banning Channel Tidal Prism and the Santa Ana Delhi Tidal Prism.

The EPA R9 appreciates the opportunity to clarify our action letter of April 8, 2015. I hope the responses provided in this letter adequately clarify our action on your Board's Basin Plan amendments. If you have any further questions, please contact Janet Hashimoto at (415) 972-3452 or Suesan Saucerman at (415) 972-3522.

Sincerely,



Michael Montgomery  
Acting Director, Water Division

cc: Larry McKinney, SAWPA  
Joanne Schneider, RWQCB8  
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