



March 8, 2019

submitted via E-mail

David Woelfel
Santa Ana Regional Water Quality Control Board
3737 Market St., Ste. 500
Riverside, CA 92501

RE: MSAR Bacteria TMDL Task Force Comments on the 2019 Triennial Review

Dear Mr. Woelfel:

Thank you for the opportunity to provide comments regarding the 2019 Triennial Review. The following comments are submitted on behalf of the Middle Santa Ana Bacteria TMDL Task Force administered by the Santa Ana Watershed Project Authority (SAWPA).¹

Protecting water contact recreational uses has always been among the Regional Board's highest priorities. In 2005, the Regional Board adopted a Total Maximum Daily Load (TMDL) to address elevated bacteria concentration in Reach 3 of the Santa Ana River and two of its largest tributaries (i.e. Chino Creek and Mill-Cucamonga Creek).² During the 2006 Triennial Review process, the Regional Board approved a list of high priority projects including a commitment to update the water quality objectives for pathogen indicator bacteria.³ In 2012, the Regional Board fulfilled that pledge by amending the Basin Plan to revise the bacterial objectives to conform to EPA's recommended water quality criteria.⁴ That Basin Plan amendment was subsequently approved by the State Board in 2014⁵ and by EPA in 2015.⁶

Last year, the State Board amended the Water Quality Control Plan for Inland Surface Waters to establish new statewide water quality standards for pathogen indicator bacteria.⁷ These new standards, which supersede some portions of the Basin Plan amendment previously approved by the Regional Board, are based on EPA's revised Recreational Water Quality Criteria.⁸

¹ <http://www.sawpa.org/task-forces/middle-santa-ana-river-watershed-tmdl-taskforce/>

² Res. No. R8-2005-0001 (Aug. 26, 2005)

³ Res. No. R8-2006-0085 (Dec. 1, 2006)

⁴ Res. No. R8-2012-0001; referring to Ambient Water Quality Criteria for Bacteria - 1986 (EPA440/5-85-002)

⁵ SWRCB Res. No. 2014-0005 (Jan. 21, 2014)

⁶ EPA Letter dated April 8, 2015

⁷ SWRCB Res. No. 2018-0038 (Aug. 7, 2018)

⁸ 77 FR 230, 71191 (Nov. 29, 2012)

As a result of all the important regulatory changes which have occurred over the last several years, the Task Force recommends that the Regional Board designate all of the following initiatives as "High Priorities" for the coming planning period:

- 1) Revise the water quality objectives for pathogen indicator bacteria in the Santa Ana region's Basin Plan to be consistent with those recently approved by the State Board as amendments to the Water Quality Control Plan for Inland Surface Waters. This includes:
 - (a) Imposition of a more stringent geometric mean for E. coli of 100 cfu/100 mL in waterbodies with salinity less than 1 part-per-thousand;
 - (b) Imposition of a new geometric mean for Enterococcus of 30 cfu/100 mL in waterbodies with salinity greater than 1 part-per-thousand and identify exceptions where appropriate;
 - (c) Calculating geomeans over a 6-week, rather than a 30-day, averaging period;
 - (d) Application of Statistical Threshold Values in place of Single Sample Maximums;
 - (e) Addition of the new Limited REC1 beneficial use to Chapter 3 of the Basin Plan;
 - (f) Acknowledgement that the new bacteria objectives do not supersede the existing narrative or site-specific pathogen objectives in the Basin Plan;
 - (g) Deletion of Table 5-REC1-Tiers and Table 5-REC1-SSV and the related narrative from Chapter 5 of the Basin Plan
- 2) Update the Table 5-REC2 Only Antidegradation targets for freshwater waterbodies by:
 - (a) Revising the method for calculating the antidegradation targets for pathogen indicator bacteria, and the computed values, to be consistent with the State Boards 303(d) listing policy and recalculate the targets based on the revised method;
 - (b) Adding Cucamonga Creek-Reach 1 to the table using the revised method.
- 3) Update the Middle Santa Ana River Watershed TMDL for Bacterial Indicators in Chapter 5 of the Basin Plan:
 - (a) Delete the targets, load allocations and waste load allocations that are based on obsolete (fecal coliform) or recently superseded (E. coli) bacterial objectives;
 - (b) Establish new targets, load allocations and waste load allocations that are consistent with the 2018 amendments to the amendments to the Basin Plan;
 - (c) Delete Cucamonga Creek-Reach 1 from the TMDL;
 - (d) Revise compliance deadlines for meeting more stringent bacterial objectives;
 - (e) Develop new TMDL Implementation Plan; reference Comprehensive Bacteria Reduction Plan (CBRP) approach previously approved by the Regional Board;

- (f) Clarify compliance requirements during "wet weather conditions" to be consistent with the new high flow suspension provisions of the Basin Plan; it is essential that these revisions be made before the current TMDL's deadline for wet weather compliance elapses at the end of 2025;
- (g) Add certain "Small MS4s" to the list of permittees named in the TMDL;
- (h) Update TMDL Implementation Plan to include a mechanism for assuring that discharges from commercial agricultural operations comply with the applicable load allocation for pathogen indicator bacteria.

During the 2015 Triennial Review process, the Task Force recommended that the TMDL be updated to ensure consistency with the Basin Plan amendment that was approved by the Regional Board in 2012. However, some key elements of that amendment have since been superseded by the State Board's amendments to the Water Quality Control Plan for Inland Surface Water. So, even though the State Board declared that all previously approved TMDLs remained in full force and effect, reopening the TMDL in order to make the changes needed to reflect the 2012 Basin Plan amendment will also require that all other obsolete elements be addressed at the same time. This includes the new, more stringent numeric water quality objectives for E. coli. Therefore, the Basin Plan must be amended (as described above) before the TMDL can be revised. And, we agree with Board staff that both of these tasks must first be completed in order to update the CBRPs.⁹

The Task Force recognizes that amending the Basin Plan and revising the TMDL will take considerable time and resources. We are committed to work closely with Board staff and provide the technical support needed to complete this effort successfully. In the meantime, and throughout the process, the permittees will continue to diligently implement the current CBRPs. Protecting public health and safety is always our highest priority.

Respectfully submitted,



Risk Sciences

125 New Dawn Rd.
Rockvale, TN 37153
615-274-2745
tmoore@risk-sciences.com

Timothy F. Moore
(on behalf of the MSAR TMDL Task Force)

⁹ Santa Ana Regional Water Quality Control Board. MSAR Comprehensive Bacteria Reduction Plans Audit Report. October, 2018; pg. 8 (see Finding #5B).