



**REGIONAL WATER QUALITY CONTROL BOARD,  
SANTA ANA REGION**

**Fiscal Years 2019-2022 Triennial Review and Work  
Plan of the Water Quality Control Plan for the Santa  
Ana River Basin  
Final Staff Report**

**June 14, 2019**

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## 1. Introduction

The Santa Ana Region includes the upper and lower Santa Ana River watersheds, the San Jacinto River watershed, and several other small drainage areas. The Santa Ana Region covers parts of southwestern San Bernardino County, western Riverside County, and northwestern Orange County. The Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) contains the basis for the Region's regulatory programs. Additionally, the Basin Plan includes water quality standards for surface and ground waters in the Santa Ana Region. The term "water quality standards," as used in the federal Clean Water Act (CWA), includes both the beneficial uses of specific waterbodies and the levels of quality that must be met and maintained to protect those uses. The Basin Plan includes an implementation plan describing the actions by the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board), and others that are necessary to achieve and maintain the water quality standards.

The Porter-Cologne Water Quality Control Act (California Water Code section 13240) and the CWA both mandate the periodic review of basin plans and the water quality standards contained therein. Section 303(c)(1) of the CWA requires that a state review its water quality standards and, as appropriate, modify and adopt standards at least once every three years, hence the term "triennial review." The purpose of the triennial review is to identify and prioritize possible issues and/or revisions to water quality standards and other aspects of the Basin Plan to be addressed over the triennial review cycle. Examples of such issues or revisions include, but are not limited to, additions of and revisions to designated uses, water quality criteria, antidegradation policies, and adopted implementation procedures or other general policies. Public and intergovernmental coordination in identifying possible revisions to water quality standards and the Basin Plan is a key requirement of the triennial review.

The Santa Ana Water Board conducted the last triennial review of the Basin Plan in 2015. The 2019 triennial review process initiated in the last quarter of 2018.

This staff report summarizes basin planning priorities identified by Santa Ana Water Board staff and recommendations by stakeholders for consideration during the current 2019 triennial review period.

## 2. Triennial Review Process and Public Participation

The primary purpose of a triennial review process is to review water quality standards and solicit public comment on issues the Santa Ana Water Board should address through a Basin Plan amendment (BPA) process. The triennial review process assists the Santa Ana Water Board in identifying the most important issues and allows staff to prioritize those issues as resources allow. The triennial review process is on-going, meaning that at the end of one three-year review cycle, the review process starts again.

Due to resource limitations and the complexity of the BPA process, the triennial review is generally limited to identifying high-priority basin planning issues to be addressed. The triennial review process produces a prioritized list of Basin Plan issues but does not necessarily identify the method or the strategy staff will take in addressing them.

Each triennial review begins with the Santa Ana Water Board reviewing water quality standards (and other aspects) of the Basin Plan to identify potential Basin Plan issues that can be addressed through a BPA. After potential issues have been identified, they are placed on a

priority list of Basin Plan issues to be investigated further and addressed during the triennial review process. The issues are listed in the priority order in which they should be investigated or and addressed over the next three State fiscal years (FY), 2019-20, 2020-21, and 2021-22. The proposed priorities and schedules also reflect work that is already underway in response to previous triennial reviews and implementation commitments (for the review/adoption of water quality objectives) in established Total Maximum Daily Loads (TMDLs).

Furthermore, the priority list of issues estimates the staff time required to investigate and amend the Basin Plan. As a result, the priority list is also a work plan for the triennial review period of July 2019 through June 2022.

Public participation and stakeholder involvement are an integral part of this process. On February 14, 2019, the Santa Ana Water Board sent out an electronic notification for a Public Workshop to hundreds of interested parties informing them of the start of the 2019 Triennial Review process and upcoming public workshop. The notification also solicited comments for proposed water quality topics that stakeholders wanted addressed and comments on the draft Basin Plan issues themselves and their proposed priority. Additionally, on February 21, 2019, the Santa Ana Water Board sent out a comment solicitation notice to interested California Native American tribes and tribal members to participate in the triennial review process. On March 13, 2019, the Santa Ana Water Board held a public workshop in Riverside to present the draft priority list of issues and receive oral comments. Santa Ana Water Board staff received several written comments prior to the workshop and several oral comments at the workshop.

Additionally, on April 29, 2019, the Santa Ana Water Board sent out a Notice of Public Hearing for Adoption of the Triennial Review of the Basin Plan. The purposes of this public hearing are to review the Santa Ana Water Board staff's final proposed Triennial Review Priority List and Work Plan (Priority List); to get public comments and suggestions on issues the staff should consider for future BPAs and the priority order for them; and for the Santa Ana Water Board to consider adoption of the Priority List. During the hearing, the Board will decide whether or not to adopt the Priority List. The proposed final Priority List of issues reflects consideration of comments made at the public workshop and written comments submitted to Santa Ana Water Board staff.

The final phase of the triennial review process is to develop projects addressing these issues (if appropriate) and adopt any resulting changes to the Basin Plan during the remaining three-year review cycle. It is important to point out that placing an issue on the Priority List only requires staff to consider the need for a BPA; it does not necessarily mean a revision of the Basin Plan will be made.

The specific tasks associated with the Santa Ana Water Board's triennial review process are summarized below:

- Conduct an internal review of the Basin Plan and past Triennial Review issues;
- Prepare a draft list of potential high priority Basin Plan issues;
- Conduct a public workshop on a draft list of issues;
- Revise the priority list of issues and work plan based on input from stakeholder and staff;
- Prepare a staff report that includes responses to comments, a revised priority list and work plan, discussion of issues;

- Conduct a public hearing to adopt a resolution to approve the Priority List and Work Plan; and
- Submit the Triennial Review Administrative Record to the United States Environmental Protection Agency.

### 3. Basin Planning Resources

The Santa Ana Water Board's current and assumed future budget for the Basin Planning program (Non-TMDL) activities supports two staff positions (2.0 Personnel Years – PY) per fiscal year. Carrying out the activities identified during the triennial review process is only one of the responsibilities of those staff whose time comprises the 2.0 PYs. This level of funding is the same as it has been for the last several years. At the current funding level, the number of issues that can be addressed during the triennial review cycle is limited as a result; not all issues could possibly be addressed by staff during the three years.

In addition, the proposed Priority List identifies TMDL program resources and continued work on newly adopted or revised TMDLs. The TMDL program funding budget is separate from the Basin Planning activities. The current and assumed future budget for TMDL program activities is 6 PYs per fiscal year. However, Santa Ana Water Board staff has other responsibilities and ongoing projects not explicitly related to Basin Plan topics; for this reason, the total assumed TMDL PYs may not exclusively be allocated to TMDL-related Basin Plan issues.

The proposed Priority List and Work Plan reflects the staff's best estimate of the resources and PYs needed to investigate an issue or complete a project. Schedules for addressing the projects identified will depend upon the complexity of the issue and available resources. Previous experience suggests that unexpected complexity and/or controversy can significantly affect both the schedule and resources required. This may necessitate completion of work on some of these issues in the next triennial review cycle. Historically, stakeholder support of work on triennial review issues of particular concern to the stakeholders has enabled the Santa Ana Water Board to enhance the priority of that work and to facilitate its completion.

### 4. Project Prioritization and Work Plan

The FYs 2019-2022 Priority List and Work Plan provides prioritization informed by multiple factors, including Santa Ana Water Board direction and/or key priority; State Water Resources Control Board (State Water Board) guidance; stakeholder input; region-wide applicability; and current staff engagement and anticipated project completion.

To effectively use available resources, staff has prioritized thirty-one (31) Basin Plan issues as part of the triennial review process. The prioritization of issues ensures that resources are spent on issues and projects most important to the Santa Ana Water Board and stakeholders. As noted earlier, proposed priorities and schedules also reflect work that is already underway or identified as a priority in previous triennial reviews.

The proposed Basin Plan issues are separated into two lists – TMDL-related issues and Non-TMDL-related issues. The reason for this separation is to make a distinction between program activity types and funding sources.

Consistent with past practice, the proposed Priority List and Work Plan 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 accessible as possible.

The triennial review priority list serves as the three-year work plan for Basin Plan issues.

## 5. Basin Plan Amendment Process

As mentioned previously, not all issues identified in the Priority List will lead to a BPA. The decision to proceed with a proposed BPA is only made after the Santa Ana Water Board reviews the technical and legal considerations associated with an issue and determines that development of a BPA is appropriate. Research for BPA can include scientific literature review; and/or water quality monitoring; or individual studies conducted by staff, contractor, and stakeholders.

The basin planning process can require six months to more than a year to account for public input, environmental documentation, peer review, and Santa Ana Water Board adoption. Subsequent State and possibly federal approvals are required following the Santa Ana Water Board action. Typically, amendments must be approved by the Regional Water Boards, State Water Board, the California Office of Administrative Law (OAL), and in most cases, the U.S. Environmental Protection Agency (USEPA).

## 6. National 304 (a) Recommended Criteria Consideration

A revision to the 40 Code of Federal Regulations section 131.20(a) Rule, published on August 21, 2015, requires that states and Tribes consider adopting new National 304 (a) recommended criteria (criteria established since May 30, 2000). If states do not adopt new or revised criteria for parameters for which USEPA has published new or revised criteria, then the state shall provide an explanation when it submits the results of its triennial review to the USEPA Regional Administrator.

Listed below are recent 304 (a) criteria and the status of Santa Ana Water Board's potential adoption of those criteria.

### Aquatic Life

Acrolein (2009): This substance is used to control plant and algal growth in irrigation canals. The substance is not commonly used in this Region. A Statewide water quality objective would be more efficient than a region-specific objective.

Ammonia (2013): Staff is continually researching and considering adoption in the future. The Santa Ana Water Board currently has ammonia objectives for waters in the Region. Tables are presented in the Basin Plan, which identifies the un-ionized ammonia and total ammonia objective for various temperatures and pH. Also, there are site-specific ammonia objectives for the Santa Ana River and certain tributaries. These objectives may need to be updated.

Carbaryl (2012): This chemical is chiefly used as an insecticide under the brand name Sevin. A Statewide water quality objective would be more efficient than a region-specific objective.

Copper (2007): Huntington Harbour and Newport Bay are Region waters listed on the 2017 303 (d) list as impaired for copper. USEPA established copper TMDLs in 2002 for Newport Bay and San Diego Creek. Those copper TMDLs are currently being revised for Newport Bay based on new data and additional assessments. To develop a regionwide water quality objective would

take resources that the Region needs for other actions. A Statewide water quality objective would be more efficient.

Diazinon (2005): The concentrations of diazinon have become greatly reduced in the Region. In the 2017 303 (d) list, diazinon was delisted as a pollutant in Newport Bay. Considering the reduced concentrations of diazinon in the Region's waters, it would be more efficient for State Water Board staff to develop a Statewide objective.

Nonylphenol (2005): This substance is used in detergents, paints, pesticides, personal care products, and plastics and is moderately bioaccumulative, not readily biodegradable, and an endocrine disruptor in humans and wildlife. The Santa Ana Water Board does not have the resources to adopt these criteria. Therefore, a Statewide water quality standard would be more efficient.

Tributyltin (2004): This substance is a biocide used in boat bottom paints to inhibit the growth of microorganisms. When introduced into an aquatic environment, tributyltin poisons barnacles, algae, and other organisms and biomagnifies in predators higher up in the food web. A Statewide water quality objective would be more efficient than region-specific objectives.

Cadmium: State Water Board staff is working on a Statewide cadmium water quality objective, which will be adopted for this Region.

### Human Health

Human Health Criteria Updates for 94 pollutants (2015): In this update, USEPA revised 94 of the existing human health criteria to reflect the latest scientific information, including updated exposure factors, bioaccumulation factors, and toxicity factors. The criteria included updates on benzene, ethylbenzene, toluene, chlordane, and dieldrin. Considering the resources required to adopt these criteria, a State Water Board effort would be more efficient.

Pathogen and Pathogen Indicators (2012): This criteria have been adopted Statewide on March 22, 2019, by the State Water Board for all the regions.

## 7. Conclusion and Staff Recommendation

The proposed Priority List and Work Plan shows 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 of this report. A summary of the comments received for the March 22, 2019 Public Workshop and Santa Ana Water 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](http://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.shtml).

Comments received after the March 22, 2019 Public Workshop and in response to the request for comments in the Notice of Public Hearing of April 29, 2019 will be available on the Santa Ana Water Board's website by June 6, 2019.

In adopting the 2019-2022 Priority List and Work Plan, Santa Ana Water Board staff will use its and possibly stakeholders' resources on investigating the priority list of issues leading to possible Basin Plan Amendments.

Santa Ana Water Board staff recommends adopting Resolution R8-2019-0055 and approving the 2019-2022 Triennial Review Priority List and Work Plan.

The following attachments are part of this report:

Attachment A – Tentative Order No. R8-2019-0055

Attachment 1 to Tentative Order No. R8-2019-0055: FYs 2019-2022 Proposed  
Triennial Review Priority List and Work Plan

Attachment B – Discussion of Issues

Attachment C –Response to Comments

These documents have also been posted at

[http://www.waterboards.ca.gov/santaana/water\\_issues/programs/basin\\_plan/index.shtml](http://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.shtml)