RE: COMMENTS ON THE 2019 TRIENNIAL REVIEW – MIDDLE SANTA ANA RIVER TMDL

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 County of San Bernardino, San Bernardino County Flood Control District (District), and the sixteen (16) city-permittees represented by the San Bernardino Stormwater Program (Program). The Program funds the TMDL activities carried out by the County, District, and the cities of Chino, Chino Hills, Montclair, Upland, Ontario, Rancho Cucamonga, Fontana, and Rialto (collectively referred to as TMDL Stakeholders). The Program also supports activities implemented by the Middle Santa Ana TMDL Task Force (Task Force). This comment letter supports the comments provided by Mr. Tim Moore of Risk Sciences, on behalf of the Task Force.

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). 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. 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. That Basin Plan amendment was subsequently approved by the State Board in 2014 and by EPA in 2015.

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. 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.

3 Res. No. R8-2012-0001; referring to Ambient Water Quality Criteria for Bacteria - 1986 (EPA440/5-85-002)
5 EPA Letter dated April 8, 2015
7 77 FR 230, 71191 (Nov. 29, 2012)
As a result of all the important regulatory changes that have occurred over the last several years, the TMDL Stakeholders concur with the Task Force’s recommendation that the Regional Board designate all of the following initiatives has "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;
2. Update Table 5 – REC-2 Only Antidegradation targets for freshwater waterbodies;
3. Update the Middle Santa Ana River Watershed TMDL for Bacterial Indicators in Chapter 5 of the Basin Plan.

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. Some key elements of that amendment, however, have since been superseded by the State Water Resources Control Board’s (SWRCB) amendments to the Water Quality Control Plan for Inland Surface Water. Although 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 all other obsolete elements be addressed at the same time, including the new, more stringent numeric water quality objectives for E. coli. Therefore, in order to revise the TMDL, we agree with Board staff that it will first be necessary to re-amend the Basin Plan, and both of those tasks must be completed in order to update the Comprehensive Bacteria Reduction Plan (CBRP).

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

The Program appreciates the opportunity to provide comments on the Triennial Review List regarding the Middle Santa Ana River TMDL. If you have any questions regarding this submittal, please contact Arlene Chun at (909) 387-8109.

Sincerely,

KEVIN BLAKESLEE, P.E.
Chief Flood Control Engineer

ABC:sr

ee: TMDL Stakeholders
    David R. Doublet, Deputy Director – Flood Control
    Darren J. Meeka, DPW – Chief, EMD

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