

MIDDLE SANTA ANA RIVER
 REVISED BACTERIA TMDLS
 STAFF RESPONSE TO PUBLIC COMMENTS

MARCH 2026

1	Eryn Oelstrom, Public
2	Ray Hiemstra, Orange County Coastkeeper (OCCK)

No.	Commenter	Comment	Response
1.1	Eryn Oelstrom, Public	<p>The primary intent of the initial Bacterial Indicator Total Maximum Daily Load (TMDL) framework is to protect the health of the habitats and of the public that use and recreate within this watershed. My concern with this proposal is the potential for compliance deadline extensions to weaken the regulatory capacity of this legislation. I am aware of the significant challenges of managing compliance during winter storm conditions and high flow events, however any modification to the existing framework that can reduce accountability leads to a risk of lowered water quality conditions.</p>	<p>To date, implementation activities have largely focused on efforts to comply with the Dry Summer Conditions, when recreational activities are more likely to occur. As a result of this prioritization, available monitoring data for Wet Winter conditions are limited. The proposed revisions of the Middle Santa Ana River Bacteria TMDLs to extend the Wet Winter Conditions Compliance deadline and establish a Phase 2 Implementation Plan are necessary to better understand bacterial sources during wet weather flows.</p> <p>The proposed Wet Winter Extension does not reduce regulatory accountability. The Middle Santa Ana River Bacteria TMDLs will be</p>

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			<p>implemented through enforceable provisions of orders and permits. These provisions will ensure that dischargers develop and implement pollution controls that attain the waste load allocations by the compliance date. In addition, Task 2 and Task 3 of the Phase 2 Implementation Plan will revise permits, other regulatory actions, and existing watershed implementation plans, as needed or upon the Santa Ana Water Board's request.</p>
1.2	Eryn Oelstrom, Public	<p>Water quality standards should be maintained during all types of weather. The loosening of water quality compliance during specific weather events impresses the idea that exceeding TMDL standards is unavoidable and is therefore acceptable. This perspective, continuations on compliance deadlines, and increasing flexibility of existing standards can ultimately erode the effectiveness of the TMDL framework.</p>	<p>The proposed Basin Plan Amendment will not incorporate high flow suspension provisions in the Middle Santa Ana River watershed. Task 5 of the Phase 2 Implementation Plan will evaluate whether, and under what conditions, high flow suspension provisions could be applicable. Result from this study will be considered during a future TMDL revision.</p>

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1.3	Eryn Oelstrom, Public	<p>High flow stormwater events lead to the highest levels of bacterial transport and therefore provide an important potential intervention point. Instead of limiting the suspension regulations during these high flow events, there should be more focus on preventative measures. Investment in green infrastructure and stormwater capture projects like retention ponds or parks should be prioritized. Increased regulation of urban and commercial runoff, and investment into public education programs about stormwater runoff can help to prevent the pollution of these waterways.</p>	<p>Please see the response to comment 1.2. The revised TMDLs will not be incorporating high flow suspension provisions but rather studying its applicability in Middle Santa Ana River waterbodies.</p>
1.4	Eryn Oelstrom, Public	<p>Stakeholders need to collaboratively approach the winter storm conditions challenge in a way that works towards total compliance, not moves away from it. If this resolution is passed and compliance deadlines extended, water quality monitoring needs to continue in a way that encourages transparency.</p>	<p>The Santa Ana Water Board will continue to work collaboratively with the Middle Santa Ana River Task Force and other interested parties to address bacteria related concerns during both Dry Summer and Wet Winter Conditions. All water quality results obtained since 2016 sampling events are available on the Middle Santa Ana River Task Force's monitoring program</p>

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			<p>data dashboard: https://sarwqmdashboard.org/.</p>
1.1	OCCK	<p>First of all, we appreciate the collaborative work that Regional Board staff and Stakeholders have put into the proposed revision. We support the proposed extension and look forward to working with the Regional Board and Stakeholders toward compliance within the extension timeframe.</p>	<p>Santa Ana Water Board staff appreciate your review and support for the proposed Basin Plan Amendment to extend the Wet Winter Conditions Compliance deadline and establish a Phase 2 Implementation Plan for the Middle Santa Ana River watershed.</p>
1.2	OCCK	<p>At the beginning of the process to develop this extension there were some outrageous proposals to extend the wet weather TMDL deadline by twenty or thirty years. We believe that the proposed ten year extension is more than enough time to complete the Phase Two tasks outlined in the revision. We</p>	<p>Santa Ana Water Board staff acknowledge and appreciate OCCK's support for the proposed 10-year extension, which is intended to provide sufficient time to complete the Phase 2 Implementation tasks, including additional monitoring,</p>

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		also believe that the timely completion of the Phase Two tasks will lead to compliance.	technical evaluation, and development of implementation strategies necessary to achieve compliance with the Wet Winter Conditions requirements.
1.3	OCCK	The Middle Santa Ana River and its tributaries are an important recreational asset year round. The importance of nature based cooling areas like the river and local creeks will only increase as climate change drives more days into the extreme heat category. The Middle Santa Ana River Stakeholders have shown a willingness to engage in significant efforts to improve water quality, and the public demands clean water and access to their waterways. We look forward to the time when families can safely enjoy a day cooling off at their local beach without feeling the need to drive all the way to the coast.	<p>Santa Ana Water Board staff agree that the Middle Santa Ana River watershed is an important recreational source used by the community throughout the year. Protecting and improving water quality in the watershed maintains a priority.</p> <p>Santa Ana Water Board staff will continue working collaboratively with the Middle Santa Ana River Task Force and other interested parties to continue to address bacteria related issues in the watershed.</p>