

**California Regional Water Quality Control Board
Santa Ana Region**

April 18, 2008

Item: 7

Subject: Consideration of Approval of the Bacterial Indicator Source Evaluation Plans and the Revised Bacterial Indicator Water Quality Monitoring Plan Submitted in Compliance with the Middle Santa Ana River Watershed Bacterial Indicator TMDLs Specified in the Water Quality Control Plan for the Santa Ana River Basin

DISCUSSION

On August 26, 2005, the Regional Board adopted Resolution No. R8-2005-0001, amending the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) to incorporate Bacterial Indicator Total Maximum Daily Loads (TMDLs) for Middle Santa Ana River Watershed water bodies. The TMDLs were subsequently approved by the State Water Resources Control Board on May 15, 2006, by the Office of Administrative Law on September 1, 2006, and by the US Environmental Protection Agency (USEPA) on May 16, 2007. The TMDLs, developed pursuant to Clean Water Act section 303d), address beneficial use impairments in Middle Santa Ana River (MSAR) watershed water bodies due to excessive bacterial indicators discharges to the water bodies from various sources in the watershed.

The MSAR Bacterial Indicator TMDLs require specific dischargers to submit, by November 30, 2007, proposed plans to evaluate urban and agricultural sources of bacterial indicators, and a proposed plan to monitor water quality within the watershed. The purpose of the source evaluation plans is to describe a strategy for determining the sources of bacterial indicators from urban and agricultural land uses. The purposes of the monitoring plan are to monitor compliance in listed waterbodies, support the source evaluation plans, and evaluate the performance of BMPs in reducing bacterial indicator levels in surface waters.

Since adoption of the TMDLs by the Regional Board in August 2005, the members of the Middle Santa Ana River Bacterial Indicator TMDL Workgroup have formed a TMDL Task Force to implement requirements of the TMDLs. However, not all of the named dischargers have joined the TMDL Task Force. In this case, these dischargers have the option of implementing TMDL requirements on their own. At this time, the Task Force stakeholders have finalized and authorized the Task Force agreement and recently amended it to add agricultural stakeholders who decided to join the Task Force. The Regional Board is an advisory member of the Task Force to provide support for TMDL implementation efforts and to ensure timely completion of TMDL requirements.

In anticipation of approval of the TMDLs by USEPA and to address TMDL compliance, TMDL workgroup members developed a grant proposal project for the State Board's Proposition 40 2005/06 Consolidated Grant Program. The project involves watershed-wide water quality monitoring, source evaluation monitoring, and BMP evaluation monitoring within the MSAR watershed and the Region. The proposal was approved by the State Board in 2006 and grant funds for the project were awarded to the stakeholders. The project agreement was executed in December 2006 and the project commenced at that time. As part of the grant project, stakeholders have developed and submitted a draft Urban Source Evaluation Plan (USEP) and a draft Agricultural Source Evaluation Plan (AgSEP). These documents fulfill grant agreement requirements as well as TMDL requirements. In compliance with the TMDL and grant project requirements, the MSAR TMDL Task Force has revised the draft source evaluation plans for Regional Board review and approval.

Each source evaluation plan utilizes a four-step approach within an adaptive strategy. The first step focuses on conducting water quality monitoring at key sites to gather bacterial indicator source data associated with urban and agricultural land uses. The second step focuses on evaluating the data from step one and other applicable watershed data, evaluating the public risk of exposure to bacterial indicators, and, using all of this data, prioritizing urban and agricultural sites for additional investigation. The third step focuses on implementing more specific investigative activities at specific sites or in specific areas based on the prioritization developed in the second step. The fourth step focuses on an adaptive implementation process. In this process, as new data become available, or if the efforts of the Storm Water Quality Standards Task Force (SWQSTF) result in significant regulatory changes, then the source evaluation investigative strategy or implementation schedule may change.

The proposed USEP and AgSEP submitted by the Task Force are attached to tentative Resolution No. R8-2008-0044. Board staff has reviewed the proposed plans and has provided comments to the TMDL Task Force and its consultants regarding the plans. Staff finds that the proposed plans satisfy the MSAR Bacterial Indicator TMDLs source evaluation plan requirements.

The MSAR Bacterial Indicator TMDLs and the grant agreement also specify dates for reporting the results of these source evaluation plans by the dischargers/grantee. For grant agreement requirements, progress reports and monitoring reports are submitted quarterly, with a grant Final Project Report to be submitted in August 2008. For TMDL compliance, a proposed schedule for implementation and completion of source evaluation tasks has been included within each of the source evaluation plans. The dischargers have proposed to submit a source evaluation data summary report in April 2008, to submit a source evaluation data analysis report in July 2008, to complete initial site risk characterization and prioritization in August 2008, develop the initial site-specific investigation strategy by January 2009, and to evaluate and report on source evaluation progress every six months thereafter. As indicated above, the grant Final

Project Report will be submitted in August 2008; therefore, Board staff recommends that submittal of the grant Final Project Report serve as compliance with the requirement to submit an initial source evaluation report. Subsequent source evaluation progress and monitoring reports will be submitted semi-annually based on source evaluation activities.

On June 14, 2007, the TMDL Task Force submitted a Middle Santa Ana River Water Quality Monitoring Plan that was approved by the Regional Board on June 29, 2007 (Resolution No. R8-2007-0046). The initial monitoring plan focused on monitoring compliance in listed waterbodies and evaluating potential sources of bacterial indicators within the watershed. Since that time, the Task Force has added tasks to the monitoring program that focus on evaluating the performance of various BMPs in reducing bacterial indicators in surface waters. Revisions to the monitoring plan, shown in the attachment to the Resolution, reflect the addition of these tasks. Board staff has reviewed the proposed revised monitoring plan and has worked with the TMDL Task Force and its consultants to finalize the proposed Plans. Staff finds that the proposed revised Monitoring Plan satisfies the MSAR Bacterial Indicator TMDLs monitoring program requirements.

STAFF RECOMMENDATION

Adopt Resolution No. R8-2008-0044, approving the Middle Santa Ana River Watershed Bacterial Indicator TMDLs Urban Source Evaluation Plan, the Middle Santa Ana River Watershed Bacterial Indicator TMDLs Agricultural Source Evaluation Plan and revisions to the Middle Santa Ana River Water Quality Monitoring Plan submitted by the Task Force and shown in the attachments to the Resolution.

**California Regional Water Quality Control Board
Santa Ana Region**

RESOLUTION NO. R8-2008-0044

**Resolution Approving Plans and Schedules
Submitted by the Middle Santa Ana River Watershed TMDL Task Force
Pursuant to the Middle Santa Ana River Watershed Bacterial Indicator Total Maximum
Daily Loads Specified in the Water Quality Control Plan for the
Santa Ana River Basin**

WHEREAS, the California Regional Water Quality Control Board, Santa Ana Region (hereinafter, Regional Board), finds that:

1. An updated Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) was adopted by the Regional Board on March 11, 1994, approved by the State Water Resources Control Board (SWRCB) on July 21, 1994, and approved by the Office of Administrative Law (OAL) on January 24, 1995.
2. Amendments to the Basin Plan to incorporate Middle Santa Ana River Watershed (MSAR) Bacterial Indicator Total Maximum Daily Loads (TMDLs) were approved by the Regional Board on August 26, 2005, by SWRCB on May 15, 2006, by the office of Administrative Law on September 1, 2006, and by the US Environmental Protection Agency on May 16, 2007.
3. The MSAR Bacterial Indicator TMDLs were developed in accordance with Clean Water Act Section 303(d) and the California Water Code, Division 7, Chapter 4, Article 3, Section 13240 *et seq.* The amendment is incorporated into Chapter 5 "Implementation," of the Basin Plan.
4. Responsible agencies and dischargers in the MSAR watershed have formed an MSAR Bacterial Indicator TMDL Task Force (TMDL Task Force). The TMDL Task Force members are working jointly to implement requirements of the MSAR Bacterial Indicator TMDLs. TMDL Task Force members include the following agencies/parties: Riverside County Flood Control and Water Conservation District, San Bernardino County Flood Control District, County of Riverside, Santa Ana Watershed Project Authority, Milk Producers Council, Chino Basin Watermaster Agricultural Pool, US Department of Agriculture – Forest Service, and the Cities of Chino Hills, Upland, Montclair, Ontario, Rancho Cucamonga, Rialto, Chino, Fontana, Norco, Corona, and Riverside.
5. For the TMDL Task Force and for compliance with the TMDLs, the Milk Producers Council is representing the interests of concentrated animal feeding facility operators within the MSAR watershed.
6. For the TMDL Task Force and for compliance with the TMDLs, the Chino Basin Watermaster Agricultural Pool is representing the interests of irrigated and dry-land farming operators within the MSAR watershed.
7. The Regional Board is a signatory to the Task Force Agreement and serves as an advisory member of the TMDL Task Force.

Tentative

8. The MSAR Bacterial Indicator TMDLs, Task 3 – Watershed Wide Bacterial Indicator Water Quality Monitoring Program requires that the monitoring proposal include tasks to provide data necessary to review and update the Middle Santa Ana River Watershed Bacterial Indicator TMDLs. Data to be collected and analyzed shall address, at a minimum, the determination of compliance with the TMDLs, wasteload allocations (WLAs), and load allocations (LAs). The TMDLs require implementation of the monitoring programs upon Regional Board approval.
9. In compliance with MSAR TMDL Task 3 and well in advance of the TMDL due date, the consultant for the TMDL Task Force submitted a proposed MSAR Water Quality Monitoring Plan, dated June 14, 2007, for Regional Board review and approval. The Monitoring Plan includes a Quality Assurance Project Plan (QAPP) in accordance with TMDL requirements.
10. The Regional Board approved the initial MSAR Water Quality Monitoring Plan at a duly noticed public hearing on June 29, 2007 (Resolution No. R8-2007-0046).
11. The MSAR TMDL Task Force has revised the MSAR TMDL Water Quality Monitoring Plan to add activities and tasks designed to evaluate the performance of treatment BMPs in reducing bacterial indicator levels in surface waters. The revised Monitoring Plan includes a revised Quality Assurance Project Plan (QAPP) in accordance with TMDL requirements.
12. The MSAR Bacterial Indicator TMDLs, Task 4 – Urban Discharges requires that jurisdictions responsible for urban discharges, including stormwater runoff, from urban areas submit a proposed Bacterial Indicator Source Evaluation Plan to the Regional Board by November 30, 2007.
13. In compliance with MSAR TMDL Task 4 – Urban Discharges and on behalf of the urban dischargers, consultants for the TMDL Task Force submitted, on November 28, 2007, an Urban Bacterial Indicator Source Evaluation Plan, which included a schedule, for Regional Board review and approval.
14. The MSAR Bacterial Indicator TMDLs, Task 5 – Agricultural Discharges requires that concentrated animal feeding facility operators and other agricultural operators (irrigated and dry-land farming operations) submit a proposed Bacterial Indicator Source Evaluation Plan to the Regional Board by November 30, 2007.
15. In compliance with MSAR TMDL Task 5 – Agricultural Discharges and on behalf of agricultural dischargers, consultants for the TMDL Task Force submitted, on November 28, 2007, an Agricultural Bacterial Indicator Source Evaluation Plan, which included a schedule, for Regional Board review and approval.
16. The Regional Board has reviewed the proposed plans and schedules for evaluating sources of bacterial indicators in the MSAR watershed and finds that they comply with the applicable requirements of the MSAR Bacterial Indicator TMDLs specified in the Basin Plan.

17. The MSAR TMDL Task Force submitted the revised MSAR TMDL Water Quality Monitoring Plan to the Regional Board on March 17, 2008.
18. The Regional Board has reviewed the proposed plans and schedules for evaluating sources of bacterial indicators and for monitoring water quality in the MSAR watershed and finds that they comply with the applicable requirements of the MSAR Bacterial Indicator TMDLs specified in the Basin Plan.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Regional Board approves the following plans and schedules as set forth in the attachments:
 - Attachment A – Middle Santa Ana River Bacterial TMDLs Monitoring Plan - Revised
 - Attachment B – Urban Bacterial Indicator Source Evaluation Plan
 - Attachment C – Agricultural Bacterial Indicator Source Evaluation Plan
2. These plans comply with the respective requirements of the MSAR Bacterial Indicator TMDLs specified in the Basin Plan.
3. The Members of the MSAR Bacterial Indicator TMDL Task Force are in compliance with the MSAR Bacterial Indicator TMDLs.
4. These plans and schedules must be implemented upon Regional Board approval.
5. The Regional Board's Executive Officer is hereby delegated authority to approve subsequent revisions to the plans and schedules set forth in Attachments A, B and C.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on April 18, 2008.

Gerard J. Thibeault
Executive Officer