

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**EXECUTIVE OFFICER SUMMARY REPORT  
FEBRUARY 10, 2021**

**ITEM 7**

**SUBJECT**

Discussion of Draft Findings and an Overview of the Public Process for the 2020/2022 Clean Water Act Sections 303(d) and 305(b) Integrated Report. (Carey Nagoda)

**STAFF RECOMMENDATION**

This is an informational item, and the Board will not take an action.

**KEY ISSUE**

The Clean Water Act (CWA) Sections 305(b) and 303(d) require each state to report biennially to the United States Environmental Protection Agency (USEPA) on the conditions of the state's waters and provide a list of water bodies or segments that are "impaired or threatened," which are those that do not meet, or are not expected to meet, water quality standards ("303(d) List"). CWA 303(d) and 305(b) are combined into a single "Integrated Report." Staff will provide preliminary results of the 2020/2022 Integrated Report and a discussion about the updated public process that will be taking place this year, which is one result of a lawsuit filed against State Water Resources Control Board (State Water Board) regarding missed Integrated Report deadlines.

**PRACTICAL VISION**

The data assessments used to generate the 2020/2022 Integrated Report are a valuable part of the comprehensive assessment of current conditions in the region's water bodies described in Practical Vision Chapter 1 *Strategizing for Healthy Waters* and provide information about beneficial use attainment or impairment in specific water bodies. In addition, this work contributes a large volume of M1 conditions assessments for the region's water bodies using the water body-oriented approach described in Chapter 2 *Monitoring and Assessment*.

**DISCUSSION**

In California, the Integrated Report is released in "cycles" with each cycle occurring every two years, on even numbered years, consisting of three Regional Water Boards per cycle. The San Diego Water Board is on-cycle for the 2020/2022 Integrated Report, as are Regional Boards 3 and 5.

In accordance with a public notice distributed by the State Water Board, data submitted to the California Environmental Data Exchange Network (CEDEN) prior to June 14, 2019 by any party were considered for the 2020/2022 Integrated Report cycle (**Supporting Document No. 1**). All high-quality data supported by a Quality Assurance Project Plan were used to generate lines of evidence (LOEs) for waterbodies or segments. Monitoring Assessment and Research Unit (MARU) staff analyzed over 16,000 LOEs, which were used to create approximately 4,000 draft impairment decisions about the quality of San Diego region water bodies. Decisions include whether to list (as impaired), do not list, delist (no longer impaired) or do not delist the water body and pollutant combination

on/from the 303(d) List of impaired water bodies. An overview of the draft resulting decisions will be provided in the staff presentation. Specific proposed decisions will be available for public comment during the State Water Board's public comment period later this year.

The Integrated Report public review process changed as a result of a November 2017 lawsuit brought against State Water Board by Earth Law Center, Los Angeles Water Keeper, and San Diego Coastkeeper in response to late submissions of the Integrated Report and the lack of inclusion of more recent data. As a result of the lawsuit, a judgment was entered in September 2019 requiring the State Water Board to submit biennial Integrated Reports to USEPA by April 1<sup>st</sup> on even numbered years. State Water Board was required to submit a corrective action plan in January 2020, which included efficacy measures for organizing and analyzing large volumes of data, a new Assessment Policy and Process Unit in the Division of Water Quality at State Board, and a major change in the public process.

During previous cycles, Regional Boards conducted their own separate public processes that included a public comment period for the staff report, workshops, and adoption hearings before an additional similar public process took place at the State Water Board. The corrective action plan omits separate Regional Board public processes and combines all on-cycle regions for a public review process and hearing at the State Board.

In lieu of a Regional Board hearing to approve the Integrated Report, the purpose of this informational item is to provide a preview of the San Diego Region's 2020/2022 Integrated Report and make the public aware of the modified participation process.

### **PUBLIC NOTICE**

This item was publicly noticed in the Meeting Notice and Agenda for the February 10, 2021 meeting. The agenda notice for today's meeting was posted on the San Diego Water Board website and sent to subscribers to the email list for Board meetings.

### **SUPPORTING DOCUMENTS**

1. Revised 2020 California Integrated Report Data Solicitation Notice