

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

May 10, 2018
Resolution No. R18-0XX

2017 - 2019 Triennial Review
Selection of Basin Planning Projects

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) finds that:

1. A Water Quality Control Plan for the Santa Clara River Basin was adopted by the Los Angeles Water Board on March 3, 1975 and was amended on April 26, 1976, March 27, 1978, March 27, 1989 and October 22, 1990.
2. A Water Quality Control Plan for the Los Angeles River Basin was adopted by the Los Angeles Water Board on March 10, 1975 and was amended on April 26, 1976, November 27, 1978, March 27, 1989 and June 3, 1991.
3. In 1994, the Water Quality Control Plans for the Santa Clara River Basin and Los Angeles River Basin were comprehensively updated and combined into one plan, entitled "Water Quality Control Plan – Los Angeles Region" (the "Basin Plan").
4. The updated Basin Plan was adopted by the Los Angeles Water Board on June 13, 1994, and approved by the State Water Resources Control Board (State Water Board) on November 17, 1994 and by the State Office of Administrative Law (OAL) on February 23, 1995.
5. The Basin Plan contains the region's water quality standards, which consist of beneficial uses and water quality objectives to protect those uses, as well as an anti-degradation policy. The Basin Plan also contains a program of implementation, including total maximum daily loads (TMDLs) for surface waters, management measures for salts and nutrients in groundwater basins, certain discharge prohibitions, and other statewide plans and policies applicable to the region's waters, descriptions of water quality monitoring and surveillance, and non-regulatory descriptions of the region covered by the Plan.
6. In 2010, the Los Angeles Water Board recognized the need for an overall administrative update to the Basin Plan as several amendments to the Basin Plan, which had been adopted since 1994 and were in effect, had not been physically integrated into the Basin Plan. Also, the Basin Plan did not reflect current information on Los Angeles Water Board programs, plans and policies, or more recently available geographical and background information for the Los Angeles Region. As a result, an administrative update of the Basin Plan was identified as a priority project to be addressed during the 2008-2010 triennial review (Resolution No. R10-001).
7. This more recent administrative update to the Basin Plan was conducted in five phases, from 2011 through 2016, and included: (1) an update to Chapter 2

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“Beneficial Uses” (Resolution No. R11-011) completed in November 2011, (2) the addition of Chapter 7 “TMDLs” to the Basin Plan (Resolution No. R11-013) in December 2011, (3) an update to Chapter 3 “Water Quality Objectives” (Resolution No. R13-003) conducted in May 2013, (4) updates of Chapter 1 “Introduction”, Chapter 5 “Plans and Policies”, and Chapter 6 “Monitoring and Assessment” (Resolution No. R14-009) completed in September 2014, and (5) an update to Chapter 4 “Strategic Planning and Implementation” (Resolution No. R16-004) completed in June 2016.

8. State and federal laws mandate the periodic review of basin plans. Specifically, California Water Code (CWC) section 13240 states that basin plans “shall be periodically reviewed and may be revised.” In addition, section 303(c)(1) of the federal Clean Water Act (CWA) requires that a state review its water quality standards and, as appropriate, modify and adopt standards, at least once every three years. This process is known as a triennial review. The primary purposes of a triennial review is to review water quality standards to ensure they are based on current science, methodologies, and U.S. EPA mandates, recommendations and guidance, as well as to take public comment on issues the Los Angeles Water Board should address in the future through the Basin Plan amendment process.
9. The triennial review process is cyclical, meaning that at the end of one three-year review period, the review process begins again with the next three-year period. In this sense, the review process is on-going, reflecting the continuing planning process adhered to by the Water Boards. The process does not necessarily involve the revision of all or any particular component of the water quality standards every three years. Moreover, identification of an issue during a triennial review does not necessarily mean that any Basin Plan amendment will be made over the course of the three-year review cycle. While the Los Angeles Water Board is required to conduct a review of its Basin Plan, neither federal nor state law imposes a duty to revise or modify it. (*City of Arcadia v. State Water Resources Control Bd.* (2010) 191 Cal.App.4th 156).
10. The decision on whether or not to proceed with a proposed Basin Plan amendment is only made after the Los Angeles Water Board reviews the technical and legal considerations associated with an issue and determines that development of a Basin Plan amendment is supported by evidence and appropriate. Federal or state law or regulations may preclude changes that might otherwise be deemed desirable by stakeholders. Therefore, it is common for water quality standards to remain unchanged as a result of a triennial review process. Even where changes are appropriate and lawful, the State’s Continuing Planning Process, and other federally approved documents, recognize that the process of modifying water quality standards is resource intensive, and typically limited by staffing and budgetary constraints. As such, the triennial review process assists in identifying the most important or compelling projects and allows the states to prioritize those as resources allow.
11. In recent years, the Los Angeles Water Board conducted triennial reviews of the Basin Plan in 2001-2004, 2005-2007, 2008-2010, 2011-2013 and 2014-2016.
12. The Los Angeles Water Board adopted five (5) amendments to the Basin Plan for the period 1995-2001, twenty-one (21) amendments for the period 2001-2004, twenty-

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five (25) amendments for the period 2005-2007, eleven (11) amendments for the period of 2008-2010, six (6) amendments for the period of 2011-2013, and thirteen (13) amendments during the 2014-16 triennial review period.

13. This resolution identifies a number of projects that the Los Angeles Water Board has determined are the most appropriate priorities to undertake during the current triennial review period. Addressing the projects identified in this resolution during the remainder of the current triennial review would require approximately 1.2 “personnel years” (PYs) from the Basin Planning Program. The Los Angeles Water Board’s Basin Planning Program currently operates with 1.7 PYs per year. Carrying out the projects identified during the triennial review process is only one of the responsibilities of those staff whose time comprises the 1.7 PYs each year. During the current triennial review cycle, 0.5 Basin Planning PYs are required to participate in statewide Basin Planning initiatives and support other Los Angeles Water Board programs, leaving 1.2 Basin Planning PYs available to address the projects selected during the remainder of this triennial review.
14. In accordance with CWA section 303(c)(1), section 131.20(a) of title 40 of the Code of Federal Regulations (CFR), and CWC section 13240, the Los Angeles Water Board has initiated its 2017-2019 triennial review of water quality standards contained in the Basin Plan. The triennial review will conform to the processes described in the State’s Continuing Planning Process.
15. In adopting this resolution, the Los Angeles Water Board is not required to consider the factors of CWC section 13241. Consideration of the factors, by section 13241’s express terms, only applies in “establishing water quality objectives.” Here, the Los Angeles Water Board is not establishing water quality objectives. Instead, as required by CWA section 303(c)(1), the Los Angeles Water Board is reviewing its water quality standards. (See *City of Arcadia v. State Water Resources Control Bd.* (2010) 191 Cal.App.4th 156).
16. In October 2015, revisions to the federal Water Quality Standards (WQS) regulations at 40 CFR Part 131 went into effect. The final rule addressed certain key WQS program areas including triennial reviews pursuant to CWA section 303(c)(1). Per the final rule, during their next triennial review, states and authorized tribes are to consider, for adoption as WQS, new or updated CWA section 304(a) water quality criteria recommendations published by the USEPA since May 30, 2000.
17. On November 6, 2017, the Regional Water Board sent out a triennial review notification letter to interested persons and entities informing them of the Regional Water Board’s intent to comply with USEPA’s 2015 directive to states and authorized tribes, regarding new or updated CWA section 304(a) water quality criteria recommendations, during the 2017-2019 triennial review. The notification also solicited stakeholder comments on this decision and other basin planning issues of concern that they felt should be addressed during the triennial review. The comment submission deadline was December 6, 2017. The Los Angeles Water Board received thirteen comment letters.
18. Based on EPA’s 2015 directive and in consideration of projects previously identified for prioritization in the 2017-2019 triennial review, as well as the limited resources available, Los Angeles Water Board staff prepared a Staff Report describing the

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status of projects from the previous triennial review, staff recommendations for the 2017-2019 triennial review, and additional issues of concern raised by stakeholders.

19. On March 5, 2018, the Los Angeles Water Board distributed the tentative resolution and Staff Report to all known interested persons to allow a 30-day public comment period in advance of the public hearing.
20. The Los Angeles Water Board held a public hearing on May 10, 2018, for the purpose of receiving testimony on this triennial review and on the need to comply with USEPA's 2015 directive regarding the consideration of new and revised CWA section 304(a) criteria for adoption as water quality standards. Notice of the public hearing was sent to all known interested persons.
21. The Los Angeles Water Board has considered the entire record, including oral testimony, in adopting the 2017-2019 list of Basin Planning priority projects for investigation, as set forth in the following resolves to this resolution, for the current review period.

THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to section 13240 of the California Water Code, the Los Angeles Water Board hereby identifies the following list of Basin Planning priority projects to be addressed during the current triennial review period. The projects are more fully described in the Staff Report supporting this resolution.
 - a) Evaluate new or revised CWA section 304(a) recommended water quality criteria for incorporation into the Basin Plan as water quality objectives;
 - b) Consider any amendments to the Basin Plan's bacteria objectives that may be necessary in response to the Statewide Bacteria Provisions that are expected to be adopted this year, and which were released in draft form on January 26, 2018 as *Part 3 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays and Estuaries of California (ISWEBE)* and as amendments to the *Water Quality Control Plan for Ocean Waters of California (Ocean Plan)*;
 - c) Resume work on developing implementation tools to address natural sources of pollutants;
 - d) Continue the development of Salt and Nutrient Management Plans (SNMPs), including the incorporation of management measures from the SNMPs into the Basin Plan, per the State Water Board's Recycled Water Policy (State Board Resolution No. 2009-0011, amended by State Board Resolution No. 2013-0003);
 - e) Continue the development of a regional strategy to address the effects of climate change on water quality;
 - f) Provide support to other Los Angeles Water Board programs, including TMDLs;
 - g) Provide support to statewide standards-related initiatives; and
 - h) Address legal and regulatory mandates that may arise during the remainder of the triennial review.
2. The Los Angeles Water Board will, to the best of its capability, within budgetary constraints and staffing resources, address the priority issues as detailed in the Staff Report and will prepare, as appropriate, amendments to the Basin Plan.

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3. The areas of the Basin Plan not identified as needing investigation and possible revisions are hereby affirmed as adequate; however, this determination does not preclude the consideration of other issues for possible revision or amendment of the Basin Plan. The Executive Officer is authorized to re-prioritize basin planning projects based on legal and/or regulatory mandates that arise during the triennial review period.
4. The entire Basin Plan shall remain in effect until such time that appropriate and specific amendments are adopted by the Los Angeles Water Board and approved by the appropriate review authorities.
5. A copy of this resolution shall be transmitted to the State Water Board and USEPA.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of the resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on May 10, 2018.

Samuel Unger, PE
Executive Officer

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