

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

April 1, 2010
Resolution No. R10-XX

2008-2010 Triennial Review
Selection of Basin Planning Projects

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

1. A Water Quality Control Plan for the Santa Clara River Basin was adopted by the Regional 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 Regional 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 by staff and combined into one volume, entitled Water Quality Control Plan – Los Angeles Region (4) (the “Basin Plan”).
4. The Basin Plan was adopted by the Regional Board on June 13, 1994, and approved by the State Water Resources Control Board on November 17, 1994 and by the State Office of Administrative Law 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, and non-regulatory descriptions of the region covered by the plan.
6. State and federal laws mandate the periodic review, and if necessary, update of Basin Plans. Specifically, section 303(c)(1) of the federal Clean Water Act requires that a State’s water quality standards be reviewed at least once every three years – a process 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 Regional Board should address in the future through the Basin Plan amendment process.
7. 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 followed by the Water Boards, and does not 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

T
E
N
T
A
T
I
V
E

Basin Plan amendment will be made over the course of the 3-year review cycle. Federal law only requires modifications “*as appropriate.*” The decision on whether or not to proceed with a proposed Basin Plan amendment is only made after the Regional 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.

8. Given these resource constraints, the Regional Board will only reconsider components of the water quality standards where relevant and substantial evidence has been identified by or to the Regional Board that the particular water quality objectives as applied to specific water bodies, are not currently set at the appropriate level, or that particular beneficial uses are not appropriate where designated (or should be designated where they are not). This applies irrespective of whether the stakeholders desire that standards be relaxed or made more stringent. As such, stakeholders can submit specific data or other evidence for a particular objective or waterbody in support of such reconsideration.
9. In recent years, the Regional Board conducted triennial reviews of the Basin Plan in 1995, 2001, and 2005.
10. The Regional Board has adopted five (5) amendments to the Basin Plan for the period 1995-2001, twenty-one (21) amendments for the period 2001-2004, and twenty-five (25) amendments for the period 2005-2007. During the current triennial review period, the Regional Board has adopted seven (7) Basin Plan amendments.
11. This Resolution identifies a number of projects that the Regional Board has determined are the most appropriate priorities to undertake during the current Triennial Review period. Addressing the projects identified in this Resolution would require approximately 3 “personnel years” (3 PYs) from the Basin Planning Program. The Regional Board recognizes that the Basin Planning Program currently operates with 1.5 “personnel years” (1.5 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 1.5 PYs each year. Basin Planning PYs are primarily funded from Water Boards’ General Fund allocations from the State of California. The number PYs dedicated to Basin Planning is dependent upon the State’s allocation of General Fund resources to the State Water Resources Control Board (State Board), and thereafter, the State Board’s budgetary and priority determinations for itself and each of the nine regional boards. The Water Boards do not have authority to expend funds from fees or penalty assessments on Basin Planning. The Water Boards likewise do not have authority to expend funds from other special fund sources or federal grants on Basin Planning unless specifically authorized by the special fund source or grant. Over the next three years, 1.5 Basin Planning PYs are required to complete several ongoing projects, participate in

T
E
N
N
T
A
T
I
V
E

statewide Basin Planning initiatives, and support other Board programs, leaving 3 Basin Planning PYs available over the next three years to address the projects selected during this Triennial Review.

12. In accordance with section 303(c)(1) of the federal Clean Water Act, section 131.20(a) of title 40 of the Code of Federal Regulations, and section 13240 of the California Water Code, the Regional Board has initiated its 2008-2010 triennial review of water quality standards contained in the Basin Plan. The triennial review will conform with the processes described in the state's Continuing Planning Process.
13. Basin planning staff initiated the 2008-2010 Triennial Review on September 25, 2008 via a solicitation letter to interested parties requesting data and information on Water Quality Standards and other Basin Planning issues for the Los Angeles region. The comment submission deadline was November 10, 2008. Regional Board staff received 68 comment letters.
14. Staff also compiled a separate list of issues based on outstanding issues from 2005-2007 Triennial Review priorities list, which included Basin Planning priorities from Regional Board staff and management, along with input from key staff in U.S. EPA Region IX.
15. A Regional Board workshop was held on April 2, 2009 that provided the public and the Regional Board members an opportunity to begin to discuss and identify priority Basin Planning issues to be addressed during the current triennial review period. Staff presented the Regional Board with recommended issues to be prioritized including those submitted by stakeholders as well as those identified by Regional Board staff. Stakeholders were also given the opportunity to present their priorities at the workshop. Following presentations by Regional Board staff and stakeholders, and considering several factors, including available resources, the Regional Board indicated their preferences regarding which issues to focus on for this review period.
16. Based on the Regional Board's preferences as indicated at the Regional Board workshop and stakeholder input, and in consideration of the limited resources available, Regional Board staff prepared a Staff Report dated January 19, 2010 describing the 2008-2010 Basin Plan Triennial Review process, the issues of concern to stakeholders and Regional Board staff, and the recommended list of Basin Plan issues to be addressed during this review period.
17. Regional Board staff sent the tentative Resolution and Staff Report to all known interested persons to allow a 45-day public comment period in advance of the public hearing.
18. The Regional Board held a public hearing on April 1, 2010, for the purpose of receiving testimony on this Triennial Review and on the need for revisions to the water quality standards (i.e. beneficial uses, water quality objectives, and implementation plans and policies) established in the Basin Plan. Notice of the public hearing was sent to all known interested persons and published in accordance with California Water Code section 13244.

T
E
N
T
A
T
I
V
E

19. Pursuant to section 13240 of the California Water Code, the Regional Board, after considering the entire record, including oral testimony, hereby adopts the 2008-2010 recommended list of Basin Plan Issues for Investigation as set forth in the following resolves to this Resolution, for the current review period.

THEREFORE, BE IT RESOLVED THAT:

1. The Regional Board hereby adopts the following list of Basin Plan projects to be addressed during the current Triennial Review period. The projects are more fully described in the Staff Report, supporting this Resolution:
 - a. Re-evaluate how bacteria water quality objectives should be applied in compliance determination, based on more recent monitoring results;
 - b. Reconsider the application of REC-1 and REC-2 beneficial uses in specific instances, where appropriate;
 - c. Complete an administrative update of the Basin Plan as specified in the Staff Report;
 - d. Complete work on the Design Storm project (should funding become available);
 - e. Continue work on the Hydromodification Policy;
 - f. Provide support to other Regional Board Programs including TMDLs, Municipal Permitting, and Stormwater Permitting; and
 - g. Address legal and regulatory mandates (where required).
2. The Regional Board will to the best of its capability, within budgetary constraints and staffing resources, consider additional recommended issues as detailed in the Staff Report and will prepare, as appropriate, amendments to the Basin Plan.
3. This 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 Regional Board and approved by the appropriate review authorities.
5. A copy of this Resolution shall be transmitted to the State Water Resources Control Board and the U.S. EPA.

I, Tracy J. Egoscue, 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, Los Angeles Region, on April 1, 2010.

Tracy J. Egoscue.
Executive Officer

T
E
N
T
A
T
I
V
E