

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**STAFF REPORT FOR REGULAR MEETING OF OCTOBER 17-18, 2024**

Prepared on September 24, 2024

**ITEM NUMBER:** 11

**SUBJECT:** Proposed Resolution Approving the 2024 Triennial Review of the Water Quality Control Plan for the Central Coastal Basin

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**ACTION:** Consideration of Proposed Resolution R3-2024-0061

**SUMMARY**

Central Coast Regional Water Quality Control Board (Central Coast Water Board) staff conducted the 2024 Triennial Review of the Water Quality Control Plan for the Central Coastal Basin (Basin Plan). The purpose of the Triennial Review is to identify and propose Basin Plan amendments (proposals) that would improve the Basin Plan as well as affirm its general adequacy in areas not identified as needing revision. The 2024 Triennial Review Report (Attachment 2) describes the Triennial Review process, summarizes the progress made on proposals prioritized in the previous (2021) Triennial Review, discusses the proposals considered during the current (2024) Triennial Review, and recommends a revised list of priority proposals for Central Coast Water Board consideration. Public comments received during the current Triennial Review and staff responses are in the 2024 Triennial Review Response to Comments document (Attachment 3).

Proposals are a list of potential future Basin Plan amendments that may improve the Basin Plan through clarifying its intent, updating outdated information and references, or enhancing the Basin Plan's effectiveness as a regulatory instrument. The Triennial Review is the Central Coast Water Board's opportunity to review, approve, or revise staff's recommended prioritization approach and the resulting priority list of proposals that staff plan to work on first. However, it is typically not feasible to complete Basin Plan amendments for all the proposals on the priority list before the next Triennial Review. The 2024 Triennial Review includes 45 proposals, five of which are on the proposed priority list (Table 1). Staff's recommendation to adopt these proposed priority proposals is formalized in proposed Resolution R3-2024-0061 (Attachment 1).

## DISCUSSION

### Background

The Triennial Review is required by state and federal law. Section 303(c) of the federal Clean Water Act requires water quality standards to be reviewed on a triennial basis. Additionally, section 13240 of the California Water Code requires Water Boards to periodically review their basin plans and allows for revisions.

### Progress Since the 2021 Triennial Review

The Central Coast Water Board prioritized eight proposals in the 2021 Triennial Review. This prioritization was not an expectation that all eight proposals would be fully developed into Basin Plan amendments before the next (2024) Triennial Review but instead an expectation to make progress on the technical and administrative work necessary to develop the proposals into Basin Plan amendments. Staff addressed a subset of the proposals between 2021 and 2024. Although the Basin Planning Program had two vacancies and subsequent new hires during this time, staff made progress on the following four priority proposals:

- 2021 Triennial Review *Proposal 18: Develop and Establish or Clarify Turbidity Water Quality Objectives for Aquatic Life* – Proposal development in progress. Staff developed a methodology to establish site specific water quality objectives for turbidity that were successfully peer reviewed and used in the Gabilan Creek Watershed Turbidity Total Maximum Daily Load (TMDL) (Resolution R3-2022-0002<sup>1</sup>). This methodology is one component of the proposal, the next steps require additional technical staff resources to proceed with finalizing proposed amendment, facilitating public review and comment, and bringing a proposed amendment that would establish regional numeric turbidity water quality objectives to the Central Coast Water Board for adoption.
- 2021 Triennial Review *Proposal 19: Update Basin Plan to Include all Statewide Objectives* – Proposal development in progress. A Basin Plan amendment project was adopted by the Central Coast Water Board on June 21, 2024 (Resolution R3-2024-0003<sup>2</sup>). The 2021 Triennial Review *Proposal 3: Add and Designate the Tribal Beneficial Uses* was also partly completed due to its association with statewide objectives and alignment with the Central Coast Water Board's prioritization of equity for underrepresented communities. The June 21, 2024, Basin Plan amendments also addressed some of the proposed editorial changes

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<sup>1</sup> Resolution R3-2022-0002:

[https://www.waterboards.ca.gov/centralcoast/board\\_decisions/adopted\\_orders/2022/Resolution-No-R3-2022-0002.pdf](https://www.waterboards.ca.gov/centralcoast/board_decisions/adopted_orders/2022/Resolution-No-R3-2022-0002.pdf)

<sup>2</sup> Resolution R3-2024-0003:

[https://www.waterboards.ca.gov/centralcoast/water\\_issues/programs/basin\\_plan/docs/signed\\_2024\\_bpa\\_rsltn.pdf](https://www.waterboards.ca.gov/centralcoast/water_issues/programs/basin_plan/docs/signed_2024_bpa_rsltn.pdf)

from Proposals 37 and 41.<sup>3</sup> Staff will continue working to bring this Basin Plan amendment project to the State Water Resources Control Board (State Water Board) in April 2025 and, if approved, will then submit it to the Office of Administrative Law (OAL) and the United States Environmental Protection Agency (USEPA) for approval. Additionally, staff recommend prioritizing the 2024 Triennial Review *Proposal 3: Designate the Tribal Beneficial Uses* for further development.

- 2021 Triennial Review *Proposal 28: Update Reference to Maximum Contaminant Levels* - Proposal development in progress. Staff initiated the project and drafted language for Basin Plan amendments to add maximum contaminant levels (MCLs) for drinking water from the California Code of Regulations (CCR), Title 22, sections 64533 and 64533.5 as numeric water quality objectives for disinfection byproducts and residual disinfectants. The project requires additional technical staff resources to proceed with finalizing the proposed amendments language, facilitating public review and comment, and bringing a proposed amendment to the Central Coast Water Board for adoption. Staff recommend prioritizing this proposal for further development.
- 2021 Triennial Review *Proposal 45: Establish State Water Quality Protection Areas* - Proposal development in progress. Staff initiated coordination with the State Water Board staff in the Ocean Planning Unit regarding interpretation of the Ocean Plan process for evaluating the justification of a State Water Quality Protection Area (SWQPA) nomination. Staff responded to the California Coastkeeper's Alliance nomination for the Point Sur Marine Protected Area and other Marine Protected Areas with anticipated next steps and estimated timelines. The project requires additional technical staff resources to develop a procedure to comply with the Ocean Plan process for designation, evaluate the proposal for adequate justification to support the nomination, facilitate public review and comment, and bring a recommendation to the Central Coast Water Board. In this case, the State Water Board would approve an amendment to the Ocean Plan before the Central Coast Water Board would amend its Basin Plan. Staff recommend prioritizing this proposal for further development.

## 2024 Triennial Review Process and Public Comments

Prior to starting the public process, Basin Planning staff requested each program review the Basin Plan and proposals from the 2021 Triennial Review Report, and 1) rank and recommend proposals that would improve their ability to protect and restore water quality and 2) identify technical staff resources to assist Basin Planning staff in proposal development. After receiving program input, staff compiled the 2024 Preliminary List<sup>4</sup> and distributed a Notice of Opportunity for Public Comment and Notice of Public

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<sup>3</sup> Descriptions for *Proposal 37: Editorial Corrections and Minor Clarifications (Chapter 5)* and *Proposal 41: Editorial Corrections and Minor Clarifications (All Chapters)* are available in the 2024 Triennial Review Report (Attachment 2)

<sup>4</sup> 2024 Preliminary List for the Triennial Review of the Basin Plan:

[https://www.waterboards.ca.gov/centralcoast/water\\_issues/programs/basin\\_plan/docs/2024\\_tr\\_prlmnry\\_list.pdf](https://www.waterboards.ca.gov/centralcoast/water_issues/programs/basin_plan/docs/2024_tr_prlmnry_list.pdf)

Outreach Meeting and Workshop (Attachment 4). The 45-day public comment period, from June 24, 2024, to August 9, 2024, also included three opportunities for in person or virtual communication with staff: virtual office-hours on July 22 and August 5 that five members of the public attended, and a public workshop on July 31, 2024, that three members of the public attended. During the public comment period, staff received eight public comments, including written comments from seven interested persons and verbal comments from one interested person during the workshop. In addition, on September 4, 2024, staff received a letter of support for the nomination of the Point Sur Marine Protected Areas as an Area of Special Biological Significance, which corresponds to the development of *Proposal 45: Establish State Water Quality Protection Areas* that staff recommend prioritizing.<sup>5</sup>

After consideration of program input and all public comments received, staff evaluated if proposals on the preliminary list increased the Basin Plan's effectiveness as a regulatory instrument to protect water quality and aligned with the Central Coast Water Board and Basin Planning Program priorities. The following criteria were used:

- Does the proposal provide improvements to relevant water quality standards?
- Does the proposal improve regulatory and program efficiency and/or effectiveness?
- Does the proposal affirm the realization of the human right to water and the protection of human health?
- Does the proposal implement activities that ensures the equitable treatment of Underrepresented Communities?
- Does the proposal further goals to mitigate for and adapt to the impacts of climate change?
- Does the proposal align with the Central Coast Water Board's Vision for Healthy Watersheds?<sup>6</sup>

Proposals that increased the Basin Plan's effectiveness as a regulatory instrument to protect water quality and aligned with the priorities were retained on a secondary list and further evaluated to meet one or more of the following criteria:

- Central Coast Water Board program staff identified the proposal as a high priority to improve program efficiency and/or effectiveness and technical staff resources to work on the proposal, and/or
- Executive management identified staff resources to further develop a scope of work and/or
- The Central Coast Water Board identified the proposal as high priority.

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<sup>5</sup> Letter of support of the nomination to designate the Point Sur Marine Protected Areas (MPAs) as an Area of Special Biological Significance (ASBS) from Dawn Addis.

<sup>6</sup> Central Coast Water Board's Vision webpage:

[https://www.waterboards.ca.gov/centralcoast/publications\\_forms/publications/vision/index.html](https://www.waterboards.ca.gov/centralcoast/publications_forms/publications/vision/index.html)

Staff identified ten proposals that met prioritization criteria, however, further consideration of Basin Planning Program staff resources and technical experts available for proposal development resulted in the staff recommendation to prioritize five proposals for development. The 2024 Priority List of Proposals, ordered according to the chapter of the Basin Plan that they address, are shown in Table 1. Proposals 10 and 24 are combined due to their overlap. Proposals retained on the secondary list are available on pages 12 and 13 of the 2024 Triennial Review Report (Attachment 2).

Table 1. The 2024 Triennial Review Priority List of Proposals<sup>7</sup>

<b>Proposal Number</b>	<b>Proposal Name</b>	<b>Technical Expert<sup>8</sup></b>
3	Designate Tribal and Subsistence Fishing Beneficial Uses	State Water Board staff
10, 24	Update Groundwater Basin Boundary Map and Table, Revisions for Table 3-6 Site-specific Groundwaters	Groundwater Cleanup staff
28	Update Reference to Maximum Contaminant Levels	Groundwater Cleanup staff
45	Establish State Water Quality Protection Areas	California Coastkeeper Alliance

### **2024 Priority List Proposal Descriptions**

The Triennial Review Report (Attachment 2) provides detailed descriptions of the five priority list proposals and all the secondary list proposals. The five priority list proposals and a brief description of the proposals are provided here for reference:

#### *Proposal 3: Designate Tribal and Subsistence Fishing Beneficial Uses*

On May 2, 2017, the State Water Resources Control Board (State Water Board) adopted Resolution 2017-0027 and Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California – Tribal Subsistence Beneficial Uses and Mercury Provisions. Designate waterbodies with the Tribal Subsistence Fishing Beneficial Uses, as appropriate, following research and public input to identify “historical, present, and potential beneficial uses in the [central coast] Basin.”

#### *Proposal 10: Update Groundwater Basin Boundary Map and Table*

Replace the groundwater basin map (Figure 2-2) and table (Table 2-4) to be consistent with the 2018 (or most current) edition of California’s Groundwater Bulletin 118<sup>9</sup> and

<sup>7</sup> In addition to the proposals prioritized during the 2024 Triennial Review, Basin Planning Program staff will continue work as the Technical Expert on the Basin Plan amendments project (Resolution R3-2024-0003), initiated after the 2021 Triennial Review for priority *Proposal 19: Update Basin Plan to Include all Statewide Objectives* and includes addition of the Tribal Beneficial and Subsistence Fishing Beneficial Use definitions and other non-regulatory revisions to the Basin Plan.

<sup>8</sup> Technical expert can mean Central Coast Water Board staff, State Water Board staff, other agency staff, and external partners.

<sup>9</sup> California’s Groundwater Bulletin 118: <https://water.ca.gov/programs/groundwater-management/bulletin-118>

include language stating that the Water Board relies on the Department of Water Resources (DWR) delineations of groundwater basins and the current version of DWR's Bulletin 118 map. This proposal overlaps with Proposal 24 and would require evaluation of the water quality objectives where basin boundaries would change.

*Proposal 24: Revisions for Table 3-6 Site-specific Groundwaters*

Basin Plan groundwater basin boundaries and/or names do not correspond with the boundaries defined by the current DWR Bulletin 118. Some Basin Plan groundwater basin boundaries are in Appendices A-32 through A-35 and the maps need to be replaced with current maps. Update Table 3-6 groundwater basin boundaries and/or names to correspond with the boundaries defined by the current DWR Bulletin 118. This proposal overlaps with Proposal 10.

*Proposal 28: Update Reference to Maximum Contaminant Levels*

Add MCLs from CCR, Title 22, section 64533 to the Basin Plan's Municipal and Domestic Supply (MUN) section 3.3.4.2 for all disinfection byproducts (such as haloacetic acids, trihalomethanes), 1,2,3,-trichloropropane (1,2,3,-TCP), and other appropriate drinking water levels for contaminants of emerging concern (such as per- and polyfluoroalkyl (PFAS) substances).

*Proposal 45: Establish State Water Quality Protection Areas*

Establish additional SWQPAs. A proposal to establish a SWQPA for the Point Sur Area was submitted following the 2021 Triennial Review period. Review proposal for adequate justification in support of the nomination and evaluate and develop procedures to comply with the process for designation as SWQPA in the Ocean Plan. If feasible, bring a recommendation to the Central Coast Water Board.

## **Human Right to Water**

California Water Code section 106.3, subdivision (a) states that it is the policy of the State of California "that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes." On January 26, 2017, the Central Coast Water Board adopted Resolution R3-2017-0004, which affirms the realization of the human right to water and the protection of human health as the Central Coast Water Board's top priorities.

The proposed priority list is aligned with the intent of Resolution R3-2017-0004 in that it prioritizes *Proposal 28: Update Reference to Maximum Contaminant Levels* for drinking water. This proposal, once developed, will simplify the process of applying the most current and protective MCLs in Title 22 of the California Code of Regulations (CCR) for contaminants such as 1,2,3,-TCP. Furthermore, development of these proposals will enhance water quality protections.

## **Environmental Justice**

Environmental Justice principles call for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income in the development, adoption, implementation, and enforcement of all environmental laws, regulations, and

policies that affect every community's natural resources and the places people live, work, play, and learn. The Central Coast Water Board implements regulatory activities and water quality projects in a manner that ensures the fair treatment of all people, including Underrepresented Communities. Underrepresented Communities include but are not limited to Disadvantaged Communities (DACs), Severely Disadvantaged Communities (SDACs), Economically Distressed Areas (EDAs), Tribes, Environmentally Disadvantaged Communities (EnvDACs), and members of Fringe Communities.<sup>10</sup> Furthermore, the Central Coast Water Board is committed to providing all stakeholders the opportunity to participate in the public process and provide meaningful input to decisions that affect their communities.

This Triennial Review process included targeted outreach to Tribes and underrepresented communities in the Central Coast Region. Opportunities for public participation were notified in English and Spanish on the Basin Planning Program website, the Basin Planning Triennial Review interested persons email subscription list, and the Racial Equity and Environmental Justice interested persons email subscription list. Additionally, each proposal was evaluated to determine alignment with the Central Coast Water Board and Basin Planning Program priorities, including the realization of the human right to water and the protection of human health and implementation of activities that ensure the equitable treatment of Underrepresented Communities in the Central Coast region.

### **Tribal Outreach**

On June 24, 2024, staff sent a letter via email and postal mail to all Tribal contacts in the Central Coast region, noticing the 2024 Preliminary List for the Triennial Review of the Basin Plan and Public Outreach Meeting and Workshop, and opportunity for participation. This was consistent with the requirements and intent of California Assembly Bill 2108 to coordinate with environmental justice communities such that there is equitable engagement with potentially impacted communities regarding Water Board planning and policy processes. The letter included website links directing Tribal representatives to the 2024 Preliminary List and additional information about the Basin

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<sup>10</sup> Disadvantaged Community: a community with an annual median household income that is less than 80% of the statewide annual median household income (Public Resources Code section 80002(e)); Severely Disadvantaged Community: a community with a median household income of less than 60% of the statewide average. (Public Resources Code section 80002(n)); Economically Distressed Area: a municipality with a population of 20,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the segment of the population is 20,000 persons or less with an annual median household income that is less than 85% of the statewide median household income and with one or more of the following conditions as determined by the department: (1) financial hardship, (2) unemployment rate at least 2% higher than the statewide average, or (3) low population density. (Water Code section 79702(k)); Tribes: federally recognized Indian Tribes and California State Indian Tribes listed on the Native American Heritage Commission's California Tribal Consultation List; EnvDACs: CalEPA designates the top 25 percent scoring census tracts as DACs. Census tracts that score the highest five percent of pollution burden scores but do not have an overall CalEnviroScreen score because of unreliable socioeconomic or health data are also designated as DACs (refer to the CalEnviroScreen 3.0 Mapping Tool or Results Excel Sheet); Fringe Community: communities that do not meet the established DAC, SDAC, and EDA definitions but can show that they score in the top 25 percent of either the Pollution Burden or Population Characteristics score using the CalEnviroScreen 3.0.



Plan and Triennial Review. No requests for coordination were received in response to this effort. One Tribal representative attended the Triennial Review Public Outreach Meeting and Workshop on July 31, 2024, and provided verbal comments at that time.

### **Climate Change**

The Central Coast faces the threat and the effects of climate change for the foreseeable and distant future. To proactively prepare and respond, the Central Coast Water Board has launched the Central Coast Water Board's Climate Action Initiative, which identifies how the Central Coast Water Board's work relates to climate change and prioritizes actions that improve water supply resiliency through water conservation and wastewater reuse and recycling; mitigate for and adapt to sea level rise and increased flooding; improve energy efficiency; and reduce greenhouse gas production. The Climate Action Initiative is consistent with the Governor's Executive Order B-30-15 and the State Water Board's Climate Change Resolution No. 2017-0012.

Each proposal was evaluated to determine alignment with the Central Coast Water Board and Basin Planning Program priorities, including goals to further mitigate for and adapt to the impacts of climate change. Priority List proposals support resiliency to climate change (e.g., *Proposal 3: Designate Tribal and Subsistence Fishing Beneficial Uses*, *Proposals 10 and 24: Update Groundwater Basin Boundary Map and Table and Revisions for Table 3-6 Site-specific Groundwaters*, and *Proposal 45: Establish State Water Quality Protection Areas*).

### **CONCLUSION**

Staff recommends adopting proposed Resolution R3-2024-0061 (Attachment 1). Adoption of the proposed Resolution concludes the 2024 Triennial Review, approves a priority list of proposals to be pursued as future Basin Plan amendments, and affirms the general adequacy of those portions of the Basin Plan not considered for revision. Development and implementation of the proposals is intended to improve program efficiencies and further protect and restore water quality.

### **RECOMMENDATION**

Adopt proposed Resolution R3-2024-0061.

### **ATTACHMENTS**

1. Proposed Resolution R3-2024-0061
2. 2024 Triennial Review Report
3. 2024 Triennial Review Response to Comments
4. Notice of Opportunity for Public Comment (English) – June 24, 2024
5. Notice of Opportunity for Public Comment (Spanish) – June 24, 2024