

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

November 5, 2015
Resolution No. R15-XX

2014 - 2016 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. Since 1994, seventy-nine (79) amendments to the Basin Plan, including total maximum daily loads (TMDLs), have been adopted by the Los Angeles Water Board, and approved by the State Water Board, OAL, and, where necessary, the United States Environmental Protection Agency (U.S. EPA).
6. The Los Angeles Water Board administratively updated Chapters 1, 2, 3, 5, 6 and 7 of the Basin Plan in phases in 2011, 2013 and 2014, incorporating amendments adopted since 1994 and updating maps, figures and tables, as well as general information contained in the text.
7. The administrative update of Chapter 2 "Beneficial Uses" was adopted by the Los Angeles Water Board on November 10, 2011, and approved by the State Water Board on August 21, 2012 and by OAL on March 28, 2013.
8. On December 8, 2011, the Los Angeles Water Board added Chapter 7 "Total Maximum Daily Loads" to the Basin Plan, which incorporated previously adopted TMDLs. This Basin Plan amendment was approved by the State Water Board on August 21, 2012 and by OAL on March 28, 2013.

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9. The administrative update of Chapter 3 “Water Quality Objectives” was adopted by the Los Angeles Water Board on May 2, 2013, and approved by the State Water Board on May 20, 2014 and by OAL on October 13, 2014.
10. The administrative update of Chapters 1 “Introduction,” 5 “Plans and Policies,” and 6 “Monitoring and Assessment” was adopted by the Los Angeles Water Board on September 11, 2014, and is pending approval by the State Water Board and OAL.
11. 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 water quality monitoring, and non-regulatory descriptions of the region covered by the Plan.
12. State and federal laws mandate the periodic review of basin plans. Specifically, California Water Code 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 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.
13. 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 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). 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 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.

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14. Given these resource constraints, the Los Angeles Water Board will only reconsider components of the water quality standards where relevant and substantial evidence has been identified by or to the Los Angeles Water Board that the particular water quality objectives as applied to specific waterbodies 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.
15. In recent years, the Los Angeles Water Board conducted triennial reviews of the Basin Plan in 2001-2004, 2005-2007, 2008-2010 and 2011-2013.
16. 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-five (25) amendments for the period 2005-2007, eleven (11) amendments for the period of 2008-2010, and six (6) amendments for the period of 2011-2013. During the current triennial review period of 2014-2016, the Los Angeles Water Board has adopted eleven (11) Basin Plan amendments to date.
17. 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.
18. 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 Los Angeles Water Board has initiated its 2014-2016 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.
19. In adopting this resolution, the Los Angeles Water Board is not required to consider the factors of California Water Code 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, but as required by section 303(c)(1) of the federal Clean Water Act, is reviewing its water quality standards. (See *City of Arcadia v. State Water Resources Control Bd.* (2010) 191 Cal.App.4th 156).
20. The current triennial review began in the fall of 2014 with internal Los Angeles Water Board staff review and discussions of the Basin Plan. As part of this process, staff

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compiled a list of potential projects based on outstanding issues from the 2011-2013 Triennial Review priorities list and new priorities that have emerged since that time.

21. On January 29, 2015, the Los Angeles Water Board sent out a solicitation letter to interested persons requesting data and information on water quality standards and other Basin Planning issues that they felt should be addressed for the Los Angeles Region, during the triennial review. The comment submission deadline was March 2, 2015. The Los Angeles Water Board received six comment letters.
22. On July 22, 2015, Los Angeles Water Board staff held a public workshop with the purpose of providing the public an opportunity to discuss and begin to identify priority Basin Planning projects to be addressed during the current triennial review period. Staff presented stakeholders with potential projects to be prioritized, which included those submitted by stakeholders, as well as those identified by Board staff. All stakeholders were provided the opportunity to present their top three priorities at the workshop, and were also given additional time to submit these priorities in writing after the workshop.
23. Based on stakeholder input, and in consideration of the limited resources available, the Los Angeles Water Board staff prepared a Staff Report describing the 2014-2016 Basin Plan triennial review process, the issues of concern to stakeholders and the Los Angeles Water Board, and the recommended list of Basin Planning projects to be addressed during this review period.
24. 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.
25. The Los Angeles Water Board held a public hearing on November 5, 2015, 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 related implementation provisions) established in the Basin Plan. Notice of the public hearing was sent to all known interested persons.
26. The Los Angeles Water Board has considered the entire record, including oral testimony, in adopting the 2014-2016 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 adopts 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) 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;
 - b) Continue the development of a regional strategy to address the effects of climate change on water quality;

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- c) Update freshwater ammonia objectives based on new recommended water quality criteria published by U.S. EPA;
 - d) Administratively update Chapter 4 of the Basin Plan;
 - e) Provide support to other Los Angeles Water Board programs, including TMDLs, Municipal Permitting, and Stormwater Permitting;
 - f) Provide support to statewide standards-related initiatives, including:
 - The development of a groundwater workplan;
 - The development of watershed-based stormwater compliance and management guidelines and tools;
 - The development of nutrient objectives;
 - The development of a biological integrity assessment implementation plan;
 - The application of the State's Antidegradation Policy to groundwater;
 - The development of a contaminants of emerging concern (CEC) strategy; and
 - g) 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, consider additional recommended issues as detailed in the Staff Report and will prepare, as appropriate, amendments to the Basin Plan.
 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 U.S. EPA.

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 November 5, 2015.

Samuel Unger, PE
Executive Officer

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