

**California Regional Water Quality Control Board**

**Santa Ana Region**

**RESOLUTION NO. R8-2026-0014**

**Resolution Amending the Water Quality Control Plan for the Santa Ana River Basin to Extend the Schedule for Attaining the Middle Santa Ana River Watershed Total Maximum Daily Loads for Bacterial Indicators in Wet Winter Conditions**

**WHEREAS, the California Regional Water Quality Control Board, Santa Ana Region (hereinafter, Santa Ana Water Board), finds that:**

1. The federal Clean Water Act (CWA) and the state Porter-Cologne Water Quality Control Act (Porter-Cologne Act) requires the Santa Ana Water Board to establish water quality standards for each waterbody within its region. (33 U.S.C§ 1313; Wat. Code, § 13240.) Water quality standards include beneficial uses, water quality objectives (numeric and narrative) to protect those beneficial uses, and the antidegradation policy. The Porter-Cologne Act also requires the Santa Ana Water Board to adopt programs of implementation to achieve the prescribed water quality objectives. (Wat. Code, § 13242.)
2. On March 11, 1994, an updated Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) was adopted by the Santa Ana Water Board, and was approved by the State Water Resources Control Board (State Water Board) on July 21, 1994, and approved by the Office of Administrative Law (OAL) on January 24, 1995. Subsequent amendments to the Basin Plan have been similarly adopted and approved.
3. The Basin Plan specifies the following beneficial uses (existing or potential) for the Middle Santa Ana River Watershed: body contact recreation (REC-1) and non-body contact recreation (REC-2).
4. There are six waterbodies within the Middle Santa Ana River Watershed that are on the state section 303(d) list (303(d) list). The five waterbodies include:
  - Santa Ana River Reach 3 – Listed in 1988;
  - Chino Creek, Reach 1 – Listed in 1994;
  - Chino Creek, Reach 2 – Listed in 1998;
  - Mill Creek, Prado Area – Listed in 1994;
  - Cucamonga Creek, Reach 1 – Listed in 1998; and
  - Prado Park Lake – Listed in 1998
5. The beneficial use adversely affected by elevated fecal coliform densities in

Middle Santa Ana River Watershed Waterbodies is REC-1. The Basin Plan prescribes the following numeric water quality objectives for the Middle Santa Ana River Watershed: Fecal coliform: Log mean less than 200 organisms/100 mL based on five or more samples per 30-day period, and not more than 10% of the samples exceed 400 organisms/100 mL for any 30-day period; E. coli: Log mean less than 126 organisms/100 mL based on five or more samples per 30-day period, and not more than 10% of the samples exceed 235 organisms/100 mL for any 30-day period.

6. Section 303(d) of the Clean Water Act requires each state to identify the waters within its boundaries that do not meet water quality standards. Those waters are placed on the state's section 303(d) list (303(d) list). The Santa Ana Water Board is required and authorized to establish a total maximum daily load (TMDL) for those pollutants identified as causing impairment of waters within its jurisdiction on the 303(d) list. Additionally, under Water Code section 13242, the Santa Ana Water Board is required to develop an implementation program to achieve water quality objectives.
7. The numeric fecal coliform water quality objectives were not being met in Middle Santa Ana River Watershed Waterbodies. As a result of violations of the fecal coliform objective and beneficial use impacts to the Middle Santa Ana River Watershed Waterbodies, on August 26, 2005, the Basin Plan was amended by Resolution R8-2005-0001, "Resolution Amending the Water Quality Control Plan for the Santa Ana River Basin to Incorporate Bacterial Indicator Total Maximum Daily Loads (TMDLs) for Middle Santa Ana River Watershed Waterbodies." The Basin Plan amendment received final approval from U.S. EPA on May 16, 2007. The amendment was added to Chapter 6, TMDLs, Section 6-1. The amendment established TMDLs for bacterial indicators in the Middle Santa Ana River, as well as wasteload allocations (WLAs) for point source discharges and load allocations (LAs) for non-point source discharges of bacterial indicators and a 10% margin of safety (MOS). The 2005 TMDLs also included an implementation plan, attainment schedule, and monitoring and reporting requirements.
8. During the process to adopt the 2005 TMDLs it was recognized that protection of recreational uses during dry weather was a higher priority than protection of recreational uses during wet weather – simply because recreational activity was more likely to occur during dry weather conditions. This prioritized approach to reduce or eliminate bacteria in dry weather flows has resulted in stakeholder resources being used for the construction of infrastructure to reduce bacteria to safe levels when recreational activity is most likely to occur, regardless of season.
9. The 2005 TMDLs established two schedules to comply with the TMDLs, WLAs and LAs for bacterial indicators in Middle Santa Ana River Watershed Waterbodies:
  - Dry Summer Conditions: April 1 through October 31, as soon as possible, but

no later than December 31, 2015.

- Wet Winter Conditions: November 1 through March 31, as soon as possible, but no later than December 31, 2025.

10. The Santa Ana Watershed Project Authority (SAWPA) is a joint power authority of five member agencies that supports water resources planning: Eastern Municipal Water District, Inland Empire Utilities Agency, Orange County Water District, San Bernardino Valley Municipal Water District, and Western Municipal Water District. In 2006, the MSAR TMDL Task Force (TMDL Task Force) was established, as a multi-agency, collaborative effort administered by SAWPA, to coordinate water quality improvement activities designed to support compliance with the MSAR TMDLs. The TMDL Task Force includes San Bernardino County Flood Control District (representing County of San Bernardino and Cities of Ontario, Chino, Chino Hills, Montclair, Rancho Cucamonga, Upland, Rialto, and Fontana); County of Riverside; Cities of Claremont, Corona, Eastvale, Jurupa Valley, Norco, Pomona and Riverside; and Agricultural Operators (represented by Chino Basin Watermaster) and University of California, Riverside. Since the adoption and approval of the 2005 TMDLs, stakeholders, working collectively through the Middle Santa Ana River TMDL Task Force, as part of a Municipal Separate Stormwater Sewer System (MS4) program, or as an individual permittee, have implemented numerous programs and projects to comply with the requirements set forth in the 2005 TMDLs' Implementation Plan (Phase 1).

11. As of 2023, all the tasks originally set forth in the Phase 1 Implementation Plan have been implemented. Although impaired receiving waters are not attaining water quality objectives during dry weather flow conditions, the entities responsible for compliance with the WLAs and LAs remain committed to the continued implementation of their respective best management practices (BMP) based compliance plans, existing or as revised, to further reduce or eliminate sources of bacterial indicators during dry weather flow conditions.

12. To date, Middle Santa Ana River TMDL implementation activities have focused on efforts to comply with Dry Summer Conditions TMDLs when REC-1 activity is most likely to occur in the watershed. In addition, findings from studies conducted since 2007 have demonstrated the challenges of achieving compliance under dry weather conditions. Given the increased volume of water to be managed during wet weather, the challenge of complying with Wet Winter Conditions is expected to be orders of magnitude greater. Due to this prioritization and challenges, additional time is needed to meet the Wet Winter Conditions TMDLs, WLAs, and LAs.

13. The proposed revision will be limited to extending the compliance date associated with the Wet Winter Conditions TMDLs, WLAs and LAs from December 31, 2025, to December 31, 2035, and establishing a Phase 2 Implementation Plan (limited revision). The implementation plan has been revised to include Phase 2 tasks to facilitate efforts to comply with the Wet Winter

Conditions TMDLs, WLAs and LAs by the proposed new compliance date. Phase 2 implementation also includes tasks that support ongoing efforts to comply with the dry summer condition WLAs/LAs.

14. The Basin Plan amendment shown in Attachment A to this Resolution was developed in accordance with Clean Water Act section 303(d) and Water Code section 13240 et seq. The amendment is proposed for Chapter 6, "Total Maximum Daily Loads," of the Basin Plan. The Basin Plan amendment includes background information concerning the water quality impairment being addressed and challenges associated with attainment of bacterial indicators water quality objectives. The proposed Basin Plan amendment is supported by a detailed report titled "TMDL Technical Report: Proposed Revisions to the Middle Santa Ana River Watershed Bacterial Indicator TMDLs" prepared for SAWPA, in collaboration with the Santa Ana Water Board.
15. The Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining High Quality Waters in California (State Antidegradation Policy, State Water Board Resolution No. 68-16) and the federal antidegradation requirements (40 CFR § 131.12). The amendment requires the restoration of water quality, the attainment of water quality standards, and does not allow the temporary or long-term degradation of water quality.
16. The Santa Ana Water Board has considered the costs associated with implementation of this amendment, as well as costs resulting from failure to implement bacteria control measures necessary to prevent adverse effects on beneficial uses. The implementation plan in the Basin Plan, which includes extended compliance schedules and implements a phased TMDL and adaptive management approach, will ensure that implementation expenditures are reasonable and apportioned equitably among responsible parties.
17. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the State Water Board's basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA, Pub. Res. Code, § 21000 et seq.) requirements for preparing environmental documents. (Cal. Code Regs., tit. 14, § 15251, subd. (g); Cal. Code Regs., tit. 23, § 3720.) In lieu of preparing an environmental impact report, mitigated negative declaration, or negative declaration, the Santa Ana Water Board is required to prepare a substitute environmental document (SED). Under Resolution No. R8-2005-0001, the Santa Ana Water Board adopted a SED for the 2005 TMDLs that included an Environmental Checklist, an assessment of the potential environmental impacts of the TMDLs/Basin Plan amendment, and a discussion of alternatives (2005 SED).
18. On January 09, 2023, a CEQA scoping meeting was held at the Santa Ana Watershed Project Authority (SAWPA). Interested persons were given the opportunity to comment on the appropriate scope and content of the Middle Santa Ana River TMDLs limited revision to extend the Wet Winter Conditions

compliance deadline. On December 12, 2022, a notice of the CEQA Scoping meeting was sent to potentially interested and affected parties. Comments received at the scoping meeting, where appropriate, were addressed in the staff report and in the proposed limited revision.

19. In preparing the limited revision, the Santa Ana Water Board has considered the requirements of Public Resources Code section 21159 and California Code of Regulations, title 23, sections 3775-3781. The Santa Ana Water Board, after consideration of the 2005 TMDLs and SED, concludes that the amendment adopted through this Resolution will not result in significant adverse impacts, either individually or cumulatively, on the environment adopted through this Resolution not disclosed in the 2005 SED. Further, there are no changes in circumstances or new information that would otherwise warrant any subsequent or supplemental environmental review under Public Resources Code section 21166 or CEQA Guidelines sections 15162 or 15163. Accordingly, the Santa Ana Water Board intends the 2005 SED to serve as a tier one environmental review. This analysis is an analysis of the reasonably foreseeable consequences of the adoption of this regulation from a programmatic perspective. Project level impacts will need to be considered in any subsequent environmental analysis performed by other public agencies pursuant to Public Resources Code section 21159.2.
20. The proposed amendment meets the “Necessity” standard of the Administrative Procedures Act, Government Code section 11352, subdivision (b). Federal regulations require that TMDLs be incorporated into the state’s water quality management plan. The Basin Plan is the water quality management plan for the Santa Ana Region along with the statewide water quality management plans. Amendments to the Basin Plan are the mechanism through which the Santa Ana Water Board takes quasi-legislative actions. The adoption of this Basin Plan amendment is necessary to reduce loadings of bacterial indicators in the Middle Santa Ana River watershed.
21. This Resolution extends the Wet Winter Conditions compliance deadline and establishes Phase 2 tasks in the implementation plan and does not change the TMDLs, WLAs, and LAs established in the 2005 TMDLs. The proposed revisions do not change the underlying scientific basis of the water quality objectives, and the Basin Plan amendment, therefore, does not include any new scientific elements requiring independent, external scientific peer review. Accordingly, the Santa Ana Water Board is not required to submit relevant technical documents that serve as the basis for the proposed amendment to an external scientific review panel appointed by the California Environmental Protection Agency’s Peer Review Program, as prescribed in Health and Safety Code section 57004.
22. The Santa Ana Water Board posted a Notice of Availability and Request for Comments on the Board’s website, and all related supporting documents were made available on the [Santa Ana Water Board website](#). The Santa Ana Water Board considered all comments and prepared written responses to those

comments that were submitted by the required deadlines.

23. The Santa Ana Water Board has satisfied the outreach requirements set forth in Water Code section 189.7 by conducting outreach in potentially affected disadvantaged and tribal communities. The Santa Ana Water Board has distributed flyers in both English and Spanish in disadvantaged and tribal communities within the geographic area of the Santa Ana region notifying interested persons of the proposed Basin Plan amendment, regulatory background, and the opportunity to provide comments and participate in the public adoption hearing. No interested persons provided information concerning anticipated water quality impacts in disadvantaged or tribal communities resulting from adoption of the Basin Plan amendment, or any environmental justice concerns within the board's authority related to water quality impacts. Pursuant to Water Code section 13149.2, the Santa Ana Water Board reviewed readily available information and anticipates that the adoption of the Basin Plan amendment will not result in adverse water quality impacts and/or environmental justice concerns within the scope of the board's authority. The Santa Ana Water Board has therefore determined that no mitigation measures are necessary to address the impacts of the Basin Plan amendment.
24. The Basin Plan amendment must be submitted for review and approval by the State Water Board, and Office of Administrative Law (OAL). Once approved by the State Water Board, the amendment is submitted to OAL. The Basin Plan amendment will become effective upon approval by OAL.
25. To specify compliance schedules in NPDES permits for effluent limitations necessary to implement these TMDLs, the schedule(s) specified in these TMDLs shall govern, notwithstanding other compliance schedule authorization language in the Basin Plan. The 2005 TMDLs and the related Comprehensive Bacteria Reduction Plan previously approved by the Santa Ana Water Board remain in effect, and are not stayed, until such time as these revised TMDLs are approved by the State Water Board, and OAL.

**NOW, THEREFORE BE IT RESOLVED THAT:**

1. Pursuant to Water Code sections 13240 and 13242, the Santa Ana Water Board, after considering the entire record, including oral testimony at the hearing held on March 13, 2026, hereby adopts the amendment to the Water Quality Control Plan for the Santa Ana River Basin, as set forth in Attachment A of this Resolution.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Water Board in accordance with the requirements of Water Code section 13245.
3. The Santa Ana Water Board requests that the State Water Board approve the Basin Plan amendment, in accordance with Water Code sections 13245 and

13246 and forward it to the OAL for approval.

4. If during the approval process, Santa Ana Water Board staff, the State Water Board, or OAL determine that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Santa Ana Water Board's Executive Officer may make such changes and shall inform the Board of any such changes.
5. The Executive Officer is authorized to request a No Effect Determination from the California Department of Fish and Wildlife (CDFW) or transmit payment of the applicable fees required to CDFW, whichever is appropriate.

I, Eric T. Lindberg, 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, Santa Ana Region, on March 13, 2026.

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Eric T. Lindberg, PG CHG  
Executive Officer