

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

STAFF REPORT FOR REGULAR MEETING OF DECEMBER 10, 2021

Prepared on November 16, 2021

ITEM NUMBER: 7

SUBJECT: **CONSIDERATION OF A RESOLUTION APPROVING THE 2021 TRIENNIAL REVIEW OF THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL COASTAL BASIN**

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ACTION: **Adoption of proposed Resolution No. R3-2021-0098 will complete the 2021 Triennial Review, approve a priority list of proposals to be pursued as future Basin Plan amendments, and affirm the general adequacy of the Basin Plan sections not proposed for revision**

SUMMARY

Staff conducted the 2021 Triennial Review of the Water Quality Control Plan for the Central Coastal Basin (Basin Plan). The purpose of the Triennial Review is to review the Basin Plan and to identify and propose Basin Plan amendments (proposals) that would improve the Basin Plan as well as affirm the general adequacy of the Basin Plan in areas not identified as needing revision. The 2021 Triennial Review Report (Attachment 1) describes the Triennial Review process, summarizes the progress made on proposals prioritized in the previous (2017) Triennial Review, discusses the proposals considered during the current (2021) Triennial Review, includes public comments and staff responses to public comments, and recommends a new list of priority proposals.

Proposals may improve the Basin Plan through clarifying its intent, updating outdated information and references, or enhancing the Basin Plan's effectiveness as a regulatory instrument. This Board item is the Central Coast Water Board's opportunity to review and approve staff's prioritization approach of the proposals and the resulting recommendation of the proposals staff plan to work over the next three years (the priority list). The 2021 Triennial Review resulted in identifying 47 proposals; eight of those proposals are on the priority list (Table 1). Staff's recommendation is formalized in proposed Resolution No. R3-2021-0098 (Attachment 2).

Adoption of proposed Resolution No. R3-2021-0098 concludes the 2021 Triennial Review, approves a priority list of proposals, and affirms that those portions of the Basin Plan which were not proposed for revision as part of the 2021 Triennial Review are generally adequate at this time.

DISCUSSION

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

Progress Since the 2017 Triennial Review

The 2017 Triennial Review resulted in a priority list of 21 proposals. The estimated time to complete the 21 proposals was 20 personnel years yet only 0.5 personnel years per year were available to develop the proposals into Basin Plan amendments. Considering the resource constraints, staff made progress on four of the 21 proposals:

- **2017 Triennial Review Priority 1: Watershed and Integrated Water Resource Protection** (see proposal 40 in Attachment 1). This proposal has not been fully developed as a Basin Plan amendment. Instead, significant progress has been made through program specific actions, including prioritization of grant funding related to this proposal and incorporation of new permit requirements related to climate change adaptation, riparian protection, habitat restoration, runoff capture and infiltration, and recycled water. Additionally, since this proposal was identified, there have been new statewide efforts implemented to address water resiliency and resource protection that Central Coast Water Board staff are actively engaged with and leveraging to optimize our ability to implement meaningful actions aligned with this proposal at a local level.

At this time, staff recommend replacing this proposal with multiple focused proposals that 1) are aligned with statewide efforts and 2) will accomplish the intended goals of the proposal in manageable increments. For example, see Attachment 1 and proposal numbers 5, 7, 8, 10, 13, 14, 15, 16, 17, 18, 21, 24, 27, 34, 35, 44, 45, 46, and 47. Four of these proposals are also on the priority list for the 2021 Triennial Review (see Table 1 and proposal numbers 18, 35, 45, and 46). Staff will continue to identify additional focused proposals to achieve the intent of the Watershed and Integrated Water Resource Protection proposal.

- **2017 Triennial Review Priority 2: Establish Turbidity Water Quality Objectives for Aquatic Life Protection.** Proposal in progress. The technical justification and scientific peer review are complete. This proposal is on the priority list for the 2021 Triennial Review and staff anticipate a Basin Plan amendment will be brought to the Board for consideration before the next Triennial Review.
- **2017 Triennial Review Priority 3: Establish Prohibitions on Unpermitted Discharges.** Proposal in progress. Project public comment period and proposed Basin Plan amendment documentation completed. Pending Central Coast Water Board Hearing in 2022.

- **2017 Triennial Review Priority 17: Edit the Land Disturbance Prohibition.** Proposal in progress. Project public comment period and proposed Basin Plan amendment documentation complete. Pending Central Coast Water Board Hearing in 2022.

2021 Triennial Review Process

Basin Planning staff took a more direct approach in soliciting other program staff comments during this Triennial Review period. Prior to starting the public process, each program was tasked to review the Basin Plan and provide recommendations for future Basin Plan amendments that would improve their ability to protect and restore water quality. Program staff were also asked to identify technical staff resources to assist Basin Planning staff in development of high priority proposals. Newly recommended proposals were added to the proposals from previous Triennial Reviews to create the 2021 Brief Issue Descriptions document for public comment.

Staff subsequently initiated the public process by distributing a Notice of Opportunity for Public Comment and the Brief Issue Descriptions document at the beginning of a 45-day public comment period that extended from August 26, 2021 to October 11, 2021. Staff also held a public workshop on September 28, 2021; six members of the public attended the public workshop. Staff received written public comments from seven interested persons (see Comments section below).

After consideration of all public comments received, staff finalized the proposals and developed the Triennial Review Report (Attachment 1). The report includes a detailed description of 47 proposals. Please note, in Attachment 1 the proposals are organized by the appropriate Basin Plan chapter and are not listed in numerical order. This is because proposals 1 - 41 were included in the Brief Issues Description document that was released for public comment; proposals 42 - 47 were added after the public comment period and collated with the existing proposals for each Basin Plan chapter. Consequently, and for example, proposals for chapter 1 of the Basin Plan include proposal 1 and proposal 42.

All 47 proposals were evaluated to determine alignment with the Central Coast Water Board and Basin Planning Program priorities listed below:

- 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 ensure the fair treatment of Underrepresented Communities¹?

¹ Underrepresented Communities are defined below in the Environmental Justice section.

- 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?

Proposals that met one or more of the prioritization criteria and have staff resources identified to develop the proposal in the next three years (i.e., technical partners and/or program staff) were placed on the priority list (Table 1).

Table 1. The 2021 Triennial Review Priority List of Proposals.

Proposal Number	Proposal Name	Technical Partner/ Program staff
9	Clarify Uses for Waterbodies Not Specifically Named	Stormwater
18*	Develop and Establish or Clarify Turbidity Water Quality Objectives for Aquatic Life	Cannabis
19	Update Basin Plan to Include all Statewide Objectives	Basin Planning
24	Revisions for Table 3-6 - Site-specific Groundwaters	TBD**
28	Update Reference to MCLs	Enforcement
35*	Broaden Applicability - Erosion and Sedimentation Control Action	Irrigated Lands and Stormwater
45*	Establish State Water Quality Protection Areas	California Coastkeeper Alliance ***
46*	Develop Protections for Riparian Corridors	Irrigated Lands & Stormwater

* Proposal partially achieves intended goal of 2017 Priority 1 for Watershed and Integrated Water Resource Protection.

** This proposal is a priority for multiple programs; however, development of this Basin Plan amendment will be complex and very resource intensive. Basin planning staff will need to first develop a scope of work, project schedule, and management will identify resources prior to moving forward with a formal Basin Plan amendment.

*** External stakeholder.

Comments

A direct reproduction of comments made by each commenter and Central Coast Water Board staff responses to each public comment are included with the applicable proposal of the Triennial Review Report (Attachment 1).

Please see Table 3 (page 14) of the Triennial Review Report for a list of the commenters and the proposals commented on. In response to public comments, new proposals were added to the Triennial Review (see proposals 42 - 47) and existing proposals were modified (see proposals 6, 21, 23, 24, 29, 33, and 36).

The written comment letters received were not web accessible. However, staff reproduced each comment in Attachment 1 and associated each comment with the relevant proposal. In addition, staff updated the project website² to inform the public that copies of the comment letters are available upon request.

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 No. 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 No. R3-2017-0004 in that it prioritizes proposal 28 - *Update Reference to Maximum Contaminant Levels (MCLs)* 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,-trichloropropane (1,2,3,-TCP). Furthermore, staff has determined that the development of these proposals will enhance water quality protections.

Environmental Justice

The Central Coast Water Board implements regulatory activities and water quality projects in a manner that ensures the fair treatment of people of all ethnicities, cultures, backgrounds, and income levels, 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 Communities³. Furthermore, the Central Coast

²https://www.waterboards.ca.gov/centralcoast/publications_forms/publications/basin_plan/triennial_review/

³ 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 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

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 used the Basin Planning interested parties email subscription list (containing 349 interested persons including environmental justice organizations) to communicate opportunities for public participation. All public notices were also translated to Spanish. Consideration of the potential impacts of any given Basin Plan amendment on Underrepresented Communities is part of the Basin Plan amendment process, which also includes targeted outreach and multiple opportunities for public engagement.

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.

Several of the proposals on the priority list support resiliency to climate change (e.g., proposal 35-*Develop Protections for Riparian Corridors* and proposal 46-*Broaden Applicability of Erosion and Sediment Control Actions*).

CONCLUSION

Staff recommends adopting proposed Resolution No. R3-2021-0098 (Attachment 2). Adoption of the resolution concludes the 2021 Triennial Review, approves a priority list of proposals to be pursued as future Basin Plan amendments in the next three years, 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.

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 5 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 average.

ATTACHMENTS

1. Triennial Review Report
2. Resolution No. R3-2021-0098 with the 2021 Triennial Review priority list

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APPENDIX A

The list of all proposed Basin Plan amendments evaluated during the 2021 Triennial Review.

Proposal Number	Proposal Name
42	Align Region 2-3 Boundary with Coyote Creek Watershed
1	Editorial Corrections and Minor Clarifications (Chapter 1)
2	Add and Designate the Limited Water Contact Recreation Beneficial Use
3	Add and Designate the Tribal Beneficial Uses
4	Clarify and Update Agricultural Supply Beneficial Use Definition
5	Designate Aquatic Life Uses for Groundwater
6	De-designate Beneficial Uses for Selected Waterbodies
43	Split Coastal Reaches at Saline/Freshwater Transition Zone
7	Designate Selected Waterbodies with Aquatic Life Uses
8	Designate Surface Waters that Recharge Groundwater
9*	Clarify Uses for Waterbodies Not Specifically Named
10	Update Groundwater Basin Boundary Map and Table
11	Modify Groundwater Recharge Use Definition
12	Editorial Corrections and Minor Clarifications (Chapter 2)
13	Develop Biological Water Quality Objectives
14	Develop Aquatic Life Water Quality Objectives
15	Develop and Establish Surface Water Flow Objectives
16	Establish Additive Toxicity Water Quality Objectives for Aquatic Life
17	Develop and Establish Temperature Water Quality Objectives for Aquatic Life
18*	Develop and Establish or Clarify Turbidity Water Quality Objectives for Aquatic Life
19*	Update Basin Plan to Include all Statewide Objectives
20	Revise Dissolved Oxygen Water Quality Objectives for Aquatic Life
21	Revise Water Quality Objectives to be as Protective as Federal Criteria
22	Update Agricultural Supply Water Quality Objectives in Table 3-1
23	Revisions for Table 3-5 - Water Quality Objectives for Site-specific Surface Waters
24*	Revisions for Table 3-6 - Site-specific Groundwaters
25	Revise Sediment Water Quality Objective
26	Revise Pesticides Water Quality Objective
44	Establish Narrative Toxicity Water Quality Objective for Groundwater
27	Establish Nutrient Water Quality Objectives for Aquatic Life
28*	Update Reference to MCLs
29	Editorial Corrections or Minor Clarifications (Chapter 3)

Proposal Number	Proposal Name
45*	Establish State Water Quality Protection Areas
46*	Develop protections for riparian corridors
47	Develop a Salt and Nutrient Management Plan for the Los Osos Groundwater Basin
30	Provide 401 Exemptions for Some Restoration Activities
31	Revise to Reflect Regulation under the Current Agricultural Order
32	Revise TMDL Attainment Dates for Agriculture
33	Editorial Corrections and Minor Clarifications (Chapter 4)
34	Develop Authority to Require water recycling
35*	Broaden applicability Erosion and Sedimentation Control Action
36	Revise Storm Season Start Date to October 1
37	Editorial Corrections and Minor Clarifications (Chapter 5)
38	Editorial Corrections and Minor Clarifications (Chapter 6)
39**	Ocean Protection
40**	Watershed and Integrated Water Resource Protection
41	Editorial Corrections and Minor Clarifications (All Chapters)

* Proposal on the priority list.

** Proposal replaced with specific proposal(s) that will accomplish the intended goal of this proposal.