

---

## State Water Resources Control Board

### REVISED

#### NOTICE OF AVAILABILITY FOR PUBLIC COMMENT ON THE AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SANTA ANA RIVER BASIN TO REVISE THE SCHEDULE FOR ATTAINING THE FECAL COLIFORM TOTAL MAXIMUM DAILY LOADS FOR THE SHELLFISH HARVESTING BENEFICIAL USE IN NEWPORT BAY

**NOTICE IS HEREBY GIVEN THAT** the State Water Resources Control Board (“State Water Board”) is seeking written public comments on the Santa Ana Water Quality Control Board’s (“Regional Water Board”) final amendment to the Water Quality Control Plan for the Santa Ana River Basin to Revise the Schedule for Attaining the Fecal Coliform Total Maximum Daily Loads (“TMDLs”) for the Shellfish Harvesting Beneficial Use (“SHEL”) in Newport Bay (“Basin Plan amendment”).

#### BACKGROUND

The Regional Water Board adopted the Basin Plan amendment on June 3, 2022, through [Resolution No. R8-2022-0017](#). The Basin Plan amendment would extend the deadline for attainment of the Fecal Coliform TMDLs for SHEL to December 31, 2030, updating the deadline in Table 6-1f, revising the implementation plan schedule in Table 6-1g, and making other editorial changes for clarity in Chapter 6, Section 3.a of the Basin Plan. The Basin Plan amendment is needed to allow sufficient time to consider, formulate, and complete projects to assess the appropriateness of the current bacteria water quality objectives for protection of SHEL in the Basin Plan, which were incorporated into the Fecal Coliform TMDLs for Newport Bay. The Basin Plan amendment does not revise the attainment date for the water contact recreation beneficial use (REC-1) aspect of the Fecal Coliform TMDLs, though it does correct a typographical error in that date in Table 6-1f.

The Regional Water Board established Fecal Coliform TMDLs for Newport Bay to protect both the SHEL and REC-1 beneficial uses in 1999. These TMDLs include wasteload and load allocations and an implementation plan to assure attainment of water quality objectives. The Santa Ana Water Board previously revised the original attainment date for meeting the SHEL water quality objectives from December 30, 2019, to December 31, 2022. However, the Santa Ana Water Board was not able to secure and allocate the funding needed for completion of the special studies required to determine whether the current SHEL water quality objectives are scientifically supported and correlate with bacteria and pathogen loads in shellfish tissue. Only the first phase of the study was completed for dry weather conditions ([SCCWRP Technical Report 1193](#)). That study did not find a correlation between the bacteria water quality

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

objectives and bacteria and pathogens in shellfish tissue. The second phase of the study, which is for assessing whether a correlation can be found under wet weather conditions, is slated to begin in the fall of 2022. That study may take anywhere from two to potentially six years to complete, depending on whether enough significant precipitation events occur, and sufficient data can be collected for statistical analysis. The Basin Plan amendment would extend the final TMDL attainment date for SHEL to allow the completion of the wet season study, and any follow-on studies determined to be necessary to evaluate the scientific applicability of the current SHEL fecal coliform water quality objectives. Following completion of the wet weather study and any additional studies, the Santa Ana Water Board may need to develop site-specific objectives and/or new TMDLs to protect the SHEL beneficial use in Newport Bay. The extension takes into account the need for time to determine the best path forward for that process.

### **DOCUMENT AVAILABILITY**

A link to electronic copies of the Basin Plan amendment and supporting documents are available on the Regional Water Board's website at: [Fecal Coliform Newport Bay TMDL | Santa Ana Regional Water Quality Control Board](#)

Alternatively, a copy of the Basin Plan amendment can also be received by mail or electronic mail by contacting Terri Reeder at (951) 782-4995.

### **INSTRUCTIONS FOR SUBMITTING WRITTEN COMMENTS**

Persons interested in the Basin Plan amendment are encouraged to submit comments electronically. Comment letters must be received **by 12:00 noon on September 19<sup>23</sup>, 2022**. Comment letters received after that deadline will not be accepted unless the State Water Board determines otherwise.

Address comments to Jeanine Townsend, Clerk to the State Water Board. Please indicate in the subject line: "**Comment Letter – Amendment to Extend SHEL Attainment Date for Newport Bay Fecal Coliform TMDLs**".

Written comments may be submitted electronically in pdf format (if less than 15 megabytes in total size) to the Board Clerk via e-mail at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov). If the file is greater than 15 megabytes in size, then the written comments may be submitted by fax at (916) 341-5620.

Alternatively, comments may be submitted by hand delivery or mail to:

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor, Sacramento, CA 95814-0100 (hand delivery)  
P.O. Box 100, Sacramento, CA 95812-2000 (mail)

Couriers delivering written comments must check in with lobby security personnel, who can contact Jeanine Townsend at (916) 341-5600.

## REQUIREMENTS FOR SUBMITTING COMMENTS

In accordance with California Code of Regulations, title 23, section 3779, subdivision (f), the State Water Board may refuse to accept any comment that does not satisfy all of the following requirements:

1. Comments must specifically address the final version of the Basin Plan amendment adopted by the Regional Water Board
2. If the Regional Water Board previously responded to a similar or identical comment, the commenter must explain why and in what manner the commenter believes each of the responses provided by the Regional Water Board to each comment was inadequate or incorrect.
3. The commenter also must include either a statement that each of the comments was timely raised before the Regional Water Board, or an explanation of why the commenter was unable to raise the specific comment before the Regional Water Board.

## POTENTIAL FUTURE CHANGES TO THE NOTICED ITEMS

Any change to the information noticed above will be provided via the Santa Ana Water Board's email distribution list. Any person desiring to receive future notices must subscribe to the list serve e-mail distribution list by accessing the following e-mail list subscription form:


[https://www.waterboards.ca.gov/resources/email\\_subscriptions/reg8\\_subscribe.html](https://www.waterboards.ca.gov/resources/email_subscriptions/reg8_subscribe.html)

To subscribe, select the Santa Ana Water Board's Basin Planning and TMDL Orange County lists.

## ADDITIONAL INFORMATION

Please direct questions about this notice to Terri Reeder, Senior Engineering Geologist, at (951) 782-4995, or by e-mail at [terri.reeder@waterboards.ca.gov](mailto:terri.reeder@waterboards.ca.gov).

August 22, 2022  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jeanine Townsend  
Clerk to the Board