

AGENDA
NEWPORT BAY WATERSHED EXECUTIVE COMMITTEE

October 19, 2016

1:30 – 3:30 p.m.

Irvine Ranch Water District
15600 Sand Canyon Avenue
Irvine, CA 92618

Peer Swan, Chair
Irvine Ranch Water District

Michelle Steel, Vice Chair
County of Orange

Beth Krom
City of Irvine

Dr. Allan Bernstein
City of Tustin

William von Blasingame
Santa Ana Regional Water Quality Control
Board

Marshall Duffield
City of Newport Beach

Michele Martinez
City of Santa Ana

Sandra Genis
City of Costa Mesa

Andrew Hamilton
City of Lake Forest

Dean Kirk
The Irvine Company

Carla Navarro
California Department of Fish and Wildlife

Meeting information available at
<http://ocwatersheds.com/programs/ourws/wmaareas/wmacentraloc/nbexeccomm>

The Newport Bay Watershed Executive Committee welcomes you to this meeting and encourages your participation. This agenda contains a brief general description of each item to be considered. No action shall be taken on any items not appearing in the following agenda except as otherwise provided by law. Any member of the public may ask the Executive Committee to be heard on the following items, as those items are called. To speak on an agenda item, please provide a speaker request card to the Committee Staff. To speak on a matter not appearing in the agenda, please provide a speaker request card to the Committee Staff indicating Public Comments.

Welcome and Pledge of Allegiance

DISCUSSION CALENDAR – ITEM # 1 - 5

ITEM # 1. MINUTES OF THE JUNE 15, 2016 MEETING

Recommended Action: Approve the minutes of the June 15, 2016 meeting

ITEM # 2. ANTICIPATED UPCOMING SANTA ANA REGIONAL BOARD BASIN PLAN AMENDMENTS

Presenter: Terri Reeder PG, CEG, CHG, Santa Ana Regional Water Quality Control Board

Recommended Action: Receive and File

ITEM # 3. UPDATE ON IMPROVING THE INTEGRATED WATER MANAGEMENT PROGRAM IN ORANGE COUNTY

Presenter: Marsha Westropp, Orange County Water District

Recommended Action: Receive and File

ITEM # 4. 2016 UPDATE TO THE CENTRAL ORANGE COUNTY WATERSHED MANAGEMENT AREA EXECUTIVE ACTION PLAN

Presenter: Amanda Carr, Chris Crompton and Jian Peng, County of Orange

Recommended Action: Review, Comment and Provide Direction

ITEM # 6. EXECUTIVE OFFICER REPORT

ITEM # 7. EXECUTIVE COMMITTEE MEMBER COMMENTS

ITEM # 8. PUBLIC COMMENTS

ITEM # 9. ADJOURNMENT

Next meeting date: December 7, 2016

AGENDA STAFF REPORTS
NEWPORT BAY WATERSHED EXECUTIVE COMMITTEE
OCTOBER 19, 2016

DISCUSSION CALENDAR , ITEMS # 1 - 4

ITEM # 1. MINUTES OF THE JUNE 15, 2016, MEETING

Agenda Item 1 – Minutes of the December 2, 2015 Meeting

The minutes of the December 2, 2015 meeting were presented to the Executive Committee.

Motion: Approve the minutes of the December 2, 2015 meeting
First/Second: Ms. Krom/Dr. Bernstein
Outcome: Unanimously Approved

Agenda Item 2 – Proposition 1 Water Bond Opportunities – Regional Management Approaches

Mr. Greg Woodside, Executive Director of Planning and Natural Resources for the Orange County Water District, provided an update on the Orange County stakeholder discussions regarding Proposition 1 Water Bond opportunities for Orange County, specifically funding for the Integrated Regional Water Management (IRWM) program. The IRWM Program was created by the California legislature to provide funding for agencies to collaborate on multi-benefit projects and to encourage regional collaboration in managing water resources. Mr. Woodside reviewed the current structure, stated that the current system is not working and where we are at going forward. He identified the Santa Ana Watershed Funding Area, which includes parts of Orange County, Riverside County and San Bernardino County, as well as the North and Central Orange County Watershed Management Areas. The first round of Prop 1 IRWM grants totaling 63 million dollars for the Santa Ana Funding Area for project implementation will be available in 2017.

The Santa Ana Watershed Project Authority (SAWPA) administers and manages the IRWM Program in the Santa Ana Watershed (also known as the One Water One Watershed Program (OWOW)). The Santa Ana Watershed Project Authority (SAWPA) is a Joint Powers Authority consisting of five large water districts in the watershed (Orange County Water District, Inland Empire Utilities Agency, Western Municipal Water District, Eastern Municipal Water District, and San Bernardino Valley Municipal Water District). SAWPA also organized the stakeholders and oversaw the development of the IRWM plan for the Santa Ana Watershed.

The Orange County stakeholders are discussing options to improve the OWOW program by making changes to the plans and project selection process, updating the existing Orange County (North, Central and South) IRWM Plans and developing consensus around a portfolio of Orange County projects to prioritize for Prop 1 grant funding to submit as a group. The OWOW Plan and project selection process added the principles, that improvements in one area of the watershed were not to be achieved at the expense or detriment of another for a granted-funded project and that projects benefit all the areas within the watershed. “No one is harmed by another project and we would all get better together”. The presentation concluded.

The Chair said that there have been a number of meetings between a committee composed of the Orange County Sanitation District, Orange County Water District, the County of Orange and himself with Celeste Cantu, SAWPA's General Manager, regarding these specific topics. In the past, there has been debate that some of the projects funded by bond funds reduced the flow of water coming into Orange County without there being compensation offsets. If improvements to the environment in the upper watershed provide a benefit from a certain amount of water, then the lower watershed should get a similar amount of water from the same improvement. In addition, there were further discussions that those organizations put forward a suite of projects that would best achieve the goals of OWOW and present it publicly to a working group. The working group could make suggestions to improve or enhance the suite with various other projects and have an Orange County position at SAWPA identifying the projects supported by all. It was requested that SAWPA modify the language in the project selection area, so that the wording or words similar to those in the presentation would be incorporated in the documents and in the selection process.

There was also past discussion with SAWPA that if the Prop 1 funds were allocated to the various watersheds based on population, the part of Orange County in SAWPA would represent between 40-45% of total funds, while traditionally Orange County has been considered for roughly 20% of the total funds. It was also stated, that 80 % of that funding was spent on projects not in our watershed's best interests, resulting in it receiving less water. One committee member thought that the presentation proposed something new in stating that the apportioned allocations were based on population. It was noted in response by the Chair that one of the items discussed in this meeting was that the money for the proposition was allocated based on population and that one of the organizations in Orange County felt that they were shorted to their detriment.

It was asked if OWOW and SAWPA were in agreement. The Chair answered that the collective impression was that they were, but that nothing has been solidified on paper. The next step is to present these principles in the SAWPA documentation to the OWOW Board for ratification once the language reflects their collective goals. Beth Krom, who is also on the OWOW Committee, requested a briefing to better understand all the pieces with the participants of the steering committee. She would like this briefing to include Linda Ackerman, a Regional Water Quality Control Board representative and Gary Brown, an advocate; both are on the OWOW Committee. There are no Brown Act violations regarding this briefing.

Larry McKenney, Executive Counsel for SAWPA, said that the OWOW governing structure of the SAWPA commission tasked the steering committee with developing a suite of projects for each funding area. He reminded people that SAWPA is not an Inland Empire organization and over two-thirds of Orange County is in the SAWPA service area; OCWD is part of the five member agencies. There was originally money set aside for the IRWM program like there had been in Prop 50 and Prop 84. The funds got carved away a little bit as parts of it was taken out of the IRWM program for specific programs for recycling, ground water and other programs that are not within IRWM. This focused their attention on the idea that IRWM funding is intended to incentivize regional thinking. There are going to be worthwhile water-related projects, which should get Prop. 1 funding that will not be going through SAWPA's program allocating IRWM money. SAWPA wants the IRWM funding to have a watershed-wide benefit and that there be a "no harm rule" to the funding regions. The steering committee was put in place to ensure the SAWPA Commission was not directing the funding.

The presenter noted that allocating funds to projects with a watershed-wide benefit is a different idea than allocating funds to a suite of projects that have a watershed-wide benefit. Whether the money is spread equitably or whether the benefits are watershed-wide are different concepts. The Chair reiterated that they would like the language incorporated in to the process of evaluating projects that “everyone gets better together and everyone shares in the benefit and no one is worse off.”

Motion: *Proceed and “get better together”*
First/Second: *Dr. Bernstein/*
Outcome: *Approved*

Agenda Item 3 – Newport Bay Watershed Sediment TMDL 2014-15 Annual Report Overview and Future TMDL Direction

Ms. Jamie Habben, County of Orange, OC Environmental Resources, presented a summary of the 2014-15 Newport Bay Watershed Sediment Total Maximum Daily Load (TMDL) Annual Report submitted to the Santa Ana Regional Water Quality Control Board and provided a brief update to future TMDL direction. The 2014-15 Annual Report provided monitoring data collected during the reporting period, assessed compliance with TMDL loading targets, and reported findings of completed studies for the TMDL program. The data from the 2014-15 report constitutes the sixteenth year of monitoring, analysis, and sediment record computation efforts since the TMDL was approved. The annual report was submitted to the Regional Board on April 15, 2016.

The major results from the report are summarized below:

- The watershed experienced below average rainfall for the reporting period and the suspended sediment discharge total from the San Diego Creek at Campus Drive station was 6,100 tons.
- All basins were observed to have greater than 50% available capacity.
- The ten-year running average for the Campus Drive station is 26,250 tons per year, considerably below the TMDL target of 62,500 tons per year. Sediment loading at the Campus Drive station is significant because it is used for determining compliance with the sediment reduction target.
- The channel erosion study update led by retired UCLA professor and geomorphologist Stanley W. Trimble showed that channel erosion in San Diego Creek has been greatly curtailed over the past three decades. Dr. Trimble has studied the watershed for 34 years and noted the length of eroding channels has been sharply reduced.
- The 2015 bathymetry survey by Marine Taxonomic Services showed the in-bay basins of Upper Newport Bay are meeting the -7 feet MSL TMDL depth target and that it is reasonable to expect based on current data the basins will be at or even deeper than -10 feet MLLW after 20 years of service.
- A TMDL Data report by Northwest Hydraulic Consultants for multiple years of data through 2014 showed that sediment loading for Newport Bay and San Diego Creek have averaged less than the 62,500 tons/yr. TMDL target as well as numeric targets for loading to Newport Bay could be met without trapping from the three San Diego Creek in-channel basins.

Ms. Habben commented that the TMDL partners are continuing to work with Regional Board staff to initiate changes to the sediment TMDL, which will require a Basin Plan amendment, to create greater flexibility on the location and timing of sediment removal. Her presentation concluded.

Committee and Audience Comments

Carla Navarro said that though her department has not had the opportunity to review the report, she thought that the annual report was a good start to the conversation and that the resource agencies still need to review and evaluate the annual report. She would like the annual report reviewed again once the Year 5 report from the ACOE is released. She noted that the biology component was missing from the annual report and wanted to see it addressed. She mentioned that there was missing data regarding the changes to the Bay that may be due to tidal flooding or fresh water inflows. The presenter replied that the TMDL, bathymetry and vegetation changes could be due to the Newport Bay restoration project causing water elevation fluctuations, resulting in a loss of habitat. In respect to the future changes in the TMDL, the presenter stated that the focus is on the best place to remove and manage the deposition of sediment and still meet the TMDL targets. The presenter thought it might be easier to remove sediment from other locations besides the environmentally sensitive location such as the current in-channel basin.

The Chair asked the Executive Officer, where the best place to dewater sediment was and the County's opinion from a financial and environmental impact. He prefaced that IRWD no longer provides a site to store sand due to construction at the location where it was stored in the past. An audience member (Dave Webb of the City of Newport Beach) spoke regarding San Clemente's need for beach sediment and requested an update from the Executive Officer on removing sediment out of the San Diego Creek basin, versus taking it from the Bay, which is environmentally sensitive and more expensive. The Executive Officer responded that the cheapest place to take out the sediment is within the creek system that is highly maintained, foothill basins are second, and the Bay is the most expensive.

The Executive Officer stated that we are working with the Regional Board on the issue of where we are going to remove the material; we are hoping to report the progress by the next meeting or the meeting after. The current thought is we would like to remove materials further upstream and noted that there will always be some sediment getting to the Bay. Since the system is working so well and we have had significant TMDL reductions, we are considering requesting a change to where we remove the sediment and to get some of the sediment removal out of the areas that are environmentally sensitive.

A committee member questioned if we are getting the most of our funds in putting the money into diverting the Santa Ana-Delhi Channel. The answer in terms of sediments is no, however there are other pollutants within the Santa Ana-Delhi Channel. There is a significant benefit in removing the water out of the channel; lowering the pure bulk of the sediment is not one. An audience member asked where the Agua Chinon station was located. Ms. Habben replied that it is in open space close to the 241 Toll Road in Irvine and was temporarily relocated upstream.

Motion: Receive and file
First/Second: Dr. Bernstein / Ms. Genis
Outcome: Unanimously approved

Agenda Item 4 – Newport Bay Watershed Executive Action Plan – Update on Status

This item remained on the consent calendar and did not have a discussion.

The Chair requested clarification from the Executive Officer on the proposal to bring back the Action Plan at the next meeting. He said that he would be looking at specific areas of responsibilities and milestones to attach to an action plan and to have the committee members understand what those are, so they can start following up from the action plan. The Executive Officer said that the purpose of having the 2010

Action Plan was to give the Committee, at its request, a five-year horizon, and the purpose of this new update is essentially to do that for the next five years and to have the Committee weigh in on the priorities. It is also intended to be helpful to the Committee in terms of the changeover in membership, coalesce new members coming in, and help them know where this committee is going in respect to the Action Plan. The County would like to present this item to the committee, get feedback and iterate over a couple of meetings before asking for approval.

The Chair was concerned that the Action Plan was going to be adopted at the next meeting and was not ready to do so. He said that he'd like to understand who's responsible, what the time frame that things are going to get done and that the County is proposing or the various players are proposing so the Committee can start tracking how these things are coming along. The Executive Officer said that the Action Plan does include costs that are important to long-term projection.

Motion: Receive and file
First/Second: Ms. Genis/Ms. Krom
Outcome: Approved

Agenda Item 5 –Newport Bay Watershed Selenium TMDL – Status of Public Review

No discussion.

Motion: Receive and file
First/Second: Dr. Bernstein/
Outcome: Unanimously Approved

Agenda Item 6 –Executive Officer Report

The Executive Officer introduced his new staff members, Iris Corpus and Elaine Miller.

He suggested the Chair send a letter of appreciation to Mary Anne Skorpanich who recently retired from the County of Orange. The Chair agreed.

Agenda Item 7 – Executive Committee Member comments

None

Agenda Item 8 – Public Comments

None

Agenda Item 9 – Adjournment

Attendees: Khalid Bazmi, Orange County Public Works
Kurt Berchtold, Santa Ana Regional Water Quality Control Board
Amanda Carr, City of Irvine
Nardy Khan, OC Infrastructure

Thomas Lo, City of Santa Ana
Larry McKenny, Santa Ana Watershed Project Authority
Terry Reeder, Santa Ana Regional Water Quality Control Board
Doug Shibberu, Santa Ana Regional Water Quality Control Board
Devin Slaven, City of Lake Forest
Jenna Voss, OC Environmental Resources
Alex Waite, City of Tustin
Wendy Wang, Intern, OC Environmental Resources
David Webb, City of Newport Beach
Marsha Westropp, Orange County Water District

Committee Staff, County of Orange: Chris Crompton, Jamie Habben, Iris Corpus and Elaine Miller

Recommended Action: Approve the minutes of the June 15, 2016, meeting as follows.

ITEM # 2. ANTICIPATED UPCOMING SANTA ANA REGIONAL BOARD BASIN PLAN AMENDMENTS

October 28, 2016 Regional Board Meeting:

BASIN PLAN AMENDMENT TO ADOPT COPPER TOTAL MAXIMUM DAILY LOADS (TMDLS) AND NON-TMDL ACTION PLANS FOR ZINC, MERCURY, ARSENIC AND CHROMIUM IN NEWPORT BAY

The Regional Board proposes to amend the Basin Plan to incorporate Copper (Cu) TMDLs and Non-TMDL Action Plans (Action Plans) for Zinc (Zn), Mercury (Hg), Arsenic (As) and Chromium (Cr) in Newport Bay. The goal of these TMDLs and Action Plans is to correct impairment in waters due to Cu, in sediments due to Cu, Zn and Hg, and in fish/mussel tissue due to Zn, As and Cr. Pursuant to recent guidance by U.S. Environmental Protection Agency (USEPA), alternatives to TMDLs, such as the proposed Action Plans, may be used to address impaired waters where such alternatives will result in the attainment of water quality objectives and the protection of beneficial uses in an expeditious and effective manner.

The largest source of Cu to the Bay is Cu antifouling paints on boat hulls. These Cu paints release Cu into the surrounding waters to prevent fouling on the boat hulls; however, the Cu released may also harm “non-target” organisms in the water and sediment. Cu can cause “sublethal” effects on fish (gill and nervous system damage), and mortality in invertebrates (animals that live in the sediments and that fish eat). The Cu concentrations in Newport Bay are harmful to aquatic life, and must be decreased to meet the water quality standards to protect the fish and other marine animals living in the Bay. In addition, sediment Cu exceeds guidelines in parts of the Lower Bay (mostly marinas and the Turning Basin areas).

In addition to Cu, other metals exceed sediment and fish tissue guidelines in Newport Bay. These include zinc (Zn) and mercury (Hg) in sediments and Zn in fish tissue in Lower Newport Bay, and arsenic (As) and chromium (Cr) in fish tissue in the Upper and Lower Bay. Regional Board staff have developed proposed Non-TMDL Action Plans (Action Plans) for Zn, Hg, As and Cr. The Cu TMDLs and Action Plans are intended to correct these impairments and to ensure that aquatic life will be protected.

In June 2002, the USEPA issued Toxics TMDLs for Newport Bay and San Diego Creek, including TMDLs for Cu, Zn, cadmium (Cd) and lead (Pb). USEPA TMDLs do not include an implementation plan or compliance schedule and the Regional Board is obligated to implement them immediately in permits and other appropriate regulatory actions.

Regional Board staff’s more recent impairment assessment, using updated data, found no impairment due to Cd or Pb in the Upper and Lower Bay, and no Zn impairment in the Upper Bay. Accordingly, Board staff is recommending that USEPA de-promulgate their TMDLs for cadmium, lead and zinc.

Proposed Cu TMDLs

In order to meet the proposed Cu TMDLs, Cu discharges from boat hulls must be reduced from ~36,000 lbs. per year to 6,060 lbs. per year, an 83% reduction. (USEPA’s Cu TMDLs also found that Cu hull paints are the largest source of copper to the Bay and require a 92% reduction, more than the proposed TMDLs.) This 83% reduction is expected to be accomplished in accordance with a phased, maximum 15-year compliance schedule. This schedule will allow boaters to convert their boats from Cu to nontoxic paints,

as hull repainting is needed during normal boat maintenance. Additional methods to reduce Cu from boat hulls include 1) the use of best management practices (BMPs) by all hull cleaners (such as the use of soft pads), 2) the use of slip liners, especially during hull cleaning, and 3) the use of Cu hull paints with lower leach rates.

The Cu TMDLs also require that the allocations for tributary and storm drain runoff be met, and that monitoring continue. The allocations for tributary runoff are being met at the present time. Cu discharges from storm drains are small compared to other sources but local impacts need to be evaluated. In addition, sediment Cu exceeds the sediment guidelines, especially in marinas and the Turning Basin areas in the Lower Bay. Sediment Cu must be reduced in those areas and this will likely be accomplished by dredging.

Proposed Non-TMDL Action Plans (Action Plans) for Zinc, Mercury, Arsenic and Chromium

Action Plans are recommended to address sediment exceedances of Zn and Hg in the Lower Bay, fish tissue exceedances of Zn in the Lower Bay, and fish tissue exceedances of As and Cr in the Upper and Lower Bay. These Action Plans are in line with USEPA's new Vision Framework to address pollutant impairments more efficiently. If the Action Plans are not successful, then TMDLs will need to be developed.

Action Plan(s), rather than TMDLs, are recommended for Zn and Hg since the remediation of sediment Cu (required by the Cu TMDLs) should also remediate sediment Zn and Hg; therefore, TMDLs are not warranted at this time. It is likely that the remediation of sediment Zn will also reduce Zn concentrations in fish tissue.

Action Plan(s), rather than TMDLs, are recommended for As and Cr since sources of As and Cr need to be characterized; therefore, allocations cannot be assigned at this time. The As and Cr implementation tasks include a source analysis study. Based on the results of the additional studies, subsequent regulatory action may include the development and implementation of future TMDLs.

Note that if the Cu TMDLs or Zn, Hg, As and Cr Action Plans are not adopted, then USEPA's TMDLs for Cu, Zn, Cd and Pb will remain in place and will need to be implemented. These TMDLs include higher reductions for Cu loads from boats (92% compared to 83% in the proposed Cu TMDLs), and include allocations for Zn, Cd and Pb that must be met. In addition, the USEPA TMDLs do not include implementation plans or compliance schedules; therefore, dischargers would be required to meet the allocations immediately.

For additional information, please contact Linda Candelaria, PhD, at (951) 782-4991 or RBS-CuTMDL@Waterboards.ca.gov. Metals documents are posted on the Regional Board website http://www.waterboards.ca.gov/santaana/water_issues/programs/tmdl/tmdl_metals.shtml.

December 9, 2016 Regional Board Meeting:

BASIN PLAN AMENDMENTS TO REMOVE FECAL COLIFORM OBJECTIVES FOR WATER CONTACT RECREATION (REC 1) FOR BAYS AND ESTUARIES, REMOVE FECAL COLIFORM TMDL FOR REC1 IN NEWPORT BAY, REVISE COMPLIANCE SCHEDULE FOR FECAL COLIFORM TMDL FOR SHELLFISH HARVESTING (SHEL) IN NEWPORT BAY, REVISE SHEL BENEFICIAL USE DEFINITION, ADD ANTI-DEGRADATION TARGETS FOR REC2 ONLY WATERS, ADD CERTAIN WATERS TO TABLE 3-1 AND DESIGNATE BENEFICIAL USES FOR THOSE WATERS

The proposed Basin Plan amendments are based on the recommendations of Regional Board Staff and include the following:

- Remove fecal coliform objectives for REC1 for Bays, Estuaries, and Establish Averaging Period for Enterococcus Objective for REC1 Promulgated by USEPA: Based on 1986 USEPA guidance on bacteriological quality for recreational waters, USEPA promulgated enterococcus objectives for Water Contact Recreation (REC1) for Newport Bay (and other coastal waters in California and the nation) in 2004. USEPA encouraged states to remove established fecal coliform objectives where enterococcus objectives were established. These actions/recommendations were based on the finding that fecal coliform are not a reliable indicator of the public health risk to swimmers, and thus not a reliable measure of the protection of the REC1 use. USEPA gave discretion to the states to determine the appropriate averaging period for the enterococcus objectives. The proposed Basin Plan amendments implement the actions recommended by USEPA.
- Remove the Fecal Coliform Total Maximum Daily Load (TMDL) for Newport Bay for REC1: TMDLs are established to ensure that water quality standards, including water quality objectives and beneficial uses, are attained and protected. In 1999, the Regional Board adopted Fecal Coliform TMDLs for REC1 and Shellfish Harvesting (SHEL) beneficial uses of Newport Bay. The TMDLs are based on the fecal coliform objectives established in the Basin Plan for REC1 and SHEL. If the proposed amendments are adopted and fecal coliform objectives for REC1 in Newport Bay (and other Bays and Estuaries) are removed from the Basin Plan, then it is appropriate to delete the fecal coliform TMDL for REC1. The need for and nature of a TMDL based on the enterococcus objectives for REC1 established by USEPA should be considered separately. However, analyses of data from 2010-2016 by the County of Orange indicate that there is **not** impairment of the Bay due to enterococcus and that, therefore, an enterococcus TMDL does not appear to be warranted.
- Revise the Compliance Schedule for the Fecal Coliform TMDL for the Shellfish Harvesting Beneficial Use (SHEL) for Newport Bay: It is anticipated that a stakeholder process, sponsored by Orange County in conjunction with Orange Coastkeeper, will be initiated in early 2017 to consider issues related to bacteriological quality and TMDLs in Newport Bay. Regional Board staff expects to be key participants in this process. This process may lead to recommendations for Basin Plan amendments to add or revise TMDLs, incorporate new or revised implementation strategies, etc. These may include strategies to account for uncontrollable sources of bacteria inputs, such as through the use of a reference system/antidegradation approach that is utilized in bacteria TMDLs established by other regional boards. These recommendations may, and in fact are likely to materially affect the SHEL TMDL. In light of the time, it will take to conduct and complete the stakeholder process and, thereafter, to adopt appropriate Basin Plan amendments and/or other regulatory strategies to implement the stakeholder process recommendations, it is appropriate to extend the date for compliance with the SHEL TMDL for Newport Bay. Board staff proposes a three year extension, i.e., to December 31, 2022.
- Revise the SHEL beneficial use definition to be consistent with statewide and public health definitions: Changes to the definition will be recommended to assure consistency statewide.
- Add anti-degradation targets for *E. coli* for Non-contact Recreation (REC2) only waters (Santa Ana-Delhi Channel Reach 1, Temescal Creek Reach 1b, and Cucamonga Creek Reach 1): Antidegradation bacteria quality targets for waters designated REC2 (Non-Contact Water Recreation) only (not REC1) were established as part of the amendments developed by the Stormwater Quality Standards Task Force. The intent of the targets is to serve as indicators of bacterial quality degradation and the need for investigation and possible control action. Antidegradation targets needs to be specified for certain waters now designated REC2 only; and

- Update Beneficial Use Table 3-1 and Water Quality Objective Table 4-1 by adding certain waters, designating beneficial uses for those waters, and adding certain beneficial use designations to waters already listed in the Basin Plan. Certain waters in the Santa Ana Region that are not already identified in the Basin Plan are proposed to be listed, with beneficial use designations for each of the waters.

A CEQA Scoping Meeting was held on Tuesday, October 4, 2016 at the City of Newport Beach Civic Center Community Room from 10 AM – 12 PM

For additional information, please contact Dave Woelfel at (951) 782-7960 or david.woelfel@waterboards.ca.gov

December 9, 2016 or January 2017 Regional Board Meeting:

BASIN PLAN AMENDMENT TO ADOPT TMDLS FOR SELENIUM IN FRESHWATER, NEWPORT BAY WATERSHED

The proposed selenium TMDL Basin Plan Amendment results from an extensive stakeholder process that included the Regional Board, NGOs, and other agencies and parties and that was sponsored by the County of Orange and other members of the Nitrogen Selenium Management Program Working Group.

In 2002, the USEPA issued Toxics TMDLs for Newport Bay, including TMDLs for selenium. USEPA’s impairment assessment was based on exceedances of the California Toxics Rule (CTR) chronic criterion for selenium in freshwater and exceedances of toxicological and reproductive effect guidelines in freshwater fish tissue. The revised impairment assessment considered human health risk based on selenium concentrations in fish fillets, ecological risk based on whole body fish tissue and bird egg tissue, and water column concentrations for comparison to the CTR. No impairment for human health, fish or wildlife health due to selenium was found in Newport Bay. Selenium concentrations in freshwater fish fillets were also below levels of concern for human consumers of fish. However, concentrations of selenium in water, fish and bird egg tissue collected from several of the fresh surface waterbodies in the watershed were found to exceed ecological risk thresholds. Therefore, the proposed selenium TMDLs apply only to the fresh surface waterbodies in the following subwatersheds:

- San Diego Creek
- Santa Ana Delhi Channel
- Big Canyon Wash

The following numeric targets for selenium are being proposed:

1. A whole-body fish tissue target for the protection of fish of 8.1 micrograms selenium per gram dry weight ($\mu\text{g Se/g dw}$)
2. A whole-body fish tissue target of 5.0 $\mu\text{g Se/g dw}$ as dietary concentration for the protection of birds (5.0 $\mu\text{g Se/g dw}$)¹,
3. A bird egg tissue target for the protection of aquatic-dependent birds, including federally-listed species of 8.0 $\mu\text{g Se/g dw}$; and

¹ The fish tissue target of 5 $\mu\text{g Se/g dw}$, or a site-specific fish tissue concentration at which the bird egg target is met, only applies if the bird egg tissue target is not being attained at a fish tissue concentration of 8.1 $\mu\text{g Se/g dw}$.

4. A water column numeric target based on the currently applicable CTR criterion for selenium in freshwater of 5 µg Se/L.

Water column based allocations for selenium derived from the proposed tissue targets are being proposed as well as allocations based on the currently applicable CTR criterion for selenium in freshwater for each subwatershed:

| Subwatershed | Tissue-based Water Column WLA/LA (µg Se/L) | CTR-based Water Column WLA/LA (µg Se/L) |
|-----------------|--|---|
| San Diego Creek | 10 | 5 |
| Santa Ana Delhi | 11 | 5 |
| Big Canyon Wash | 1 | 5 |

In addition, optional conditional mass-based allocations are proposed for those dischargers that qualify to participate in a pilot offset and trading program for selenium.

Because a regional watershed approach is necessary to provide reasonable assurance that these proposed selenium TMDLs will be implemented appropriately, effectively, and in a timely manner so that water quality standards will be attained as soon as possible, the implementation plan has been developed to strongly encourage all Regulated Parties in the Newport Bay watershed to participate in BMP Strategic Plan(s). MS4 Permittees must participate in the BMP Strategic Plans while Other NPDES Permittees have the option of participating in a BMP Strategic Plan or implementing an Individual Action Plan (IAP) that identifies an acceptable means to attain the WLAs. This alternative approach is provided for Other NPDES Permittees recognizing that groundwater dewatering discharges may be short-term in nature and a tailored, individual approach may be more appropriate.

These proposed selenium TMDLs are being established and will be implemented as phased TMDLs, consistent with USEPA guidance and based upon the following three-part structure:

- Phase I – Completion as soon as possible, but no later than 6 years from the effective date of the proposed selenium TMDLs².
- TMDL Reconsideration – Completion as soon as possible, but no later than 2 years after Phase I. Reconsideration of the proposed selenium TMDLs will be no later than 8 years from the effective date of the proposed selenium TMDLs.
- Phase II – Completion as soon as possible, but no later than 30 years from the effective date of the reconsidered selenium TMDLs¹. If reconsidered selenium TMDLs are not in effect 8 years after the effective date of the original proposed selenium TMDLs, Phase II actions will commence at this time. In this circumstance, changes in the reconsidered selenium TMDLs will be incorporated into Phase II at the time they become effective.

Regional Board staff anticipate submittal of the draft BPA, supporting staff report, including all appendices, CEQA Substitute Environmental Document (SED) for peer and public review by no later than October 11, 2016. Regional Board staff plans to present the selenium TMDLs to the Regional Board

² Each individual action will be scheduled as a specific number of years/months from the effective date of the proposed selenium TMDL or reconsidered selenium TMDL (as applicable).

for consideration for adoption at the December 9, 2016 meeting. However, it is uncertain whether there will be sufficient time to complete the requisite peer review process prior to the December Board meeting. If the peer review process cannot be completed, the public hearing for the TMDLs will be postponed until early 2017. Once adopted and effective, these proposed selenium TMDLs will replace the selenium portions of the EPA's Toxics TMDLs, promulgated on June 14, 2002, in their entirety.

For additional information, please contact Terri Reeder at 951-906-1899 or Terri.Reeder@Waterboards.ca.gov

Recommended Action: Receive and File

ITEM # 3. UPDATE ON IMPROVING THE INTEGRATED WATER MANAGEMENT PROGRAM IN ORANGE COUNTY

Marsha Westropp, Senior Planner for the Department of Planning and Watershed Management at the Orange County Water District (OCWD) will update the Executive Committee on efforts to improve the Integrated Regional Water Management (IRWM) Program in the Santa Ana Watershed.

The state IRWM program was created in 2004 with Proposition 50. Grant eligibility was changed with passage of Proposition 84 by requiring stakeholders in local areas to form regions, prepare regional plans, and create a governance structure. For the Santa Ana Watershed, the Santa Ana Watershed Project Authority (SAWPA) applied for and was accepted by DWR as the Region, thus becoming the administrator of IRWM grants for the watershed. The Region includes the North Orange County Management Area and the Central Orange County Management Area.

Last year, OCWD initiated a discussion with SAWPA and Orange County stakeholders to explore options to improve IRWM program implementation. Two options under discussion are to make refinements to the existing process and to form a separate region for North and Central Orange County. The latter option would require Department of Water Resources' approval, consensus of stakeholders, and development of a governance structure.

Additional IRWM funds for the Santa Ana Region from Proposition 1 are expected to be available in 2018.

Recommended Action: Receive and File

**ITEM # 4. 2016 UPDATE TO THE CENTRAL ORANGE COUNTY WATERSHED MANAGEMENT
AREA EXECUTIVE ACTION PLAN**

The Central Orange County Watershed Management Area Executive Action Plan (Action Plan) was first developed and approved by the Executive Committee in July 2010. At the Executive Committee meetings of August 19, 2015 and June 15, 2016, County staff was directed to update the Action Plan to reflect changes since 2010. The Executive Committee was to review and discuss the updated Action Plan over several meetings before the final approval. This is the first such meeting and the draft updated Action Plan is provided to the Executive Committee.

Recommended Action: Review, Comment and Provide Direction

ITEM # 5. EXECUTIVE OFFICER REPORT

ITEM # 6. EXECUTIVE COMMITTEE MEMBER COMMENTS

ITEM # 7. PUBLIC COMMENTS

ITEM # 8. ADJOURNMENT

Next Meeting date: December 7, 2016