

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN DIEGO REGION

TENTATIVE RESOLUTION NO. R9-2015-0043

ADOPTING A PRIORITIZED LIST OF SUGGESTED BASIN PLAN REVISIONS

DEVELOPED THROUGH THE 2014 BASIN PLAN REVIEW

WHEREAS:

1. The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) adopted an updated Water Quality Control Plan for the San Diego Region (Basin Plan) on September 8, 1994.
2. The Basin Plan includes definitions and designations of beneficial uses of waters in the San Diego Region, water quality objectives to protect those beneficial uses, implementation programs and prohibitions to achieve water quality objectives and protect beneficial uses, and reference to statewide plans and policies.
3. State and federal laws require review of the Basin Plan. California Water Code section 13240 requires a periodic review of the Basin Plan. The federal Clean Water Act section 303(c)(1) requires a triennial review of water quality standards. Water quality standards consist of beneficial use designations, water quality criteria (objectives) necessary to protect those uses, and anti-degradation provisions.
4. The San Diego Water Board has concluded its review of the Basin Plan. As part of its review, the San Diego Water Board:
 - a. Circulated a preliminary list of Basin Planning issues (Preliminary List) dated December 8, 2014 for public review and solicited suggestions from the public for potential revisions to water quality standards or other Basin Plan elements during a 60-day period (December 8, 2014 to February 6, 2015);
 - b. Held a public workshop on January 8, 2015 to provide information on the Preliminary List and to inform the public of the review process and to encourage public participation;
 - c. Carefully considered and responded to public comments received during the designated comment period and drafted a Prioritized List of suggested Basin Plan revisions;

- d. Held a public hearing on May 13, 2015, to receive oral comments on the Prioritized List and other aspects of the Basin Plan.
5. As a result of its review, the San Diego Water Board identified as priorities the suggested Basin Plan revisions on the Prioritized List of Suggested Basin Plan Revisions Developed through the 2014 Basin Plan Review (Attachment 1 to this Resolution).
6. The San Diego Water Board notified all known interested persons of its intent to adopt the Prioritized List of Suggested Basin Plan Revisions Developed through the 2014 Basin Plan Review in fulfillment of state and federal requirements.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The San Diego Water Board hereby adopts the *Prioritized List of Suggested Basin Plan Revisions Developed through the 2014 Basin Plan Review* as set forth in Attachment 1 to this Resolution, and certifies completion of the 2014 Basin Plan Review.
2. The current Basin Plan remains in effect until the San Diego Water Board adopts specific revisions and the appropriate authorities review and approve those changes.
3. Adoption of the Prioritized List of Suggested Basin Plan Revisions Developed through the 2014 Basin Plan Review does not preclude other Basin Plan revisions that may become necessary before the next review scheduled for 2017, and does not preclude Board consideration of lower priority revisions.

I, David W. Gibson, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Diego Region, on May 13, 2015.

TENTATIVE

David W. Gibson
Executive Officer

Prioritized List of Suggested Basin Plan Revisions Developed through the 2014 Basin Plan Review

Tier 1 - Priority List

Issue 1: Biological Objectives for Water Bodies in the San Diego Region

Type of Action:

Water Quality Objectives (new)
Implementation/Policy

Category:

Protective and Reasonable

Staff Recommendation:

Develop biological water quality objectives for the attainment of beneficial uses of inland surface waters.

Discussion:

Existing water quality objectives might not adequately protect aquatic life beneficial uses. A water quality objective for biological condition is critical to restoring and maintaining the biological integrity of the region's waters.

The objective of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. Until recently, much of the emphasis has been to focus on the chemical integrity (discharge specific) of receiving waters. Although chemical integrity is an essential component in protecting and maintaining healthy systems, it alone is inadequate in protecting the ecological health of a water body. Biological assessments provide direct measures of the cumulative and integrated response of the biological community to all sources of stress as the organisms are exposed to these stresses over time. Through this long term exposure in their natural setting, biological communities provide the most comprehensive measure of the condition of the beneficial use to be protected. Biological objectives set the biological quality goal, or target, to which water quality can be managed against, rather than the maximum allowable level of a stressor (pollutant or other water quality condition) that affects the aquatic life in that water body.

The Basin Plan should be amended to incorporate a narrative biological objective for water bodies in the San Diego Region such as: "Waters of the State shall be of sufficient quality to support native aquatic species without detrimental changes in the resident biological communities." The San Diego Water Board should establish numerical measures by which to interpret the narrative objective (i.e., the Southern California Index of Biotic Integrity or the California Stream Condition Index, http://www.waterboards.ca.gov/plans_policies/biological_objective.shtml).

Practical Vision

Over the past 18 years, the San Diego Water Board has conducted bioassessment monitoring in its own monitoring programs and required bioassessment monitoring through permits and enforcement actions. The San Diego Water Board, however, still lacks the biological objectives against which to evaluate these bioassessment measures. The lack of biological objectives severely limits the application of bioassessment measures and the ability to define (and enforce) metrics for the protection, maintenance, and restoration of ecosystem health.

Chapter 1 of the Practical Vision focuses on setting measurable goals for meaningful environmental outcomes. Environmental outcomes are best measured through assessment of the biological condition of the water body. Biological objectives will greatly enhance the use of these environmental outcomes as preferred indicators of mission success because they help define the goals and identify if the goals are successfully met. With biological objectives, the San Diego Water Board is able to assess whether water bodies are in good biological condition and identify and prioritize restoration of water bodies that are not in good biological condition.

The Practical Vision's Chapter 2 focuses on improved monitoring and assessment of conditions in water bodies. In order to answer the question "Are the habitats and ecosystem healthy?" the status of flora and fauna needs to be monitored in water bodies. Biological objectives allow such an assessment by providing regulatory context for direct measures of biologic health.

Chapter 3 of the Practical Vision focuses on the recovery of streams, wetlands, and riparian systems. With biological objectives, measurable goals can be set for the recovery of these water bodies.

Issue 2: Chollas Creek Metals Site Specific Water Effect Ratio (WER)

Type of Action:

Revision of TMDL

Category:

Reasonable

Staff Recommendation:

Revise the Basin Plan based upon the results of the completed water effects ratio prepared by the City of San Diego.

Discussion:

The Basin Plan should be amended to establish site-specific and chemical-specific WERs to be incorporated into the water quality objectives for toxic pollutants in Chollas Creek, and to revise the dissolved copper and zinc WERs in the Chollas Creek Metals Total Maximum Daily Loads (TMDLs). The Basin Plan should also be amended to clarify the application of WERs in the California Toxics Rule (CTR) when developing numeric water quality objectives for toxic pollutants.

On June 13, 2007, the San Diego Water Board adopted Resolution No. R9-2007-0043, which established TMDLs for copper, lead, and zinc for Chollas Creek. The TMDL established numeric targets for copper, lead, and zinc to ensure water quality objectives are achieved and beneficial uses of Chollas Creek are protected. The numeric targets are established based on hardness-based equations in the CTR that utilize a WER set at a default value of 1.

The CTR allows for the adjustment of certain metals criteria through the use of a WER that accounts for site-specific chemical conditions. Appendix H of the Technical Report for Resolution No. R9-2007-0043 states, "*If and when site-specific copper, lead, and zinc water quality objectives are developed for Chollas Creek, this TMDL will be modified accordingly.*"

Since the adoption of the Chollas Creek TMDL in 2007, the City of San Diego has conducted a *Water-Effect Ratio Study* (WER study) to refine the dissolved copper and zinc water quality objectives for Chollas Creek. The WER study provides the data and findings that support site-specific WERs for copper and zinc in Chollas Creek.

Practical Vision

The San Diego Water Board strives to be a learning organization that considers the knowledge, expertise and insights of others and thus values the open sharing of ideas. As a learning organization, good communication allows our stakeholders to work with us to accomplish our goal of healthy waters. Given the limited resources of the San Diego Water Board, we must establish strategic priorities and work in the most effective manner practicable. Projects such as this one allow the San Diego Water Board to work collaboratively with the regulated community to incorporate the latest scientific understanding into the Water Quality Objective while ensuring it is both reasonable and still fully protective of beneficial uses.

Issue 3: Evaluation of Contact Water Recreation (REC-1) Water Quality Objectives and the Methods for Quantifying Exceedances

Type of Action:

Consideration of 2012 USEPA Recreational Water Quality Criteria

Category:

Reasonable and Protective

Staff Recommendation:

Track the progress of science that could lead to revised water quality standards and focus efforts on compliance prohibitions against discharges of fecal indicator bacteria.

Discussion:

The San Diego Water Board will evaluate available data, reports and any request for modification of water quality objectives for Contact Water Recreation (REC-1).

The goal of the project will be to determine whether and to what extent data supports amending the objectives, implementation provisions for applicable TMDLs, or the TMDLs themselves. This is a timely project because in 2012 the USEPA released revised guidance for recreational water criteria, and several local and/or regional studies are in progress that can inform the selection of pathogen indicators and objectives.

Additionally, the Bacteria TMDL specifies that the San Diego Water Board will initiate a Basin Plan amendment project to revise the requirements and/or provisions for implementing the TMDLs by April 2016, provided sufficient data exist to support the initiation of a Basin Plan amendment.

Specifically, as part of this Triennial Review project and by November 2017, staff will (1) continue to participate on related technical, scientific, and regulatory advisory groups including processes established for the purposes of supporting this Triennial Review priority; (2) conduct a public workshop during the 2015-2016 fiscal year following community outreach on the state of applicable science, particularly in relation to selection of indicators and compliance with objectives in wet weather; and (3) continue to seek a third party cost benefit analysis regarding compliance with regulations of the San Diego Water Board, with a specific focus on the infeasibility of meeting wet weather TMDL water quality objectives for bacteria indicators.

This work will be evaluated with information from existing initiatives within the San Diego Water Board's storm water and sanitary sewer programs such as reviewing sanitary sewer collection system data for opportunities to mitigate the risk of spills as a source of pathogens in local waters; information provided by interested parties; and working with the MS4 Copermittees through the Water Quality Improvement Plans of the MS4 permit, to assist in evaluating options for achieving compliance with the interim milestones of the Bacteria TMDLs.

Following the evaluation, San Diego Water Board staff will make recommendations to the Board to meet the following objectives: (1) protecting beneficial uses; (2) adopting new and updating existing regulations based upon the latest technical findings and scientific understanding; (3) facilitating effective use of resources by regulated parties; and (4) ensuring judicious use of San Diego Water Board resources. Results of the evaluation may include Basin Plan amendments to water quality objectives or to the Bacteria TMDLs, or other regulatory actions by the Board.

Practical Vision:

This recommendation advances the Practical Vision plans to achieve healthy waters through collaboration, reliance on the latest science, prioritization of issues and actions, and prudent use of authorities in service to the people of California. By evaluating the existing water quality objectives, USEPA guidance, scientific studies, and stakeholder interests, the San Diego Water Board will be able to protect the contact recreational beneficial uses in the most efficient manner practicable.

Issue 4: Editorial Revisions, Minor Clarifications or Corrections

Type of Action:

Editorial

Category:

Housekeeping

Staff Recommendation:

Identify opportunities to periodically update the Basin Plan with non-regulatory or mandated revisions.

Discussion:

The Basin Plan should be amended to make editorial non-regulatory changes that clarify, update, or eliminate outdated paragraphs, tables, figures, references to outdated Policies, and to correct other minor errors. These changes are sometimes needed for clarity and to ensure that the public is informed about the latest requirements to protect water quality. These changes would be non-regulatory. That is, they would not impose new requirements on permittees, but rather clarify existing regulatory requirements or program descriptions.

The Basin Plan should also be amended to include obligatory Basin Plan updates triggered by state or federal actions. An example of these updates includes the work related to the Salt/Nutrient Management Plans currently under development pursuant to the State Water Board's Recycled Water Policy.

Practical Vision

In order to achieve the goals of the San Diego Water Board's mission, it is imperative that we engage the public to understand their priorities and share our goals. Good communication and transparency are key values to guide this work. This fosters an environment where we can work with our stakeholders to accomplish our goal of healthy waters. An important tool in this process is the San Diego Water Board's Basin Plan.

The Basin Plan is a dynamic, rather than fixed, document. It requires periodic updates to maintain and ensure that the information in it is current. Corrections, clarifications and general formatting changes are considered "nonregulatory" in nature. They do not change or impose any new requirements on the regulated community. These "nonregulatory" changes simply improve the overall readability and utility of the Basin Plan. Providing the public with user-friendly access to helpful and easily understood information is an essential component of the Practical Vision.

Tier 2 - Priority List

Issue 5: Evaluation of Basin Plan Beneficial Uses and Water Quality Objectives as They Relate to Reservoir Maintenance and Operations.

Discussion:

At the request of the water purveyors in the region, an additional project has been included for this Basin Plan Triennial Review that focuses on reservoir maintenance and operations. This project would prioritize the following tasks be achieved with resources made available as the other four Issues are addressed: (a) identifying potable reuse as a potential future beneficial use for local reservoirs; (b) reviewing the applicability of the Basin Plan dissolved oxygen objective for reservoirs; and (c) discussing the potential for resource sharing to accomplish mutual priorities. The issues to be further investigated could lead to Basin Plan projects and/or subsequent revisions or amendments to the Basin Plan. Because of resource limitations, the development of the projects and potential revisions to the Basin Plan, if applicable, would be a separate process outside of the Tier 1 issues of this Triennial Review work plan. The San Diego Water Board commits to meeting with the regional water purveyors to better understand the issues submitted and to explore the practicality of resource sharing through a Memorandum of Understanding and detailed workplan.