

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION—DIVISION OF WATER QUALITY
SEPTEMBER 21, 2006**

ITEM 12

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO REGION (BASIN PLAN) TO ADD UNNAMED OR UNIDENTIFIED WATER BODIES TO THE BENEFICIAL USE TABLES AND MAKE WATER QUALITY OBJECTIVE TABLE CORRECTIONS

DISCUSSION

The amendment to the Basin Plan updates Chapters 2, 3, 4, and 5, and Appendix A. The amendment also updates the beneficial use (BU) tables in Chapter 2 by adding water bodies unnamed or unidentified in 1994 and their BUs, and updates definitions and program descriptions to make them consistent with statutes and regulations adopted since 1994. The Basin Plan amendment is the result of an investigation of Issue No. 3 on the “*Prioritized List of Basin Plan Issues for Investigation from September 2004 to September 2007*,” adopted by the San Diego Regional Water Quality Control Board (San Diego Water Board) as part of the 2004 Triennial Review of the Basin Plan.

This Basin Plan amendment consists of both regulatory and non-regulatory changes. The regulatory changes consist of naming, and assigning BUs to, the water bodies that were left off the BU tables when the 1975 Basin Plan was revised in 1995. The 1995 revision changed the way BUs were described from a Hydrologic Area basis to an individual water body basis. The current Basin Plan amendment assigns BUs to the newly named water bodies based on the principles of: the Hydrologic Area BU designations in the original Basin Plan (*Comprehensive Water Quality Control Plan Report, San Diego Basin (9)*), adopted in 1975; the Clean Water Act (CWA) section 101(a)(2) “fishable/swimmable” goal; the Sources of Drinking Water Policy (State Water Board Resolution No. 88-63); the Department of Fish and Game Natural Diversity Data Base; and information on and field observations of water bodies.

Specifically, the amendment changes Table 2-2, Beneficial Uses of Inland Surface Waters, to identify and name eight previously unidentified and/or unnamed water bodies, along with their BUs. These water bodies are:

- Live Oak Creek Hydrologic Sub Area ([HSA] 3.12),
- Moonlight Creek (HSA 4.51),
- Cottonwood Creek (HSA 4.51),
- Kit Carson Creek (HSA 5.21),
- Felecita Creek (HSA 5.23),
- Green Valley Creek (HSA 5.22),

- Cloverdale Creek (HSA 5.32), and
- Aqueduct Arm Creek (HSA 7.21).

Table 2-2 will also identify Pueblo San Diego as the name of the watershed for the water bodies in Hydrologic Unit 908.00.

This Basin Plan amendment adds the BIOL BU as an existing use where the water bodies are located within a 'State Marine Reserve' or 'Ecological Reserve' in the San Diego Region consistent with the definition of BIOL. The BIOL BU was added to the following: Laguna Canyon (HSA 1.12); Cole Canyon (HSA 2.32); Plaisted Creek (HSA 3.22); San Luis Rey River (HSA 3.12); Pilgrim Creek (HSA 3.11); Agua Hedionda Creek (HSA 4.31); Escondido Creek (HSA 4.61); Santa Ysabel Creek (HSA 5.51); Boden Canyon (HSA 5.51); Clevenger Canyon (HSA 5.51); and Warren Canyon (HSA 5.21). The change to Table 2-3, Beneficial Uses of Coastal Waters, identifies "Famosa Channel and Slough" as a tributary to the "Mouth of the San Diego River."

The changes to Table 2-4, Beneficial Uses of Reservoirs and Lakes, identify Olivenhain Reservoir (HSA 5.21) and Diamond Valley Reservoir (HSA 2.35 & 2.36) and list their BUs.

The change to Table 2-5, Beneficial Uses of Ground Waters, is to add Cottonwood Creek to endnote 7.

The non-regulatory changes consist of changes to the Basin Plan are to make it consistent with new information and current with laws and regulations passed since 1994. These changes include: adding the definition of State Water Quality Protection Areas to the Areas of Special Biological Significance water body list and updating that list; updating the list of designated Marine Life Refuges; updating the list of Marine Protected Areas; updating area designation of State Marine Reserves, updating area designation of State Marine Conservation Areas, updating area designation of Ecological Reserves, and updating area designation for Wildlife Areas; updating the list for Natural Preserves; and updating the list of areas which are managed by the U.S. Fish and Wildlife Service. The Preservation of Biological Habitats of Special Significance (BIOL) BU was added to water bodies in Table 2-2. Title 22 of the California Code of Regulations Specifying Maximum Contaminant Levels were incorporated by prospective reference elsewhere in the Basin Plan and include "future changes to the incorporated reference as the changes take effect." This Basin Plan amendment deletes Table 3-5 because Table 64431-B was repealed by the Department of Health Services on April 22, 1998.

There are no potentially significant environmental impacts or economic impacts from the implementation of this Basin Plan amendment. This finding is based on the fact that the amendment only updates the Basin Plan to make it current. The revisions do not have any direct effect on the environment because the BUs identified are existing BUs (existing uses are those uses that have occurred on or after November 1975), whether or not the BUs are specifically listed in the Basin Plan. Further, this amendment does

not change any implementation plans or policies that affect discharges of waste to waters of the State.

POLICY ISSUE

Should the State Water Resources Control Board (State Water Board) approve the amendment to the Basin Plan in accordance with the staff recommendations below?

FISCAL IMPACT

San Diego Water Board and State Water Board staffs' work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL WATER BOARD IMPACT

Yes, San Diego Water Board.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan adopted under San Diego Water Board Resolution No. R9-2005-0239.
2. Authorizes the Executive Director or designee to submit the amendment adopted under San Diego Water Board Resolution No R9-2005-0239 to the Office of Administrative Law for concurrence on its non-regulatory changes and approval of the regulatory changes to the Basin Plan.

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2006-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO REGION (BASIN PLAN) TO ADD UNNAMED OR UNIDENTIFIED WATER BODIES TO THE BENEFICIAL USE TABLES AND MAKE WATER QUALITY OBJECTIVE TABLE CORRECTIONS

WHEREAS:

1. The San Diego Regional Water Quality Control Board (San Diego Water Board) adopted an updated Basin Plan on September 8, 1994. The adopted Basin Plan was approved by the State Water Resources Control Board (State Water Board) on December 13, 1994 and by the Office of Administrative Law (OAL) on April 26, 1995.
2. On September 8, 2004, the San Diego Water Board adopted a *Prioritized List of Basin Plan Issues for Investigation from September 2004 to September 2007* in fulfillment of the 2004 Triennial Review (Resolution No. R9-2004-0156).
3. San Diego Water Board found that the proposed Basin Plan amendments, supporting technical report and the environmental check list and response to comments comply with the certified California Environmental Quality act as set forth in California Code of Regulations, Title 23, section 3775 et seq., no potential significant environmental effects would result from the project, therefore no alternate or mitigation measures are proposed.
4. San Diego Water Board staff found that the additions to this amendment would result in no adverse effect on wildlife, and the amendment would be consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16) and federal antidegradation requirements.
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans. The State Water Board also finds that the Basin Plan amendment is consistent with the requirements of federal Clean Water Act section 303(c).
6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The changes to Surface Water Quality Standards must also be approved by the U.S. Environmental Protection Agency (USEPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under San Diego Water Board Resolution No. R9-2005-0239.
2. Authorizes the Executive Director or designee to submit the amendment adopted under San Diego Water Board Resolution No R9-2005-0239 (**Attachment**) to the Office of Administrative Law for concurrence on its non-regulatory and regulatory status and to the U.S. Environmental Protection Agency for approval of the regulatory changes to the Basin Plan.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 21, 2006.

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Clerk to the Board