

**REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**EXECUTIVE OFFICER SUMMARY REPORT
NOVEMBER 18, 2020**

ITEM 9

SUBJECT

Consideration of a Proposed Resolution Adopting an Amendment to the Water Quality Control Plan for the San Diego Basin to Incorporate a Water Quality Objective for Biological Condition, Including a Staff Report with Substitute Environmental Documentation (Tentative Resolution No. R9-2020-0234) (Chad Loflen)

STAFF RECOMMENDATION

Staff recommends adoption of Tentative Resolution R9-2020-0234.

KEY ISSUES

Tentative Resolution R9-2020-0234 (Supporting Document 1), if adopted, will amend the Water Quality Control Plan for the San Diego Basin (Basin Plan) to incorporate general narrative guidance for the development of biological objectives and a numeric biological water quality objective for perennial and seasonal streams (Stream Biological Objective) using benthic macroinvertebrates and the California Stream Condition Index (CSCI). The tentative Resolution also adopts the project's Substitute Environmental Documentation that satisfies requirements of the California Environmental Quality Act (CEQA).

Key issues raised during the public comment period include:

1. Application of the Stream Biological Objective to streams with anthropogenic physical habitat modification;
2. Use of a reference-based approach for setting the Stream Biological Objective; and
3. Implementation of the Stream Biological Objective as a receiving water limitation in discharge permits.

PRACTICAL VISION

The proposed Basin Plan amendment is a key milestone in achieving the board's Practical Vision. The Stream Biological Objective fulfills the goals and needs identified in Resolution No. R9-2013-1053 (Resolution in Support of the San Diego Water Board Practical Vision). These include:

1. The application of the best science, analysis, and objective advice to its decisions to restore and maintain the chemical, physical, and biological integrity of the Region's waters (Finding 8).
2. The development of environmental outcome measures, including biological measures of ecosystem health, to set goals, prioritize the work of staff, guide decision making, and to track and report progress in its Mission to the public (Finding 9).

Accordingly, the proposed Stream Biological Objective will directly advance the goals of multiple Practical Vision chapters. It will provide the capability to focus performance on environmental outcomes as called for in *Strategizing for Healthy Waters* (Chapter 1); it will enable meaningful evaluation of beneficial uses as envisioned in *Monitoring and Assessment* (Chapter 2); and it directly fulfils the goal of adopting Basin Plan standards for stream systems desired in *Recovery of Stream, Wetlands, and Riparian Systems* (Chapter 3).

DISCUSSION

The Basin Plan designates beneficial uses for water bodies in the San Diego Region and establishes water quality objectives and implementation plans to protect those beneficial uses. The objective of the federal Clean Water Act is “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” Existing water quality objectives in the Basin Plan emphasize the chemical integrity of waters on a pollutant-by-pollutant basis, which can misrepresent the biological integrity of waters. Biological assessment (“bioassessment”) of the San Diego Region’s waters is needed to more effectively assess, protect, and restore designated aquatic life beneficial uses.

Accordingly, the San Diego Water Board 2014 triennial review of water quality standards identified the amendment of the Basin Plan to incorporate biological water quality objectives as a high priority project to protect and restore beneficial uses associated with aquatic and aquatic dependent wildlife for the region’s streams. On May 13, 2015, the San Diego Water Board adopted Resolution R9-2015-0043, which directed staff to begin working on the project to amend the Basin Plan to incorporate biological water quality objectives.

Adoption of the tentative Resolution would realize that goal by amending the Basin Plan to incorporate general narrative guidance for the development of biological objectives and to incorporate a numerical biological water quality objective for perennial and seasonal streams, where applicable, using benthic macroinvertebrates. The CSCI metric to evaluate attainment of aquatic-wildlife beneficial uses, provide for protection of high-quality streams, and prioritize restoration activities.

On February 28, 2019, staff released the Draft Basin Plan Amendment, Staff Report, and Substitute Environmental Documentation (February 2019 Public Release) for public review and comment. The San Diego Water Board held a public workshop on April 18, 2019, to provide information and receive public input on the February 2019 Public Release. Based on comments received at the public workshop, the San Diego Water Board extended the close of the written public comment period from May 02, 2019, to June 01, 2019. The Draft Basin Plan Amendment, Staff Report, and Substitute Environmental Documentation were also peer reviewed pursuant to the requirements of Health and Safety Code section 57004. Peer reviews were made available on the State Water Resources Control Board website on May 31, 2019.

The San Diego Water Board received eleven timely comment letters regarding the February 2019 Public Release. Based on review of the written comments and the scientific peer review results, staff identified and made several appropriate revisions to improve the Basin Plan Amendments, Staff Report, and Substitute Environmental Document. The proposed changes (August 2020 Revisions) represent a logical outgrowth of the scientific peer review and public comment process and are not considered significant. The proposed revisions include:

1. Exclusion of anthropogenically-hardened streambed segments from the Stream Biological Objective due to a lack of information to supporting the timing and tools needed for restoration implementation, as well as
2. Clarifying categories of water bodies exempted due to non-applicability of the CSCI.
3. Addition of clarifying language to the implementation program in Chapter 4 and the Substitute Environmental Documentation for permit programs, especially with regards to the implementation of the objective as a receiving water limitation and to reflect updates to exclude water bodies.
4. Extension of implementation timelines for permitting actions.

Because Scientific Peer Review found the reference approach for setting the Stream Biological Objective scientifically sound, no changes were necessary or made in response to public comments opposing the approach.

The August 2020 Revisions represented logical outgrowth of the initial written comments and scientific peer review process. While not considered significant, the August 2020 BPA revisions were released for public review and comment on August 14, 2020, providing the public a reasonable amount of time for review of the written comments prior to the public hearing. The San Diego Water Board received 15 comment letters regarding the August 2020 Revisions, for which general responses are included as Supporting Document 7. Staff made several non-significant clarifying or editorial revisions in response to written comments on the August 2020 Revisions. These clarifying or editorial revisions are included in Supporting Documents 2-4 in redline/strikethrough.

On October 16, 2020, the Tentative Resolution No. R9-2020-0234, Response to Comments Report, and proposed changes to the Substitute Environmental Document were distributed to the public and posted to the San Diego Water Board's webpage at:

https://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/bio_objec tives/

The proposed Basin Plan amendments to the Water Quality Objectives (Basin Plan Chapter 3) and Implementation (Chapter 4) chapters incorporate the latest science, are supported by scientific peer review, were modified based on public comments, and will, if adopted, represent a significant step toward achieving the goals of the federal Clean Water Act and the San Diego Water Board's Practical Vision.

SIGNIFICANT CHANGES

N/A

PUBLIC NOTICE OF HEARING

Notification of this public hearing was sent to known interested parties on October 02, 2020, via email subscription lists. Notice was also posted on the San Diego Water Board web page and published in local newspapers in San Diego, Riverside, and Orange Counties.

SUPPORTING DOCUMENTS

1. Tentative Resolution No. R9-2020-0234
2. Final Amendments to Chapter 3 of the Basin Plan
3. Final Amendments to Chapter 4 of the Basin Plan
4. Final Staff Report
 - a. Appendix I: Stream Biological Objective California Stream Condition Index Documentation
 - b. Appendix II: Substitute Environmental Document
5. Response to Scientific Peer Review
6. Response to Comments Report for February 2019 Public Release
7. Response to Comments Report for August 2020 Revisions
8. Public Notices for Hearing
 - a. November 2020
 - b. October 2020
 - c. September 2020
9. Written Comments Received regarding the February 2019 Public Release
10. Written Comments Received regarding the August 2020 Revisions