

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – SANTA ANA REGIONAL WATER BOARD
FEBRUARY 7, 2012**

ITEM 4

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION TO AMEND THE WATER QUALITY CONTROL PLAN FOR THE SANTA ANA REGION TO ESTABLISH TOTAL DISSOLVED SOLIDS AND NITRATE-NITROGEN WATER QUALITY OBJECTIVES AND AN IMPLEMENTATION PLAN FOR THE SAN JACINTO UPPER PRESSURE GROUNDWATER MANAGEMENT ZONE

DISCUSSION

The Basin Plan for the Santa Ana River Basin Region includes water quality objectives for total dissolved solids (TDS) and nitrate-nitrogen objectives (350 mg/L and 5 mg/L, respectively) for the San Jacinto Upper Pressure Management Zone. On October 29, 2010, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) adopted [R8-2010-0039](#), amending the Basin Plan to incorporate additional TDS and nitrate-nitrogen objectives for the San Jacinto Upper Pressure Management Zone (500 mg/L and 7 mg/L, respectively). The amendment includes an implementation plan for these objectives. The implementation plan delineates specific salt management water and wastewater projects and programs proposed by Eastern Municipal Water District (EMWD), the principal agency that oversees water supply and wastewater collection and treatment in the area overlying the groundwater management zone. EMWD proposed and committed to implement these projects and programs to assure that these water quality objectives would be consistently met.

Approval of the Basin Plan amendment would enable EMWD to implement their comprehensive water management plan (the “Hemet/San Jacinto Water Management Plan”), which includes the San Jacinto Upper Pressure Management Zone. This Management Plan includes the use of recycled water in the San Jacinto Upper Pressure Management Zone and other water management activities. The primary benefits of the Management Plan are to reduce local groundwater overdraft and increase the sustainability and reliability of the local groundwater resources, to maximize use of recycled water produced from local water reclamation plants, and to maximize the reasonable and beneficial use of all waters available to the area.

The adoption of the additional TDS and nitrate-nitrogen water quality objectives would allow for a lowering of water quality and, therefore, compliance with the State Water Board’s Statement of Policy with Respect to Maintaining High Quality Waters in California, [Resolution No. 68-16](#) (“Anti-Degradation Policy”), is required. In adopting the additional water quality objectives for the San Jacinto Upper Pressure Management Zone, the Regional Board found that the lowering of water quality is consistent with the Anti-Degradation Policy because present and anticipated beneficial uses would be protected, there is best practicable treatment or control of waste discharges, and that the change would be consistent with maximum benefit to the people of California.

Provided that EMWD implements the commitments identified in the Basin Plan amendment, the requirements of Resolution No. 68-16 are met and the less stringent TDS and nitrate-nitrogen objectives would apply for regulatory purposes. However, if these commitments are not satisfied, then the more stringent TDS and nitrate-nitrogen objectives already established in the Basin Plan would apply.

IMPLEMENTATION

The project and program commitments and schedules are delineated in the implementation plan incorporated in the Basin Plan amendment. These commitments include: developing and implementing a groundwater monitoring program; implementing salt reduction programs when the TDS and/or nitrate-nitrogen reach or exceed specified concentration trigger points; and recharging the groundwater basin with high quality State Project water when that supply is abundant. Finally, with regard to implementation of the additional objectives, the amendment specifies that if the Regional Board determines, at a duly noticed public meeting, that EMWD has not implemented the projects and programs as identified in the implementation plan, the Regional Board, would make the determination that the lowering of water quality is not of maximum benefit to the people of the state and by default, the established, more stringent TDS and nitrate-nitrogen Basin Plan objectives, which are based on historical quality conditions, would apply for regulatory purposes. The Basin Plan amendment specifies that if this determination is made, the Regional Board will require mitigation for TDS and nitrate-nitrogen discharges in excess of waste discharge limitations based on the already established, more stringent objectives.

ECONOMIC CONSIDERATIONS

The implementation costs associated with required actions in the Basin Plan amendment have been estimated as required by Public Resources Code §21159. The Santa Ana Water Board has provided cost estimates for reasonably foreseeable means of compliance.

There are no substantial economic impacts that would result from the implementation of the proposed additional TDS and nitrate-nitrogen water quality objectives. In fact, adoption of the additional TDS and nitrate-nitrogen objectives will lower the cost of implementing the Hemet/San Jacinto Water Management Plan, maximize the reasonable and beneficial use of all waters available in this area, and optimize the use of State Project water supplies at times when those supplies are plentiful, which provides state wide economic and environmental benefits. It should be emphasized that implementation of the salt management projects and programs identified in the Basin Plan amendment for the new objectives, as well as implementing the Hemet/San Jacinto Water Management Plan, commits EMWD and others to spend approximately \$626,000,000 over the next 30 years to remove salt and thereby improve water quality and the reliability of groundwater in the San Jacinto Upper Pressure Management Zone. These costs would be substantially higher, approximately \$921,000,000, without the water resource management opportunities and benefits provided by the additional TDS and nitrate-nitrogen water quality objectives, since desalters would otherwise need to be constructed to ensure compliance with the existing TDS and nitrate-nitrogen water quality objectives.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan to incorporate additional TDS and nitrate-nitrogen objectives for the San Jacinto Upper Pressure groundwater management zone?

FISCAL IMPACT

Santa Ana Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources. The approval of this Basin Plan amendment should not significantly add or detract from current workloads.

REGIONAL BOARD IMPACT

Yes, approval of this resolution will amend the Santa Ana Water Board's Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan adopted by the Santa Ana Water Board's Resolution No. R8-2010-0039.
2. Authorizes the Executive Director or designee to submit the amendment adopted by the Santa Ana Water Board's Resolution No. R8-2010-0039 to the Office of Administrative Law ("OAL") for further consideration.

State Water Board action on this item will assist the Water Boards in reaching Goal 2 of the Strategic Plan Update: 2008-2012, to implement strategies to improve and protect groundwater quality in high use basins by 2030. In particular, approval of this item will assist the Water Boards in fulfilling Objective 2.1: to implement an integrated groundwater protection approach by 2012 to improve and protect groundwater in high-use basins that (a) evaluates and regulates activities that impact or have the potential to impact beneficial uses, (b) recognizes the effects of groundwater and surface water interactions on groundwater quality and quantity, and (c) encourages and facilitates local management of groundwater resources.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2012-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SANTA ANA REGION TO ESTABLISH TOTAL DISSOLVED SOLIDS AND NITRATE-NITROGEN WATER QUALITY OBJECTIVES AND AN IMPLEMENTATION PLAN FOR THE SAN JACINTO UPPER PRESSURE MANAGEMENT ZONE

WHEREAS:

1. On October 29, 2010, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) adopted [R8-2010-0039](#) amending the Basin Plan to incorporate additional total dissolved solids (TDS) and nitrate-nitrogen water quality objectives and an implementation plan for the San Jacinto Upper Pressure Management Zone.
2. The Santa Ana Water Board found that since the added objectives are less stringent than the established objectives, a lowering of water quality could occur. The Santa Ana Water Board found that the added objectives and associated implementation plan identified in the Basin Plan amendment are consistent with the State Water Board [Resolution No. 68-16](#) because present and anticipated beneficial uses will continue to be protected, best practicable treatment or control of waste discharges would continue to be in place, and the potential lowering of water quality would be in the maximum benefit to the people of the state.
3. The Santa Ana Water Board found that the modeling procedures that were used to develop the added TDS and nitrate-nitrogen water quality objectives are the same as those used in the 2004 Salt Management Plan Basin Plan Amendment for the Santa Ana Region ([R8-2004-0001](#)). These modeling procedures were subjected to external scientific peer review during the development and consideration of the 2004 Basin Plan Amendment. Therefore, no additional external peer review was conducted for the added objectives.
4. The Santa Ana Water Board found that the analysis contained in the amendment staff report, the California Environmental Quality Act (CEQA) Checklist, and the responses to public comments comply with the requirements of the State Water Resources Control Board's (State Water Board's) certified regulatory CEQA process, as set forth in California Code of Regulations title 23, section 3775 et seq.
5. The State Water Board finds that, in amending the Basin Plan, the Santa Ana Water Board complied with the requirements set forth in sections 13141, 13240, 13242, and 13245 of the Water Code. The State Water Board also finds that the regulatory action meets the "necessity" standard of the Administrative Procedures Act, Government Code section 11353, Subdivision (b).
6. The Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL).

D R A F T

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan as adopted by Santa Ana Water Board Resolution No. R8-2010-0039.
2. Authorizes the Executive Director or designee to submit the amendment adopted by Santa Ana Water Board R8-2010-0039 to the OAL to approve the regulatory provisions.

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 February 7, 2012.

Jeanine Townsend
Clerk to the Board