

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – SAN DIEGO REGIONAL WATER BOARD
NOVEMBER 17, 2015**

ITEM 2

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO BASIN (9) TO CHANGE THE NITRATE WATER QUALITY OBJECTIVE FOR GROUNDWATERS, INCORPORATE THE ONSITE WASTEWATER TREATMENT SYSTEMS POLICY AND INCORPORATE MISCELLANEOUS UPDATES

DISCUSSION

The San Diego Water Board adopted [Resolution No. R9-2015-0008](#), on April 15, 2015, amending the Water Quality Control Plan for the San Diego Basin (9) (Basin Plan) to change the water quality objective for nitrate in groundwaters, incorporate the State Water Board's Onsite Wastewater Treatment Systems Policy (OWTS Policy), and incorporate other miscellaneous updates.

Revisions to the Basin Plan raise the water quality objective for nitrate in groundwater from the existing groundwater quality objectives of 5, 10, or 15 mg/L as NO₃ to the drinking water Maximum Contaminant Level (MCL) of 45 milligrams per liter (mg/L as NO₃) in all hydrologic areas/subareas in the Region, with the exception of the Warner Valley Hydrologic Area. Warner Valley has a designated beneficial use for freshwater replenishment of groundwater that precludes raising the nitrate objective. Relaxing the nitrate water quality objective for the remaining hydrologic areas/subareas is consistent with providing the maximum benefit to the public, while protecting present and anticipated beneficial uses of these waters.

The two main reasons to change the nitrate water quality objective for groundwater to the MCL of 45 mg/L as NO₃ are to fully utilize the OWTS Policy, and to encourage wider use of recycled water in the San Diego Region. Changing the nitrate water quality objective enables the San Diego Water Board to incorporate the OWTS Policy into the Basin Plan and utilize the OWTS Policy's conditional waivers of waste discharge requirements (WDRs). If the more stringent nitrate water quality objectives in the Basin Plan are not relaxed to the MCL, the San Diego Water Board must develop its own waiver for OWTS or issue WDRs to ensure those discharges comply with the more stringent water quality objectives for groundwaters. Changing the nitrate water quality objective may encourage the wider use of recycled water by reducing the cost of treatment to produce it. The change will eliminate the need to impose requirements for additional costly treatments to remove nitrate to meet existing water quality objectives in groundwaters that are more stringent than the drinking water standard.

Implementation measures were added to guide development of future WDRs for activities that may contribute nitrates to groundwaters. The implementation provisions were added to protect surface-water quality beneficial uses where there is an interconnection (e.g., gaining streams) between groundwater and surface water resources. Where potential discharges of total nitrogen to surface waters exist via the groundwater pathway, the San Diego Water Board may adopt WDRs requiring a reduced concentration in the proposed discharge of effluents, reduction in total nitrogen loads, and/or compliance with more stringent water quality objectives in receiving surface waters for the protection of beneficial uses of water resources.

The revisions also clarify that the San Diego Water Board may issue WDRs to privately-owned community sewer systems provided certain concerns identified in the Basin Plan are addressed by the discharger. This clarification was added in response to public comments received by a project proponent. Clarity is needed because the Basin Plan contained guidelines indicating that community sewer systems must be publicly-owned. Regardless of ownership, the systems must be designed, constructed and installed to prevent nuisance, pollution or contamination of the waters of the State; and operated, maintained and monitored to ensure protection of water quality.

Other changes to the Basin Plan include updates of programs, plans and policies and removal of expired waivers of WDRs.

POLICY ISSUE

Should the State Water Board approve the amendment to the San Diego Water Board's Basin Plan to change the water quality objective for nitrate in groundwaters, incorporate the State Water Board's Onsite Wastewater Treatment Systems Policy (OWTS Policy) and incorporate other miscellaneous updates?

FISCAL IMPACT

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

REGIONAL BOARD IMPACT

Approval of this resolution will amend the San Diego Water Board's Basin Plan.

STAFF RECOMMENDATION

Staff recommend the State Water Board:

1. Approve the amendment to the Basin Plan adopted under San Diego Water Board Resolution No. R9-2015-0008.
2. Authorize the Executive Director, or designee, to transmit the amendments adopted under San Diego Water Board Resolution No. R9-2015-0008, as approved, and the administrative record for this action to the Office of Administrative Law for approval.

State Water Board action on this item will assist the Water Boards in reaching Goals 3.2 and 6 of the Strategic Plan Update: 2008-2012 to promote the use of recycled water and to enhance consistency across the Water Boards.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2015-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO BASIN (9) TO CHANGE THE NITRATE WATER QUALITY OBJECTIVE FOR GROUNDWATERS, INCORPORATE THE ONSITE WASTEWATER TREATMENT SYSTEMS POLICY AND INCORPORATE MISCELLANEOUS UPDATES.

WHEREAS:

1. On April 15, 2015, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) adopted [Resolution No. R9-2015-0008](#), an amendment to the Water Quality Control Plan for the San Diego Region (Basin Plan amendment), to change the nitrate water quality objective for groundwaters, incorporate the Onsite Wastewater Treatment Systems Policy, and incorporate miscellaneous updates.
2. The San Diego Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) Substitute Environmental Documents for the proposed Basin Plan amendment, including the CEQA Checklist, the final Staff Report, and the responses to comments, comply with the State Water Board's regulations for the implementation of CEQA, as set forth in the California Code of Regulations, title 23, sections 3775 through 3781. The State Water Board has reviewed the Substitute Environmental Documents for the Basin Plan amendment and concurs with the San Diego Water Board's findings and determinations that the Basin Plan amendment would not have a significant adverse effect on the environment.
3. The San Diego Water Board also adopted the Basin Plan amendment pursuant to the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
4. The San Diego Water Board found the Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining High Quality of Waters in California (State Water Board [Resolution 68-16](#)) because such changes are consistent with the maximum benefit to the public, will not unreasonably affect present and anticipated beneficial use of waters, and will comply with the requirements of the Basin Plan.
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, and section 13242, which requires a program of implementation for achieving water quality objectives. In addition, the State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13241, which requires the establishment of water quality objectives in water quality control plans as in its judgment will ensure the reasonable protection of beneficial uses and the prevention of nuisance, in consideration of various factors including past, present, and probable future beneficial uses of water.

D R A F T

6. A Basin Plan amendment becomes effective after the State Water Board approves it, the Office of Administrative Law (OAL) approves the regulatory provisions, and the California Department of Fish and Wildlife collects the CEQA filing fee.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under San Diego Water Board Resolution No. R9-2015-0008.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under San Diego Water Board Resolution No. R9-2015-0008 to OAL for approval of 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 November 17, 2015.

Jeanine Townsend
Clerk to the Board