

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION—DIVISION OF WATER QUALITY
OCTOBER 25, 2006**

ITEM 8

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO REGION (BASIN PLAN) ADDRESSING BASIN PLAN ISSUE NO. 6, AUTHORIZATION OF COMPLIANCE TIME SCHEDULES IN NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REQUIREMENTS

DISCUSSION

This Basin Plan amendment is needed to allow the San Diego Regional Water Quality Control Board (San Diego Water Board) to incorporate compliance time schedules in NPDES requirements to meet new or more stringent Water Quality-Based Effluent Limitations (WQBELs) or receiving water limitations that implement water quality objectives issued, revised, or newly interpreted after November 9, 2005, the date the San Diego Water Board adopted the amendment. This amendment also authorizes compliance time schedules in NPDES requirements to meet new or more stringent WQBELs resulting from new information on the characteristics and effects of a discharge, for any pollutant for which a water quality objective was issued, revised, or newly interpreted after July 1, 1977. The compliance time schedules must be as short as practicable and cannot exceed five years in length. However, the San Diego Water Board may grant an additional extension of up to five years but only where the discharger has demonstrated satisfactory progress toward achieving compliance with the applicable WQBELs and receiving water limitations. When a compliance time schedule is proposed to be included in NPDES requirements, the discharger must meet certain conditions. The conditions include achieving compliance with WQBELs and receiving water limitations in the shortest practicable time period, meeting specified interim effluent and receiving water limitations, and not increasing pollutant levels in the discharge.

Providing this authorization is a benefit to the San Diego Water Board because issuing a compliance time schedule in NPDES requirements is administratively simpler than issuing an enforcement order. This authorization is a benefit to dischargers because it gives them time to achieve compliance with their NPDES requirements without being in violation of those requirements and without being subject to mandatory minimum penalties.

Resolution No. R9-2005-0238 ([Attachment 1](#)) authorizes the San Diego Water Board Executive Officer to make minor, non-substantive corrections to the language of the amendment, if needed, for clarity or consistency. The State Water Resources Control Board (State Water Board) staff's review of the proposed amendment identified items in the amendment that need clarification. The San Diego Water Board Executive Officer has made the non-substantive clarifications in a memorandum dated July 28, 2006 ([Attachment 2](#)).

The San Diego Water Board adopted an updated Basin Plan on September 8, 1994. The adopted Basin Plan was approved by the State Water Board on December 13, 1994 and by the Office of Administrative Law (OAL) on April 26, 1995.

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). Compliance time schedules for NPDES permits were identified as Basin Plan Issue No. 6 in the Triennial Review.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan to incorporate compliance time schedules in NPDES requirements to meet new or more stringent WQBELs or receiving water limitations that implement water quality objectives issued, revised, or newly interpreted after November 9, 2005, the date the San Diego Water Board adopted the amendment?

FISCAL IMPACT

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

REGIONAL WATER BOARD IMPACT

Yes, adoption of this Resolution will amend the San Diego Water Board's Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan adopted under San Diego Water Board Resolution No. R9-2005-0238.
2. Authorizes the Executive Director or designee to submit the amendment adopted under San Diego Water Board Resolution No. R9-2005-0238, as approved, and the administrative record for this action to OAL and to the U.S. Environmental Protection Agency for approval.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2006 -

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO REGION (BASIN PLAN) ADDRESSING BASIN PLAN ISSUE NO. 6, AUTHORIZATION OF COMPLIANCE TIME SCHEDULES IN NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REQUIREMENTS

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 staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act and other State laws and regulations.
4. San Diego Water Board Resolution No. R9-2005-0238 ([Attachment 1](#)) delegated to its Executive Officer authority to make minor, non-substantive corrections to the adopted amendment, if needed, for clarity or consistency. The State Water Board finds that the provisions of this amendment, as adopted, warranted minor, non-substantive clarification of the language of various provisions. The San Diego Water Board Executive Officer has made the necessary corrections to the amendment by memorandum date July 28, 2006 ([Attachment 2](#)).
5. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL; and, in the case of a surface water standards action, 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. R9-2005-0238.
2. Authorizes the Executive Director or designee to submit the amendment adopted under San Diego Water Board Resolution No. R9-2005-0238, as approved, and the administrative record for this action to OAL and to USEPA for approval.

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 October 25, 2006.

Song Her
Clerk to the Board