

Executive Officer's Summary Report
8:30 a.m. November 3, 2011
Regional Water Quality Control Board
David C. Joseph Hearing Room
5550 Skylane Blvd., Suite A

ITEM: 8

SUBJECT: Public Workshop on the Proposed Water Quality Objectives Update
Amendment

INTRODUCTION

On November 3, 2011 the North Coast Regional Water Quality Control Board (Regional Water Board) will conduct a public workshop on the scope of the *Proposed Water Quality Objectives Update Amendment* (proposed WQO Update Amendment). A copy of the Public Notice for the November hearing is included as Appendix A.

BACKGROUND

The primary goal of the proposed WQO Update Amendment is to clarify the process the Regional Water Board uses to establish numeric limits in permits, orders or other Board directives. Periodic review of the Basin Plan is required by state and federal law in order to ensure that the Basin Plan remains effective regulation. As part of the review process, the Regional Water Board identifies and ranks water quality-related issues that could be potential resolved through an amendment to the Basin Plan. The actions included under this proposed amendment were identified as Task 6 (Groundwater and Surface Water Protection Amendment) on the 2007 Triennial Review List. Staff has determined that the multitude of actions required to complete this task would be most appropriately divided into two distinct Basin Plan amendments. The actions identified in this Staff Report represent the first stage of this work. This stage focuses on revisions to the Water Quality Objectives portion of the Basin Plan.

Since 2004 the Regional Water Board has recommended that the Basin Plan be amended to include a policy that clearly articulates the process used by the Regional Water Board in translating narrative water quality objectives into numeric limits in permits, orders, or other regulatory directives for surface water and groundwater protection. The Regional Water Board also recommended that staff consider making non-substantive revisions to the existing water quality objectives for groundwater to update outdated references, etc. As part of this amendment process, staff was also directed to develop a new groundwater objective for toxicity for the Board's consideration. As part of the 2007 Triennial Review, these issues were combined into one task (the same proposed Basin Plan amendment) to facilitate development of a comprehensive proposal and to aid in outreach and solicitation of public comment.

The second phase of this task will focus on amendments to the Implementation Plan portion of the Basin Plan to include a new groundwater protection policy and to update the implementation program for the discharge of waste to land.

The most recent Triennial Review priority list was adopted on September 29, 2011 and identifies the two phases of this work as Task 3 of thirty-one tasks. Staff will soon begin development on the implementation phase of this task. A California Environmental Quality Act (CEQA) scoping meeting will be held in mid-2012 to solicit early public comment on the development of the implementation phase of this work. Staff intends to bring this phase of the amendment work to the Regional Water Board for consideration in 2013.

GOAL OF THE PROPOSED WQO UPDATE AMENDMENT

The proposed WQO Update Amendment will include revisions to Chapter 3 (Water Quality Objectives) and Chapter 4 (Implementation Plans) of the Basin Plan to clarify the process used by the Regional Water Board in establishing numeric limits in permits, orders and other Board directives.

The numeric and narrative water quality objectives in the Basin Plan are designed to ensure that all beneficial uses of water in the region are maintained and protected.. Numeric water quality objectives are set forth in a number of places. In Table 3-1, *Specific Water Quality Objectives for North Coast Region*, water quality objectives for specific conductance, total dissolved solids, dissolved oxygen, hydrogen ion (pH), hardness, and boron are identified for specific waterbodies. In Table 3-2, *Inorganic, Organic and Fluoride Concentrations Not to Be Exceeded in Domestic or Municipal Water Supply*, numeric objectives for domestic or municipal water supplies are identified for inorganic chemicals, organic chemicals, and fluoride. The numeric objectives in Table 3-2 are based upon the Maximum Contaminant Levels (MCLs) that were specified in Title 22 of the California Code of Regulations at the time Table 3-2 was adopted or last revised. MCLs established for drinking water protection are not necessarily protective of aquatic life beneficial uses. Updates that have been made to these regulations since that time, including the inclusion of additional constituents and changes to the MCLs, have not been explicitly incorporated into the Basin Plan.

For many water quality objectives identified in Chapter 3, the Basin Plan does not set out specific numeric limits. Instead, these objectives are specified in narrative language that describes a condition that water quality must meet. Currently, the Basin Plan does not contain a systematic explanation of how narrative objectives are translated into numeric limits in Regional Water Board permits, orders or other regulatory directives. The absence of a policy that clearly articulates the process the Regional Water Board currently uses to establish numeric limits from the existing narrative objectives has been identified as a source of confusion and controversy for many years.

Chapter 3 - Water Quality Objectives revisions included as part of the proposed WQO Update Amendment are listed below.

- Replace title, “Section 3 – Water Quality Objectives,” with “Chapter 3 – Water Quality Objectives.”
- Introduce the number system used in previous editorial revisions of the Basin Plan.
- Make non-substantive revisions to the existing numeric and narrative water quality objectives for surface and groundwaters to update language and add clarity.
- Add a new narrative toxicity objective for groundwater.
- Make a non-substantive revision to Table 3-1, *Specific Water Quality Objectives for North Coast Region*, footnote #4, adding a sentence clarifying that “more stringent values may apply to protect beneficial uses.”
- Make a non-substantive revision to Table 3-1, *Specific Water Quality Objectives for North Coast Region*, to relocate the existing site specific objective for the Upper Trinity River (footnote #5) to a new Table 3-1b, *Specific Objectives for Temperature in the Upper Trinity River*.
- Delete Table 3-2, *Inorganic, Organic, and Fluoride Concentrations Not to be Exceeded in Domestic or Municipal Supply*.
- Reformat and move Tables 3-1 and 3-1a to the end of the chapter.
- Remove references to Basin Plan appendices no longer proposed for use.

The recommended revisions to Chapter 4 – Implementation Plans included as part of the proposed WQO Update Amendment are listed below.

- Replace title, “Section 4 – Implementation Plans,” with “Chapter 4 – Implementation Polices and Action Plans.”
- Introduce the number system used in previous editorial revisions of the Basin Plan.
- Add a new section header, “Regionwide Policies”, to be inserted at the beginning of the chapter.
- Add a new *Policy for the Application of Narrative Water Quality Objectives* (proposed Narrative WQO Policy) under the new “Regionwide Policies” header.
- Make editorial revisions to the *Schedules of Compliance* section to be consistent with the state compliance policy.

PRELIMINARY STAFF RECOMMENDATION: Informational item, no Regional Water Board action will be taken.