

**California Regional Water Quality Control Board,
San Diego Region**

**Staff Report and
Prioritized List of Basin Planning Issues
for the
2014 Triennial Review of the
Water Quality Control Plan
for the
San Diego Basin
(Basin Plan)**

March 27, 2015



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Introduction

The *Water Quality Control Plan for the San Diego Basin* (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. State and federal laws require periodic review of the Basin Plan.¹ Because federal law requires a review every three years, the Basin Plan review is also referred to as the “triennial review.”

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) initiated the 2014 triennial review of the Basin Plan on December 8, 2014. The purpose of the review is to identify needed updates and revisions to water quality standards and other elements of the Basin Plan. The triennial review assists the San Diego Water Board to identify priority issues that may be addressed through subsequent Basin Plan amendment projects.

In this document, staff has identified a prioritized list of basin planning issues (priority issues) that may lead to Basin Plan projects and/or subsequent revisions or amendments to the Basin Plan. The priority issues represent the San Diego Water Board’s highest priority basin planning items and implement the goals of the San Diego Water Boards Practical Vision.

The priority issues are categorized as focusing on either: Protection (P), Reasonableness (R), or Housekeeping (H). In general:

- P projects are intended to make the Basin Plan more protective of water quality and/or beneficial uses;
- R projects are intended to make the Basin Plan goals more reasonable or attainable while being protective; and
- H projects are mainly editorial in nature and are intended to make clarifications, updates, and corrections to the Basin Plan where needed. The H category also includes some obligatory Basin Plan updates triggered by state or federal actions.²

The P and R categories are derived from the Porter-Cologne Water Quality Control Act, which requires water quality control plans such as the Basin Plan be both *protective* and *reasonable* [California Water Code §13241].

¹ State law requires basin plans to be periodically reviewed [California Water Code §13240]. Federal law requires water quality standards to be reviewed every three years [Clean Water Act §303(c)(1)].

² E.g., work related to the Salt/Nutrient Management Plans currently under development pursuant to the State Water Resources Control Board’s Recycled Water Policy.

San Diego Water Board Practical Vision – Healthy Waters, Healthy People

The Practical Vision is a planning tool that focuses our limited resources on our region's highest priorities for the next 7 years. It was adopted in November 2013 and furthers our agency's mission to protect, enhance and restore the quality of California waters so that our communities can use and enjoy the waters. It sets a plan to achieve healthy waters through collaboration, reliance on the latest science, prioritization of issues and actions, and prudent use of our authorities in service to the people of California.

The Practical Vision includes our core values of leadership, stewardship, communication, and transparency and identifies critical factors necessary to achieve healthy waters throughout the region. The San Diego Water Board will prioritize Basin Plan amendment projects that align with our values and the goal of accomplishing our Vision over the long term.

Additional information on the San Diego Water Board's Practical Vision can be found at: http://www.waterboards.ca.gov/sandiego/water_issues/Practical_Vision

Basin Plan Triennial Review Process

Federal law requires a review of water quality standards at least once every three years. Water quality standards consist of beneficial use designations, water quality criteria (objectives) necessary to protect those uses, and anti-degradation provisions. In addition, state law requires Basin Plans be periodically reviewed and revised if needed. The last Basin Plan Triennial Review was conducted in 2011.

The 2014 Basin Plan Triennial Review process included a preliminary issues report,³ a public workshop, comment period, and a public hearing. To formally conclude its Basin Plan review, the San Diego Water Board adopts a resolution approving the review and the priority list of suggested Basin Plan revisions.

Following the triennial review public workshop and comment period, staff prepared this Staff Report which includes a priority list of suggested Basin Plan revisions. The priority list identifies Tier 1 issues using anticipated resource allocations that will be scheduled over a three year period. In addition, this Staff Report also contains Tier 2 issues that could be considered for project development if resources and readiness allow. Placing an issue on the priority list will prompt San Diego Water Board staff to investigate the need and appropriateness for a Basin Plan amendment to meet the goals of the project; it does not necessarily mean that a Basin Plan amendment will be made.

The current projection for available staff resources to implement 2014 triennial review projects is 2 (two) PYs per year.⁴

³ The preliminary issues report is available on the San Diego Water Board website at: http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/tri_review.shtml.

⁴ A person-year (PY) is equivalent to one staff member working full time for one year.

Issues Descriptions for 2014 Basin Plan Review

The San Diego Water Board staff prepared the following list of priority issues for inclusion in the 2014 Basin Plan Review. These will be presented for the Board's consideration in May 2015. In developing this list, staff considered issues previously identified during the 2011 Basin Plan Review, projects identified in the 2013 Practical Vision, as well as newly identified issues, and public comments in response to the Preliminary Issues report. The list of priority issues represents the San Diego Water Board's highest priorities and is consistent with the Practical Vision.

The priority list contains Tier 1 issues that will be scheduled over a three year period using anticipated resource allocations and Tier 2 issues that could be considered for project development if resources and readiness allow.

Tier 1 - Priority List

Issue 1: Biological Objectives for Water Bodies in the San Diego Region

Type of Action:

Water Quality Objectives (new)
Implementation/Policy

Category:

Protective and Reasonable

Staff Recommendation:

Develop biological water quality objectives for the attainment of beneficial uses of inland surface waters.

Discussion:

Existing water quality objectives might not adequately protect aquatic life beneficial uses. A water quality objective for biological condition is critical to restoring and maintaining the biological integrity of the region's waters.

The objective of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. Until recently, much of the emphasis has been to focus on the chemical integrity (discharge specific) of receiving waters. Although chemical integrity is an essential component in protecting and maintaining healthy systems, it alone is inadequate in protecting the ecological health of a water body. Biological assessments provide direct measures of the cumulative and integrated response of the biological community to all sources of stress as the organisms are exposed to these stresses over time. Through this long term exposure in their natural setting, biological communities provide the most comprehensive measure of the condition of the beneficial use to be protected. Biological objectives set the biological quality goal, or target, to which water quality can be managed against, rather than the maximum allowable level of a stressor (pollutant or other water quality condition) that affects the aquatic life in that water body.

The Basin Plan should be amended to incorporate a narrative biological objective for water bodies in the San Diego Region such as: "Waters of the State shall be of sufficient quality to support native aquatic species without detrimental changes in the resident biological communities." The San Diego Water Board should establish numerical measures by which to interpret the narrative objective (i.e., the Southern California Index of Biotic Integrity or the California Stream Condition Index, http://www.waterboards.ca.gov/plans_policies/biological_objective.shtml).

Practical Vision

Over the past 18 years, the San Diego Water Board has conducted bioassessment monitoring in its own monitoring programs and required bioassessment monitoring through permits and enforcement actions. The San Diego Water Board, however, still lacks the biological objectives against which to evaluate these bioassessment measures. The lack of biological objectives severely limits the application of bioassessment measures and the ability to define (and enforce) metrics for the protection, maintenance, and restoration of ecosystem health.

Chapter 1 of the Practical Vision focuses on setting measurable goals for meaningful environmental outcomes. Environmental outcomes are best measured through assessment of the biological condition of the water body. Biological objectives will greatly enhance the use of these environmental outcomes as preferred indicators of mission success because they help define the goals and identify if the goals are successfully met. With biological objectives, the San Diego Water Board is able to assess whether water bodies are in good biological condition and identify and prioritize restoration of water bodies that are not in good biological condition.

The Practical Vision's Chapter 2 focuses on improved monitoring and assessment of conditions in water bodies. In order to answer the question "Are the habitats and ecosystem healthy?" the status of flora and fauna needs to be monitored in water bodies. Biological objectives allow such an assessment by providing regulatory context for direct measures of biologic health.

Chapter 3 of the Practical Vision focuses on the recovery of streams, wetlands, and riparian systems. With biological objectives, measurable goals can be set for the recovery of these water bodies.

Issue 2: Chollas Creek Metals Site Specific Water Effect Ratio (WER)

Type of Action:

Revision of TMDL

Category:

Reasonable

Staff Recommendation:

Revise the Basin Plan based upon the results of the completed water effects ratio prepared by the City of San Diego.

Discussion:

The Basin Plan should be amended to establish site-specific and chemical-specific WERs to be incorporated into the water quality objectives for toxic pollutants in Chollas Creek, and to revise the dissolved copper and zinc WERs in the Chollas Creek Metals Total Maximum Daily Loads (TMDLs). The Basin Plan should also be amended to clarify the application of WERs in the California Toxics Rule (CTR) when developing numeric water quality objectives for toxic pollutants.

On June 13, 2007, the San Diego Water Board adopted Resolution No. R9-2007-0043, which established TMDLs for copper, lead, and zinc for Chollas Creek. The TMDL established numeric targets for copper, lead, and zinc to ensure water quality objectives are achieved and beneficial uses of Chollas Creek are protected. The numeric targets are established based on hardness-based equations in the CTR that utilize a WER set at a default value of 1.

The CTR allows for the adjustment of certain metals criteria through the use of a WER that accounts for site-specific chemical conditions. Appendix H of the Technical Report for Resolution No. R9-2007-0043 states, "*If and when site-specific copper, lead, and zinc water quality objectives are developed for Chollas Creek, this TMDL will be modified accordingly.*"

Since the adoption of the Chollas Creek TMDL in 2007, the City of San Diego has conducted a *Water-Effect Ratio Study* (WER study) to refine the dissolved copper and zinc water quality objectives for Chollas Creek. The WER study provides the data and findings that support site-specific WERs for copper and zinc in Chollas Creek.

Practical Vision

The San Diego Water Board strives to be a learning organization that considers the knowledge, expertise and insights of others and thus values the open sharing of ideas. As a learning organization, good communication allows our stakeholders to work with us to accomplish our goal of healthy waters. Given the limited resources of the San Diego Water Board, we must establish strategic priorities and work in the most effective manner practicable. Projects such as this one allow the San Diego Water Board to work collaboratively with the regulated community to incorporate the latest scientific understanding into the Water Quality Objective while ensuring it is both reasonable and still fully protective of beneficial uses.

Issue 3: Evaluation of Contact Water Recreation (REC-1) Water Quality Objectives and the Methods for Quantifying Exceedances

Type of Action:

Consideration of 2012 USEPA Recreational Water Quality Criteria

Category:

Reasonable and Protective

Staff Recommendation:

Track the progress of science that could lead to revised water quality standards and focus efforts on compliance prohibitions against discharges of fecal indicator bacteria.

Discussion:

The San Diego Water Board will evaluate available data, reports and any request for modification of water quality objectives for Contact Water Recreation (REC-1).

The goal of the project will be to determine whether and to what extent data supports amending the objectives, implementation provisions for applicable TMDLs, or the TMDLs themselves. This is a timely project because in 2012 the USEPA released revised guidance for recreational water criteria, and several local and/or regional studies are in progress that can inform the selection of pathogen indicators and objectives. Additionally, the Bacteria TMDL specifies that the San Diego Water Board will initiate a Basin Plan amendment project to revise the requirements and/or provisions for implementing the TMDLs by April 2016, provided sufficient data exist to support the initiation of a Basin Plan amendment.

Specifically, as part of this Triennial Review project and by November 2017, staff will (1) continue to participate on related technical, scientific, and regulatory advisory groups including processes established for the purposes of supporting this Triennial Review priority; (2) conduct a public workshop during the 2015-2016 fiscal year following community outreach on the state of applicable science, particularly in relation to selection of indicators and compliance with objectives in wet weather; and (3) continue to seek a third party cost benefit analysis regarding compliance with regulations of the San Diego Water Board, with a specific focus on the infeasibility of meeting wet weather TMDL water quality objectives for bacteria indicators.

This work will be evaluated with information from existing initiatives within the San Diego Water Board's storm water and sanitary sewer programs such as reviewing sanitary sewer collection system data for opportunities to mitigate the risk of spills as a source of pathogens in local waters; information provided by interested parties; and working with the MS4 Copermittees through the Water Quality Improvement Plans of the MS4 permit, to assist in evaluating options for achieving compliance with the interim milestones of the Bacteria TMDLs.

Following the evaluation, San Diego Water Board staff will make recommendations to the Board to meet the following objectives: (1) protecting beneficial uses; (2) adopting new and updating existing regulations based upon the latest technical findings and scientific understanding; (3) facilitating effective use of resources by regulated parties; and (4) ensuring judicious use of San Diego Water Board resources. Results of the evaluation may include Basin Plan amendments to water quality objectives or to the Bacteria TMDLs, or other regulatory actions by the Board.

Practical Vision:

This recommendation advances the Practical Vision plans to achieve healthy waters through collaboration, reliance on the latest science, prioritization of issues and actions, and prudent use of authorities in service to the people of California. By evaluating the existing water quality objectives, USEPA guidance, scientific studies, and stakeholder interests, the San Diego Water Board will be able to protect the contact recreational beneficial uses in the most efficient manner practicable.

Issue 4: Editorial Revisions, Minor Clarifications or Corrections

Type of Action:

Editorial

Category:

Housekeeping

Staff Recommendation:

Identify opportunities to periodically update the Basin Plan with non-regulatory or mandated revisions.

Discussion:

The Basin Plan should be amended to make editorial non-regulatory changes that clarify, update, or eliminate outdated paragraphs, tables, figures, references to outdated Policies, and to correct other minor errors. These changes are sometimes needed for clarity and to ensure that the public is informed about the latest requirements to protect water quality. These changes would be non-regulatory. That is, they would not impose new requirements on permittees, but rather clarify existing regulatory requirements or program descriptions.

The Basin Plan should also be amended to include obligatory Basin Plan updates triggered by state or federal actions. An example of these updates includes the work related to the Salt/Nutrient Management Plans currently under development pursuant to the State Water Board's Recycled Water Policy.

Practical Vision

In order to achieve the goals of the San Diego Water Board's mission, it is imperative that we engage the public to understand their priorities and share our goals. Good communication and transparency are key values to guide this work. This fosters an environment where we can work with our stakeholders to accomplish our goal of healthy waters. An important tool in this process is the San Diego Water Board's Basin Plan.

The Basin Plan is a dynamic, rather than fixed, document. It requires periodic updates to maintain and ensure that the information in it is current. Changes such as corrections, clarifications and general formatting are considered "nonregulatory" in nature. They do not change or impose any new requirements on the regulated community. These "nonregulatory" changes simply improve the overall readability and utility of the Basin Plan. Providing the public with user-friendly access to helpful and easily understood information is an essential component of the Practical Vision.

Tier 2 - Priority List

Issue 5: Evaluation of Basin Plan Beneficial Uses and Water Quality Objectives as They Relate to Reservoir Maintenance and Operations.

Discussion:

At the request of the water purveyors in the region, an additional project has been included for this Basin Plan Triennial Review that focuses on reservoir maintenance and operations. This project would prioritize the following tasks to be achieved with resources made available as the other four Issues are addressed: (a) identifying potable reuse as a potential future beneficial use for local reservoirs; (b) reviewing the applicability of the Basin Plan dissolved oxygen objective for reservoirs; and (c) discussing the potential for resource sharing to accomplish mutual priorities. The issues to be further investigated could lead to Basin Plan projects and/or subsequent revisions or amendments to the Basin Plan. Because of resource limitations, the development of the projects and potential revisions to the Basin Plan, if applicable, would be a separate process outside of the Tier 1 issues of this Triennial Review work plan. The San Diego Water Board commits to meeting with the regional water purveyors to better understand the issues submitted and to explore the practicality of resource sharing through a Memorandum of Understanding and detailed workplan.

Public Participation and Basin Plan Review Schedule

Public participation is an important part of the Basin Plan review. It promotes San Diego Water Board values of transparency and communication. For this triennial review staff identified a preliminary list of recommended Basin Planning issues (preliminary issues) for review during the public comment period. The preliminary issues were presented to the public during a workshop on January 8, 2015. Interested persons had an opportunity to provide comments during the public workshop. In addition, interested persons also had an opportunity to submit written comments during a 60-day comment period which extended from December 8, 2014 through February 6, 2015. Staff assessed written public comments and incorporated them, where appropriate, into this *Staff Report and Prioritized List of Basin Plan Issues*. A Response to Comments document was also prepared.

The schedule for the 2014 Basin Plan Triennial Review is as follows:

Public comment period begins:	December 8, 2014
Public workshop:	January 8, 2015
Public comment period ends:	February 6, 2015
Board hearing:	May 13, 2015

During the May 2015 Board hearing, interested persons will also have an opportunity to provide oral comments to the San Diego Water Board.

Persons interested in receiving announcements about the Basin Plan triennial review were encouraged to subscribe to the “Basin Planning Issues” electronic mailing list at: http://www.waterboards.ca.gov/resources/email_subscriptions/reg9_subscribe.shtml. Persons already subscribed to the previous triennial review e-mail list for the San Diego Region were automatically subscribed to the current one.

Evaluation of Issues

The San Diego Water Board used its Practical Vision as guidance when evaluating issues. In addition, the following criteria were also taken into consideration when evaluating issues:

- Protection and Restoration – The issue advances the mission of protecting and restoring healthy waters in the San Diego Region;
- Reasonable and Efficient – The Water Board has or can leverage resources (e.g., expertise, technology, and data) that are able to achieve the project goals within the project timeframe; The issue advances the San Diego Water Board’s goal of ensuring

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limited resources are put to the best possible use;

- Community Involvement – The issue is of high public interest and is appropriately addressed through a Basin Plan amendment.

The public was asked to take into consideration these criteria when submitting comments on existing issues and when submitting new issues not previously identified by the San Diego Water Board on the preliminary list.

Summary of Public Comments

The San Diego Water Board received 16 comment letters during the 2014 Triennial Review public comment period. Staff reviewed all comments received and prepared a Response to Comments Document. Copies of the comment letters and the Response to Comments Document are available on the San Diego Water Board website.⁵ The following table summarizes comments received:

Commenter	Preliminary Workplan Issue
City of San Diego	Issues 1, 2, and 3
City of Escondido	Issue 3
Cary D. Lowe on behalf of Sudberry Properties	New Issue – Community Sewerage Systems ⁶
Environment + Design Council	New Issue – Community Sewerage Systems
PERC Water	New Issue – Community Sewerage Systems
San Diego Regional Chamber of Commerce	New Issue – Community Sewerage Systems
San Diego Building Industry Association, Associated General Contractors; Associated Builders and Contractors; San Diego Regional Chamber of Commerce; Business Leadership Alliance; San Diego Association of Realtors; San Diego Apartment Association; NAIOP (National Association of Industrial & Office Properties); BOMA (Building Office & Management Association; San Diego Chapter of the American Society of Landscape Architects	New Issue – Community Sewerage Systems
Advanced Onsite Systems	New Issue – Community Sewerage Systems
San Diego Coastkeeper, Coastal Environmental Rights Foundation, and Surfrider Foundation San Diego Chapter	Issues 1, 2, and 3 New Issue – TMDL Development
Riverside County Flood Control and Water Conservation District	Issues 1 and 2, and New Issue – Nutrients Water Quality Objective
San Diego County Water Authority	New Issue - Reservoirs
County of San Diego, Department of Public Works	Issues 1, 2, and 3
San Diego Unified Port District	Issues 2 and 3 New Issue – Assembly Bill (AB) 425
Marine Corps Base Camp Pendleton	Issue 1
County of San Diego, Board of Supervisors	Issues 1, 2, and 3
ChemMetrics	New Issue – AB 425

⁵ http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/tri_review.shtml.

⁶ This issue is addressed in Resolution No. R9-2015-0008, a tentative Basin Plan amendment in April 2015.