STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2008-00054

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO BASIN (BASIN PLAN) TO INCORPORATE TOTAL MAXIMUM DAILY LOADS FOR DISSOLVED COPPER, LEAD, AND ZINC IN CHOLLAS CREEK, TRIBUTARY TO SAN DIEGO BAY

WHEREAS:

1. On June 13, 2007, the San Diego Regional Water Quality Control Board (San Diego Water Board) adopted Resolution No. R9-2007-0043 (Attachment) amending the Basin Plan to establish Total Maximum Daily Loads (TMDLs) for dissolved copper, lead, and zinc in Chollas Creek.

2. The San Diego Water Board found that the analysis contained in the TMDL staff report, the California Environmental Quality Act (CEQA) checklist, notice of public hearing, and notice of filing prepared by San Diego Water Board staff comply with the requirements of the State Water Resources Control Board's (State Water Board's) certified regulatory CEQA process, as set forth in the California Code of Regulations (CCR), Title 23, section 3775 et seq.

3. The San Diego Water Board found that the amendment is consistent with State Water Board Resolution No. 68-16, in that the changes to water quality objectives (i) consider maximum benefit to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. The amendment requires actions to be taken to implement management practices to ensure compliance with water quality criteria. Such actions are of maximum benefit to the people of the state. The amendment will not unreasonably affect present and anticipated beneficial uses nor result in water quality less than described in applicable policies because the amendment is intended to result in compliance with water quality criteria. The actions to be taken are not expected to cause other impacts on water quality.

4. 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; section 13242, which requires a program of implementation of water quality objectives; and section 13243 which authorizes Regional Water Quality Control Boards to specify certain conditions or areas where the discharges of certain types of waste will not be permitted. The State Water Board also finds that the three TMDLs, as reflected in the Basin Plan amendment, are consistent with the requirements of federal Clean Water Act (CWA) section 303(d).

5. Pollutant loadings from atmospheric deposition onto land, which are being conveyed into stormwater discharges, are included in the stormwater waste load allocations. One study has shown that atmospheric deposition of particulates containing trace metals in the urban areas is an important source of metals contaminants on land surfaces. (Sabin et al., 2005)[1]. It appears from studies in other areas that larger particulates are responsible for the highest loadings of metals in atmospheric deposition, and therefore pose the greatest risk to water

[1] Sabin et al. "Contribution of trace metals from atmospheric deposition to stormwater runoff in small impervious urban catchment." Water Research 39 (2005) 3939-3937.

quality. The Water Boards, the California Air Resources Board (CARB), and some of the Air Districts have identified the need to (1) expand monitoring of larger particulates in atmospheric deposition to better gauge the impact to water quality, and (2) investigate the sources of these metals in order to design a control strategy. The San Diego Water Board and the State Water Board should meet with the San Diego County Air Pollution Control District (SDCAPCD) and CARB to pursue further studies and to assist in developing appropriate controls.

6. The State Water Board encourages local municipalities within the urban watersheds in the San Diego Region and San Diego County to work with the SDCAPCD and CARB to further identify and control sources of trace metals in atmospheric deposition. If necessary, the State Water Board and San Diego Water Board shall enforce compliance with the adopted plans by the SDCAPCD and CARB as appropriate under Water Code sections 13146 and 13247, and all other relevant statutes and regulations.

7. The San Diego Water Board will work with municipalities and San Diego County to encourage building designs and best management practices that will retain pollutants on site. This will help prevent the conveyance of pollutants from atmospheric deposition and other sources from being washed into stormwater and discharged to Chollas Creek, and other urban watersheds.

8. Nothing in this resolution shall be interpreted as suggesting that the municipal dischargers are not responsible under the CWA for the pollutants discharged from their municipal separate storm sewer systems, which is a point source subject to regulation under CWA section 402(p).

9. State Water Board staff determined that minor, non-substantive changes to the language of the Basin Plan amendment was necessary to refer to the California Toxics Rule (CTR) numbers as water quality criteria instead of water quality objectives since the CTR numbers have not been adopted as water quality objectives in California. The San Diego Water Board's Executive Officer made these minor changes in a memorandum dated March 26, 2008.

10. The lowest 1.2 miles of Chollas Creek (from the mouth of Chollas Creek at San Diego Bay to 1.2 miles inland) were placed on the List of Water Quality-Limited Segments in 1996. This listing was required by CWA section 303(d) due to level of dissolved copper, lead and zinc (Metals) in the water column.

11. The amendment sets numeric water quality targets for Warm Freshwater Habitat (WARM) and Wildlife Habitat (WILD) equal to 90 percent of the CTR.

12. A 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). The TMDL must also be approved by the U.S. Environmental Protection Agency (U.S. EPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan as adopted under San Diego Water Board Resolution No. R9-2007-0043.

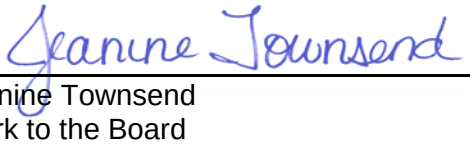
2. The San Diego Water Board shall consider any appropriate data, and determine whether and to what extent measures by the CARB and SDCAPCD are necessary or appropriate to attain Water Quality Standards and the TMDL. If such measures are appropriate, the San Diego Water Board shall adopt a Basin Plan amendment consistent with the atmospheric deposition findings in Whereas 5, 6, and 7 above, and take appropriate action to pursue compliance with such requirements.

3. Authorizes the Executive Director or designee to submit the amendment as adopted under San Diego Water Board Resolution R9-2007-0043 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL.

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 July 15, 2008.

AYE:	Chair Tam M. Doduc Vice Chair Gary Wolff, P.E., Ph.D Arthur G. Baggett, Jr. Charles R. Hoppin Frances Spivy-Weber
NAY:	None
ABSENT:	None
ABSTAIN:	None



Jeanine Townsend
Clerk to the Board