

State of California  
Regional Water Quality Control Board  
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT  
FEBRUARY 8, 2017

ITEM: 9

SUBJECT: Tentative Resolution No. R9-2017-0015: A Resolution Amending the Water Quality Control Plan for the San Diego Basin to Incorporate Site-Specific Water Effect Ratios into Water Quality Objectives for Toxic Pollutants and Total Maximum Daily Loads for Copper, Lead, and Zinc in Chollas Creek (*Melissa Valdovinos*)

PURPOSE: To consider adoption of Tentative Resolution No. R9-2017-0015 to amend the Basin Plan as follows:

1. Update Chapter 3 of the Basin Plan to clarify the application of water effect ratios (WERs) in the California Toxics Rule (CTR) for developing site-specific water quality objectives (WQOs);
2. Update Chapter 3 of the Basin Plan to apply site-specific WERs to dissolved copper and dissolved zinc in Chollas Creek during wet weather; and
3. Update Chapter 7 of the Basin Plan to revise WER values and associated water quality criteria calculations.

RECOMMENDATION: Adopt Tentative Resolution No. R9-2017-0015 (Supporting Document No. 1)

KEY ISSUE: The proposed Basin Plan amendment was recommended for adoption at the December 14, 2016 San Diego Water Board meeting (as Tentative Resolution No. R9-2016-0148). In response to public comments made at the meeting by Marco Gonzalez, Executive Director of Coastal Environmental Rights Foundation (CERF), the Board asked staff to further consider issues regarding industrial storm water dischargers. As discussed in Supporting Document No. 3, staff reviewed the issues and recommends no material changes to the Tentative Resolution or Basin Plan amendment.

**PRACTICAL VISION:** When this project was approved as part of the 2014 Triennial Basin Plan Review, the Board recognized it as an application of the Practical Vision to work collaboratively to incorporate the latest scientific understanding into WQOs, while ensuring it is both reasonable and still fully protective of beneficial uses.

**DISCUSSION:** Tentative Resolution No. R9-2017-0015 would amend the Chollas Creek Metals TMDL and the corresponding site-specific WQOs in the Basin Plan. The amendment does not affect the existing TMDL implementation plan or compliance schedule to meet interim and final goals. The amendment is not self-implementing and must be implemented through subsequent permitting or other implementation actions. Existing individual and general permits would be modified with new effluent or receiving water limits as appropriate after the Basin Plan amendment receives final approval from the Office of Administrative Law. Further discussion on implementation, particularly in the context of industrial discharges, is included in Supporting Document No. 3.

No revisions to the Tentative Resolution are proposed for addressing concerns about industrial storm water facilities based on the following conclusions:

1. Although individual industrial facilities could potentially discharge high concentrations of copper or zinc during storm events, based on land use modelling, all industrial facilities combined represent less than 10 percent of the total expected loading in the watershed.
2. Water quality sampling procedures vary based on the purpose of the sampling. Flow-weighted composite methods are well suited for establishing WQOs and monitoring mass-loading stations, while grab-samples are well suited for assessing performance of best management practices (BMPs) for storm water runoff from industrial sites.
3. Applying the proposed WER-based WQOs in the Basin Plan solely to municipalities and/or excluding other dischargers, specifically industrial sites, would be an inappropriate application of WQOs because a safe level of pollutants in a water body is not dependent on the discharge source.
4. Compliance at industrial facilities is best addressed through implementation of the BMP technology standards of the

Regional Municipal Storm Water Permit and the Statewide Industrial General Storm Water Permit.

Two minor revisions to the Tentative Resolution are proposed:

1. An addition to Finding No. 7 to clarify that the amendment is not self-implementing and
2. A new Finding No. 13 to include the errata discussed by the Board at the December hearing regarding future revisions to the water quality objectives.

LEGAL CONCERNS: None

SUPPORTING DOCUMENTS:

1. Tentative Resolution No. R9-2017-0015 (February 2017)
2. Technical Report for Tentative Resolution No. R9-2017-0015 (February 2017)
3. Memo dated January 25, 2017, to the Executive Officer on issues arising from the December 14, 2016 Board hearing

PUBLIC NOTICE: The notice of public hearing for the proposed Basin Plan amendment was posted on the San Diego Water Board's web site and announced via the "Board Meetings" and "Basin Planning Issues" Lyris lists. Notice for the original item (December 14, 2016) was also announced on the web site, via the Lyris lists, and in the San Diego Union-Tribune newspaper.