

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

RESOLUTION NO. 95-95

**A RESOLUTION ADOPTING AN AMENDMENT
TO THE
WATER QUALITY CONTROL PLAN, SAN DIEGO REGION**

WHEREAS, the Regional Board, acting in accord with Section 13244 of the California Water Code, adopted the Water Quality Control Plan for the San Diego Basin (9), (hereinafter Basin Plan) on September 8, 1994. The Basin Plan was subsequently approved by the State Water Resources Control Board (SWRCB) on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the Regional Board and approved by the SWRCB; and

WHEREAS, the Regional Board has adopted Resolution No. 86-06 which incorporates a water reclamation policy into the Basin Plan which outlines an action plan whereby the Regional Board will consider special amendments to the Basin Plan to encourage meaningful water reclamation; and

WHEREAS, a staff report describing the proposed amendment and containing environmental documentation functionally equivalent to the California Environmental Quality Act requirements was transmitted to interested individuals and public agencies for review and comment; and

WHEREAS, the proposed amendment includes the issuance of conditional waivers for water reclamation projects and the establishment of a policy to suspend enforcement action for violations of waste discharge requirements; and

WHEREAS, Section 13260 (a) of the California Water Code requires that any person discharging waste or proposing to discharge waste within the Region, other than to a community sewer system, that could affect the quality of the water of the State, shall file a report of waste discharge; and

WHEREAS, Section 13263 (a) of the California Water Code requires that California Regional Water Quality Control Boards prescribe requirements as to the nature of existing and proposed discharges in their respective areas of jurisdiction; and

WHEREAS, Section 13269 of the California Water Code authorizes Regional Boards to waive adoption of waste discharge requirements for a specific discharge or a specific type of discharge where such a waiver is not against the public interest; and

WHEREAS, Section 13269 of the California Water Code stipulates that any waiver from filing a report of waste discharge and/or prescribing waste discharge requirements shall be conditional and may be terminated at any time by the Regional Board, and does not permit an illegal discharge, and does not preclude the need for permits which may be required by other local or governmental agencies, and does not preclude the Regional Board from administering enforcement remedies, pursuant to Section 13304 or 13350 of the California Water Code; and

WHEREAS, a waiver of adoption of waste discharge requirements, where such a waiver is not against the public interest, would enable Regional Board staff resources to be used more effectively; and

WHEREAS, a waiver of adoption of waste discharge requirements for the short-term and permanent use of reclaimed water would not be against the public interest because the discharger should comply with the conditions of the waiver and would therefore be in compliance with the Basin Plan, San Diego Basin (9); and

WHEREAS, on July 13, 1983, this Regional Board adopted Resolution No. 83-21 conditionally waiving adoption of waste discharge requirements for certain categories of specific types of discharges; and

WHEREAS, the Regional Board held a public hearing on September 14, 1995 in the City of Encinitas, for the purpose of receiving testimony on a proposed amendment to the Basin Plan; and

WHEREAS, the Regional Board has reviewed and carefully considered all comments and testimony received relative to the proposed amendment; and

WHEREAS, the Regional Board has determined that the proposed amendment will not have a significant adverse effect on the environment; and

THEREFORE BE IT RESOLVED, that the Basin Plan for the San Diego Basin (9) be amended as follows:

- I. Clarify the conditions outlined in Table 4-4 "Types of Discharges Identified for Conditional Waiver of Waste Discharge Requirements" of Chapter 4 "Implementation":

TYPE OF WASTE DISCHARGE	CONDITION(S)	REFERENCES, REMARKS, ETC.
21. Short-term use of reclaimed water	See Appendix D	

CONDITIONS FOR ITEM NO. 21

1. Short-term water reclamation projects are projects that last one year or less. Short-term projects can include temporary use of reclaimed water for dust control, soil compaction, green belt irrigation, or any other temporary reuse project authorized by the Executive Officer, for which no permanent physical reclaimed water facilities or structures are installed; and
2. The reclaimed water producer must submit a written request for a waiver to the Regional Board. This request must include written notification from the local health department or the State Department of Health Services that the proposed project complies with all local and State health requirements for reclaimed water use and Title 22, Division 4, Chapter 3, Reclamation Criteria, Articles 1 - 10. This written notification shall also specify any monitoring required to demonstrate compliance with Title 22, Division 4, Chapter 3, Articles 2, 3, 4, 5, and 5.1. A new written request for a waiver must be submitted to the Regional Board if the temporary project exceeds one year. New written requests must be received 60 days prior to expiration of the one year project. If no new request is received the short-term project must cease immediately.

- II. The following item "Permanent Reclaimed Water Projects" is added to Table 4-4 of Chapter 4 "Implementation":

TYPE OF WASTE DISCHARGE	CONDITION(S)	REFERENCES, REMARKS,ETC.
Permanent Reclaimed Water Projects	See Appendix D	

WAIVER CONDITIONS FOR PERMANENT RECLAIMED WATER PROJECTS:

1. The discharger shall submit a report of waste discharge pursuant to Section 13260 or 13522.5 of the California Water Code. This report shall contain sufficient technical information from which the Regional Board can determine if the proposed discharge complies with all applicable reclamation regulations; and
 2. The proposed discharge of reclaimed water must be in compliance with the California Code of Regulations, Title 22, Division 4, Chapter 3, Articles 1- 10; and
 3. The proposed discharge of reclaimed water must be in compliance with the Water Quality Control Plan , San Diego Basin (9); and
 4. The report of waste discharge must contain a letter from the local health department or the State Department of Health Services stating that the proposed project complies with all State and local Health requirements for the use of reclaimed water. This letter shall also specify any monitoring required to demonstrate compliance with Title 22, Division 4, Chapter 3, Reclamation Criteria, Articles 2, 3, 4, 5 and 5.1; and
 5. Temporary waiver's of waste discharge requirements remain in effect for a project until the Regional Board is able to adopt permanent requirements. The Regional Board will adopt requirements, as appropriate, at the earliest possible opportunity, and in accordance with Regional Board priorities.
- III. The following section is added as part of the discussion on municipal and domestic wastewater contained in Chapter 4 "Implementation":

FACTORING WATER SUPPLY CONSIDERATIONS INTO THE REGIONAL BOARD REGULATION OF WATER RECLAMATION PROJECTS

Conventional reclamation facilities are not designed to reduce mineral constituents. Consequently, the mineral effluent quality is dependent on the composition of the water supply plus the mineral pickup during its use. Historically, water supply Total Dissolved Solids (TDS) concentrations have varied significantly. For example, concentrations of TDS of the blended water stored in Lake Skinner ranged from below 400 mg/l to above 700 mg/l between 1985 and 1995.

Residential wastewater discharges will typically be 250 to 300 mg/l higher in TDS than their water supply source. Self-regenerating water softeners, brine from industrial dischargers, and ground water infiltration can further increase TDS concentrations in wastewater effluent. Many wastewater management agencies within the region are implementing programs to minimize the incremental pickup of minerals from these sources. These programs have had varying degrees of success.

Effective water conservation measures that are being implemented within the region may result in higher mineral and other constituent concentrations in wastewater effluent. Although the volume of wastewater is reduced by water conservation, the mineral and organic loading from its use remains nearly constant. As a result, the strength of the wastewater influent becomes stronger. In some cases, the characteristics of the wastewater influent may range briefly above the design parameters of the treatment plant.

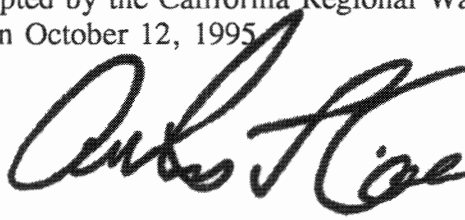
In recognition of the variables in wastewater quality that are beyond the control of the discharger, the Regional Board authorizes the Executive Officer to suspend formal enforcement action, when a discharger submits an initial technical report with subsequent quarterly updates, that demonstrate to the satisfaction of the Executive Officer, compliance with the following conditions:

1. The discharge is not subject to regulation by means of a National Pollutant Discharge Elimination System (NPDES) Permit; and
2. The enforcement action is only for violations of discharge specifications for mineral constituents, total suspended solids (TSS), biological oxygen demand (BOD) or carbonaceous biological oxygen demand (CBOD); and
3. The effluent violations are due solely to changes in the quality of the imported water supply and/or to water conservation measures being implemented within the service area tributary to the treatment plant; and
4. The discharge does not result in a mass loading of TSS, BOD and CBOD that exceeds the loading prior to implementation of water conservation measures; and
5. The discharge will not cause the Basin Plan water quality objectives to be exceeded, in the long term; and
6. The discharge will not cause a violation of any applicable section from Title 22 of the California Code of Regulations or any requirement specified by either the State Department of Health Services or the appropriate county health officer for the protection of public health; and

7. The discharge does not contain a concentration of total dissolved solids (TDS) exceeding 1500 milligrams per liter (mg/l), or the concentration in the water supply plus 500 mg/l, whichever is less, with comparable adjustments for other mineral constituents; and
8. The discharger implements a program to identify major sources of the mineral constituents of concern in the discharge, including but not limited to water softener regeneration brine; and to determine the average contribution of each major source and the best available options for reducing levels in the discharge; and to identify any negative effects on the potential for water reclamation caused by the failure to control the constituents of concern in the discharge. The program should include a time schedule to reduce mineral constituents in the discharge as necessary to assure that the potential for water reclamation will be realized to the maximum extent practicable.

BE IT FURTHER RESOLVED, that where staff of this Regional Board considers waiver of waste discharge requirements for a specific discharge of a type identified herein not to be in the public interest, staff will draft tentative waste discharge requirements for consideration by this Regional Board.

I, Arthur L. Coe, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Diego Region, on October 12, 1995.

A handwritten signature in black ink, appearing to read 'Arthur L. Coe', is written over a horizontal line.

ARTHUR L. COE
Executive Officer