

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**

**SAN DIEGO REGION**

**TENTATIVE RESOLUTION NO. R9-2015-0008**

**A RESOLUTION APPROVING A SUBSTITUTE ENVIRONMENTAL DOCUMENT AND  
AMENDING THE *WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO  
BASIN (9)* TO CHANGE THE NITRATE WATER QUALITY OBJECTIVE  
FOR GROUNDWATERS, INCORPORATE THE STATE ONSITE  
WASTEWATER TREATMENT SYSTEMS POLICY  
AND MISCELLANEOUS UPDATES**

**WHEREAS**, the California Regional Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board), finds that:

1. Section 303 of the federal Clean Water Act section 303 and section 13240 of the California Water Code require the San Diego Water Board to establish water quality standards for each waterbody within its region. The water quality standards for waters in the San Diego Region are established in the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan). Water quality standards include beneficial uses, water quality objectives (WQOs) that are established at levels sufficient to protect those beneficial uses, and an antidegradation policy to regulate discharges to waters of the state to achieve the highest “water quality consistent with the maximum benefit to the people of the State.”<sup>1</sup> The Basin Plan also establishes implementation programs needed for achieving water quality objectives, specifies certain conditions or areas where the discharge of waste, or certain types of waste, are prohibited, and incorporates statewide plans and policies adopted by the State Water Resources Control Board (State Water Board).
2. The Basin Plan was adopted by the San Diego Water Board on September 8, 1994, and has been amended periodically, each time with approval by the State Water

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<sup>1</sup> State Water Resources Control Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality Of Waters in California*.

Board, the Office of Administrative Law (OAL) and the United States Environmental Protection Agency (U.S. EPA), where required.

3. Water Code section 13241 requires the San Diego Water Board to establish, with specific considerations, water quality objectives that will ensure the reasonable protection of beneficial uses and the prevention of nuisance. In establishing revised nitrate objectives for groundwaters, the San Diego Water Board considered each of the factors specified in Water Code section 13241.
4. The Basin Plan amendment, including specifications on its physical placement in the Basin Plan, is set forth in Attachment A hereto and consists of the following: (a) revisions to Chapter 3 to change the water quality objectives for nitrate in groundwaters in all hydrologic areas with a set numeric limit in the San Diego Region to 45 milligrams per liter as nitrate (mg/L as NO<sub>3</sub>) with the exception to the Warner Valley Hydrologic Area where the nitrate water quality objective in groundwaters will remain at 5 mg/L as NO<sub>3</sub>; (b) revisions to Chapter 4 to update the implementation plan regarding regulation of Onsite Wastewater Treatment Systems (OWTS) in the San Diego Region by incorporating the statewide OWTS policy adopted by the State Water Board; update all relevant text and make corrections to other sections regarding waste discharge requirements; add implementation provisions for the nitrate water quality objective in groundwater to protect surface water quality where groundwater and surface water are interconnected; (c) revisions to Chapter 5 to add descriptions of new Water Board policies and resolutions and to delete expired resolutions; (d) deletions of expired conditional waivers in Appendix D; and (e) minor non-substantive changes to ensure consistency and formatting integrity are maintained once all changes are incorporated into the Basin Plan.
5. The water quality objective of 45 mg/L as NO<sub>3</sub> is a maximum contaminant level (MCL) established by the California Department of Public Health and is based on a level that is protective of human health. This standard is protective of the beneficial use for municipal and domestic supply.
6. Pursuant to Public Resources Code section 21080.5, the Natural Resources Agency has approved the San Diego Water Board's basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) requirements (Public Resources Code section 21000 et seq; 14 CCR section 15251(g)) for preparing environmental documents (23 CCR sections 3777-3781). As such, the "Substitute Environmental Documents" (SED) that support the San Diego Water Board's basin planning action contain the required environmental documentation under CEQA. The SED includes a staff report, CEQA checklist and the Basin Plan amendment.

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7. The San Diego Water Board prepared and distributed for comment a draft SED describing the Basin Plan amendment and the rationale supporting each change and approved the SED at a public hearing on April 8, 2015, in accordance with applicable state environmental regulations (23 CCR, section 3775 et seq).
8. The State Water Board adopted the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). The OWTS Policy establishes a statewide, risk-based, tiered approach for the regulation and management of OWTS installations and replacements and sets the level of performance and protection expected from OWTS. The OWTS Policy was approved by the OAL on November 13, 2012, and became effective on May 13, 2013.
9. The State Water Board prepared a SED for the OWTS Policy in accordance with the Water Board's certified regulatory program (Public Resources Code, section 21000 et seq; 14 CCR section 15251(g)). The State Water Board approved the OWTS policy and the SED on June 19, 2012. This Resolution removes existing Basin Plan provisions regulating onsite systems and incorporates the OWTS Policy without making substantive changes or modifications to the OWTS Policy.
10. Pursuant to Water Code section 13269 the conditional waivers of waste discharge requirements for specified types of discharge within the San Diego Region that are described in Appendix D of the Basin Plan expired on February 3, 2014 and are therefore of no regulatory effect and should be deleted.
11. Incorporating the OWTS Policy into the Basin Plan is required by the OWTS Policy as adopted by the State Water Board and will allow the San Diego Water Board to utilize the conditional waivers of Waste Discharge Requirements contained in the OWTS policy. By also modifying the water quality objective for nitrate as NO<sub>3</sub> in groundwater, this will eliminate the need to impose requirements for additional costly treatment to remove nitrate to meet water quality objectives in groundwater that are more stringent than the drinking water standard.
12. Water Code section 13242 specifies factors for Basin Plan implementation, and implementation measures in permits are necessary to ensure discharges of nitrate to land and/or groundwater do not pollute or cause nuisance in interconnected surface waters and impair their beneficial uses.
13. Raising the nitrate water quality objective in groundwater to 45 mg/L as NO<sub>3</sub>, revising corresponding implementation sections of the Basin Plan, and incorporating the OWTS Policy into the Basin Plan, are actions consistent with the State's Antidegradation Policy (State Water Board Resolution No. 68-16, "Statement of

Policy with Respect to Maintaining High Quality of Waters in California”) because such changes are consistent with the maximum benefit of the public, will not unreasonably affect present and anticipated beneficial use of waters and will comply with the requirements of the Basin Plan.

14. The San Diego Water Board’s Practical Vision strives to achieve a sustainable local water supply while concurrently ensuring that water quality supports beneficial uses and calls for increasing the use of recycled water. Use of recycled water is important for achieving a sustainable local water supply. The Basin Plan amendment will encourage wider use of recycled water by reducing the cost to lower nitrate levels in the production and discharges of recycled water.
15. The San Diego Water Board has notified all known interested parties and the public of its intent to consider adoption of this Basin Plan amendment in accordance with Water Code section 13244 and 40 Code of Federal Regulations part 25.
16. Interested persons and the public have had reasonable opportunity to participate in review of the Basin Plan amendment. Efforts to solicit public review and comment included a CEQA scoping meeting on July 31, 2014, a public workshop on January 23, 2015, a public review and comment period consisting of 45 days, and a public hearing on April 8, 2015. Notices for all meetings were sent to interested parties including cities and counties with jurisdiction in the San Diego Region. All of the written comments submitted to the San Diego Water Board during the review and comment periods have been considered.
17. The Basin Plan amendment must be submitted for review and approval by the State Water Board and the OAL and will become effective upon approval by OAL.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. Pursuant to Water Code section 13240, 13241, and 13242 the San Diego Water Board, after considering the record, including oral testimony at the hearing, hereby adopts the Basin Plan amendment set forth in Attachment A to this Resolution to change nitrate water quality objectives in groundwater, make appropriate changes and updates, and incorporate the State Water Board OWTS Policy into the Basin Plan.
2. The San Diego Water Board Executive Officer is directed to submit this Basin Plan amendment to the State Water Board for approval in accordance with Water Code section 13245.

3. The San Diego Water Board requests the State Water Board approve the Basin Plan amendment in accordance with requirements of Water Code section 13246, and forward it to OAL for approval. The State Water Board, on behalf of the San Diego Water Board, shall file a Notice of Decision with the Secretary of Resources and the Governor's Office of Planning and Research (State Clearinghouse) after approval by OAL. Alternatively, the Executive Officer shall execute actions necessary for OAL approval.
4. If, during the approval process for this amendment, the San Diego Water Board, State Water Board, or OAL determines that minor, nonsubstantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the San Diego Water Board of any such changes.

*I, David W. Gibson, Executive Officer, do hereby certify that 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 April 15, 2015.*

**TENTATIVE**

**DAVID W. GIBSON**  
Executive Officer

**Attachment: A. Revisions to Basin Plan Chapters 3, 4, 5, and Appendix D**

## **APPENDIX A**

### **Revisions to Basin Plan Chapters 3, 4, 5, and Appendix D**