

State of California
Regional Water Quality Control Board
Santa Ana Region

Resolution R8-2020-0038

Resolution Amending the Water Quality Control Plan for the Santa Ana River Basin to Establish Upper Temescal Valley Groundwater Management Zone (GMZ) and Associated TDS and Nitrate Water Quality Objectives, and to specify implementation tasks in the Salt and Nutrient Management Plan for the GMZ

Whereas, the California Regional Water Quality Control Board, Santa Ana Region (hereafter Santa Ana Water Board), finds that:

1. An updated Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) was adopted by the Regional Board on March 11, 1994 and approved by the State Water Quality Control Board (State Board) and Office of Administrative Law (OAL) on July 21, 1994 and January 24, 1995, respectively.
2. The Basin Plan identifies groundwater and surface water bodies within the Santa Ana Region (Region), establishes water quality objectives for these water bodies, prescribes implementation plans to ensure that the objectives are achieved, and establishes monitoring and surveillance programs.
3. Subsequent amendments have been made to the Basin Plan. The 2004 Basin Plan amendment which revised groundwater sub-basin boundaries (groundwater management zones or GMZs) and total dissolved solids (TDS) and nitrate-as-nitrogen (nitrate) objectives for the GMZs. The 2004 Basin Plan amendment was adopted by the Santa Ana Water Board on January 22, 2004 and approved by the State Board and OAL on September 30 and December 23 of 2004, respectively. A water quality monitoring program to implement the revised water quality objectives was approved by the Santa Ana Water Board on April 15, 2005.
4. The TDS and nitrate antidegradation objectives for the GMZs defined in the 2004 Basin Plan amendment are statistically derived values representative of the volume-weighted groundwater TDS and nitrate concentrations over the historical period of 1954 through 1973.
5. Antidegradation objectives were not established for GMZs that lacked sufficient hydrogeologic information or groundwater quality data, including the Bedford, Lee Lake, La Habra, Santiago, and Warm Springs Valley GMZs.
6. On March 4, 2005, the Santa Ana Water Board adopted R8-2005-0003 (NPDES No. CA8000027), which established, among other provisions, TDS and nitrate

concentration limitations for the discharge of recycled water by the Eastern Municipal Water District (Eastern MWD) to the Temescal Wash, the unlined portion of which overlies the Bedford, Lee Lake, and Warm Springs Valley GMZs.

7. May 22, 2009, the Santa Ana Water Board adopted R8-2009-0014 (NPDES No. CA8000188), which established, among other provisions, TDS and nitrate concentration limitations for the discharge of recycled water by the Elsinore Valley Municipal Water District (Elsinore Valley MWD) to the Temescal Wash, the unlined portion of which overlies the Bedford, Lee Lake, and Warm Springs Valley GMZs.
8. Both the Elsinore Valley MWD and Eastern MWD have discharged recycled water to Temescal Wash during the winter when the demand for recycled water is low. The discharge has exceeded the permit limits for TDS concentrations in their respective NPDES permits at some occasions. In 2011, the Santa Ana Water Board requested Elsinore Valley MWD and Eastern MWD to estimate the impact of the recycled water discharges that exceeded the permit limits to the Bedford, Lee Lake, and Warm Springs Valley GMZs and to the Santa Ana River at Prado Dam.
9. On October 30, 2012, the Elsinore Valley MWD completed a technical report and submitted it to the Santa Ana Water Board demonstrating that the recycled water discharges that exceeded the TDS permit limits did not cause a measurable increase of the TDS concentration of the Santa Ana River at Prado Dam.
10. On July 19, 2013, the Eastern MWD completed a technical report and submitted it to the Santa Ana Water Board demonstrating that the recycled water discharges that exceeded the TDS permit limits did not cause a measurable increase of the TDS concentration of the Santa Ana River at Prado Dam.
11. Due to the lack of groundwater quality data and antidegradation objectives for the Bedford, Lee Lake, and Warm Springs GMZs, neither agency was able to quantify the TDS concentration impacts to these GMZs. On June 24, 2013 the Elsinore Valley MWD and Eastern MWD submitted a TDS offset plan for the discharges in excess of the recycled water permits limits. The plan included the development of a Salt and Nutrient Management Plan (SNMP) for the Upper Temescal Valley GMZ that combines Bedford, Lee Lake, and Warm Springs Valley GMZs. The scope of the SNMP would include developing scientifically defensible TDS and nitrate antidegradation water quality objectives for the Upper Temescal Valley GMZ and a management plan to ensure that recycled water discharge and reuse do not cause exceedances of the water quality objectives. The TDS offset plan was approved by the Executive Officer of the Santa Ana Water Board (Executive Officer) on June 24, 2013.

12. On October 9, 2017, the Executive Officer accepted the final SNMP for the Upper Temescal Valley GMZ. The SNMP included recommended TDS and nitrate antidegradation objectives for the Upper Temescal Valley GMZ, estimates of current and projected ambient water quality, and an SNMP implementation plan.
13. The alternative, scientific-based methodology employed in the SNMP was based on historical conditions over the period of 1954 to 1973, consistent with the historical period utilized to establish antidegradation objectives in the 2004 Basin Plan amendment. Based on the methodology, the TDS and nitrate (as nitrogen) antidegradation objectives are 820 and 7.9 milligrams per liter (mg/L), respectively.
14. The implementation actions established in the SNMP to monitor and report on the TDS and nitrate concentration in the Upper Temescal Valley GMZ are:
 - a. Develop and implement a data collection program, including a field surface water and groundwater monitoring program.
 - b. Prepare a triennial report that describes Eastern MWD and Elsinore Valley MWD's source water supplies, potable and recycled water quality, and activities to manage TDS in these supplies.
 - c. Participate in the Santa Ana River Watershed stakeholder efforts to periodically update the wasteload allocation analysis of recycled water discharges to the Santa Ana River and its tributaries.
 - d. Develop salt offset strategies for the recycled water discharge that periodically exceed discharge permit limits by December 31, 2021
 - e. Periodic update of the SNMP implementation actions.
 - f. Annual reporting of progress and activities related to implementation of the SNMP.
15. Inclusion of the Upper Temescal Valley SNMP implementation plan into the Basin Plan is not an approval of any specific mitigation actions that may be proposed by Elsinore Valley MWD and/or Eastern MWD pursuant to its implementation. Approval of any such mitigation or other actions must follow standard Santa Ana Water Board procedures and requirements.
16. The Santa Ana Water Board prepared and distributed a Public Notice, staff report, the proposed Basin Plan amendment, and the SED regarding adoption of the Basin Plan amendment in accordance with applicable State environmental regulations (California Code of Regulations, title 23, sections 3775–3782).
17. The Santa Ana Water Board has considered factors in establishing water quality objectives for the Upper Temescal Valley GMZ consistent with California Water Code (CWC) 13421. Examinations of these factors can be found in Section 7 of

the Staff Report. The proposed water quality objectives will assure the reasonable protection of the beneficial uses of the waters within the Region and is consistent with the State's antidegradation policy (State Water Board Resolution Number 68-16).

18. The process of basin planning has been certified by the Secretary for Natural Resources as exempt from the requirement of the California Environmental Quality Act (CEQA; Public Resources Code section 21000 et seq.) to prepare an Environmental Impact Report (EIR) or a Negative Declaration (ND). The Basin Plan amendment package includes a staff report and Substitute Environmental Documentation (SED), which includes an Environmental Checklist, an assessment of the potential environmental impacts of the Basin Plan amendment, and a discussion of alternatives. The Basin Plan amendment, SED, staff report, and supporting documentation are functionally equivalent to an EIR or ND.
19. Pursuant to the State Water Board's regulations on implementing CEQA (CCR title 23, sec. 3777[a]), an analysis of reasonable alternatives to the proposed action was conducted in the SED.
20. Consistent with the CEQA Section 15187, the SED also includes an analysis of reasonably foreseeable alternative means of compliance with the rule or regulation to avoid or eliminate the identified impacts. The regulatory compliance alternatives analyzed in the SED: (1) assume that existing TDS concentration limitations for the Elsinore Valley MWD and Eastern MWD's waste discharge permit limits are protective of beneficial use and construct salt offset facilities to mitigate future salt loading in excess of discharge limits in the Bedford, Lee Lake, and Warm Springs Valley sub-basins, and (2) use an alternative methodology to establish TDS and nitrate objectives in each sub-basin. It was determined in the SNMP that the salt offset facilities are not necessary to protect beneficial uses, are not cost-effective, and there is not a hydrogeological rationale nor sufficient groundwater quality data to establish separate objectives for each sub-basin area in the Upper Temescal Valley GMZ.
21. A CEQA scoping meeting was held on June 20, 2018 to provide interested parties the opportunity to comment on the appropriate scope and content of the SED that was prepared for the proposed Basin Plan amendments. Any comments received in the response to the scoping meeting were considered in preparing the subsequent environmental analysis.
22. Based on the environmental analyses described in the SED, the Santa Ana Water Board finds that the proposed amendment will not result in any

foreseeable significant adverse environmental impacts; therefore, no mitigation measures are proposed or analyzed.

23. Pursuant to the California Health and Safety Code Section 57004, the Upper Temescal Valley SNMP, SED and the Staff Report were submitted for external scientific peer review in 2019. The reviewers found that the proposed regulatory action to adopt the proposed TDS and nitrate antidegradation objectives and associated SNMP implementation plan is based on scientifically defensible information. Comments from peer reviewers were addressed in May 2020, and the responses to comments are included in Attachment Y.
24. The Basin Plan amendment will result in revisions to the Basin Plan Chapters 3 “Beneficial Uses”, 4 “Water Quality Objectives”, and 5 “Implementation”.
25. The Basin Plan amendment must be submitted for review and approval by the State Water Board and by the OAL. Because the proposed Basin Plan amendment makes no changes to water quality standards for surface waters or effluent limits in any NPDES permit, U.S. EPA approval is not required. The Basin Plan amendment will become effective upon OAL approval. A Notice of Decision will then be filed.
26. As demonstrated by the findings above and the record as a whole, the Basin Plan amendment meets the “necessity” standard of the Administrative Procedure Act, Government Code, section 11353, subdivision (b).

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Santa Ana Water Board has reviewed and considered the record for this matter, including the information contained in the SED, all written comments, and all oral testimony provided at the public hearing held on October 16, 2020.
2. The Santa Ana Water Board hereby approves and certifies the SED.
3. The Santa Ana Water Board hereby adopts the Basin Plan amendment delineated in Attachment A (underline/strike-out version) and Attachment B (clean version) to this resolution which replaces the Bedford, Lee Lake, and Warm Springs GMZs with the Upper Temescal Valley GMZ and identifies beneficial uses, establishes antidegradation TDS and nitrate objectives, and defines a specific salt and nutrient implementation plan for the Upper Temescal Valley GMZ.

4. The Executive Officer is directed to forward copies of the Basin Plan amendment, and related Administrative Record, to the State Water Board in accordance with the requirements in Section 13245 of the California Water Code.
5. The Santa Ana Water Board requests that the State Water Board review and approve the Basin Plan amendment in accordance with the requirements of Section 13245 and 14246 of the California water Code and, thereafter, forward the amendments to OAL for approval.
6. If, during its approval process, the State Water Board or OAL determine that minor, non-substantive corrections to the language of the amendments are needed for clarity or for consistency, the Executive Officer may make such changes and shall inform the Regional Board forthwith.
7. The Executive Officer is directed, at the time of filing and posting the Notice of Decision, to take steps to promptly ensure payment of application fee to the California Department of Fish and Wildlife for its review of the SED for this Basin Plan amendment or to file a Certificate of Fee Exemption, whichever is applicable.

I, Hope A. Smythe, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of Resolution R8-2020-0038 adopted by the California Regional Water Quality Control Board, Santa Ana Region, on October 16, 2020.

Hope A. Smythe
Executive Officer