November 17, 2005

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION--DIVISION OF WATER QUALITY
February 1, 2006

**ITEM**

**SUBJECT**

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO REGION TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR DISSOLVED COPPER, LEAD, AND ZINC IN CHOLLAS CREEK

**DISCUSSION**

The San Diego Regional Water Quality Control Board (San Diego Water Board) adopted an updated Water Quality Control Plan for the San Diego Region (Basin Plan) on September 8, 1994. The adopted Basin Plan was approved by the State Water Resources Control Board (State Water Board) on December 13, 1994 and by the Office of Administrative Law (OAL) on April 26, 1995.

On June 29, 2005, the San Diego Water Board adopted Resolution No. R9-2005-0111 (Attachment) amending the Basin Plan to incorporate a TMDL for dissolved copper, lead, and zinc in Chollas Creek, a tributary to San Diego Bay. Chollas Creek was placed on the federal Clean Water Act section 303(d) list of water quality limited segments in 1996 for these metals.

The existing and potential beneficial uses of Chollas Creek and San Diego Bay are described in the Basin Plan. They include warm freshwater habitat (WARM) and wildlife habitat (WILD). These beneficial uses are adversely affected by these exceedances of dissolved copper, lead, and zinc, and ambient water quality exceeds the criteria contained in the California Toxics Rule (CTR). Additionally, these exceedances violate the narrative water quality objectives for toxicity described in the Basin Plan, which states: "All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life…."

Numeric targets for the Chollas Creek TMDL are set to equal the criteria contained in the CTR and are comprised of hardness-based equations for dissolved copper, lead, and zinc. Equations, rather than numbers, comprise the criteria because the toxicity of dissolved copper, lead, and zinc varies significantly depending on hardness. Both acute and chronic conditions are addressed in the TMDL numeric targets.

The vast majority of metals loading to Chollas Creek is believed to come through the storm water conveyance system regulated through applicable municipal separate storm sewer system (MS4) permits. An analysis of source contributions reveals many land uses and activities associated with urbanization to be potential sources of dissolved copper, lead, and zinc to Chollas Creek. Modeling indicates that freeways and commercial/industrial land uses are the major contributors (over 75 percent). Significant sources of the three metals in urban runoff are automobile operation (especially brake pads and tires) and industries with practices that may expose metals to storm water. Corrosion of water supply pipes, pesticide application, and atmospheric deposition are also among the identified sources.

Dischargers whose point sources contribute to exceedance of TMDL targets for dissolved copper, lead, and zinc will be required to meet wasteload allocations in their urban runoff before it is discharged to Chollas Creek. Actions to meet the wasteload allocations in discharges will be required in waste discharge requirements (WDRs) that regulate MS4 discharges, industrial and construction activity, storm water discharges, and ground water extraction discharges in the watershed. Applicable WDRs may be reissued or revised by the San Diego Water Board to include requirements to meet wasteload allocations, or new WDRs may be issued.

Dischargers will be required to monitor Chollas Creek and provide monitoring reports to the San Diego Water Board to assess the effectiveness of management practices implemented to meet TMDL allocations. Affected entities include the cities of San Diego, Lemon Grove, and La Mesa, the County of San Diego, the San Diego Unified Port District, and the California Department of Transportation. Wasteload allocations will be met over a ten-year period by a gradual decrease in metal concentrations beginning with the third year of implementation.

**POLICY ISSUE**

Should the State Water Board approve the amendment to the Basin Plan in accordance with the Staff Recommendation below?

**FISCAL IMPACT**

The San Diego Water Board and State Water Board staff work associated with or resulting from this action can be accomplished within budgeted resources.

**REGIONAL WATER QUALITY CONTROL BOARD IMPACT**

Yes, San Diego Water Board.

**STAFF RECOMMENDATION**

That the State Water Board:

1. Approves the amendment to the Basin Plan to incorporate a TMDL for dissolved copper, lead, and zinc in Chollas Creek as adopted in San Diego Water Board Resolution No. R9-2005-0111 and as corrected by the San Diego Water Board Executive Officer.

2. Authorizes the Executive Director to transmit the amendment and administrative record for this action to OAL and the TMDL to the U.S. Environmental Protection Agency for approval.

Policy Review: _____
Fiscal Review: _____
Legal Review: _____

# Draft

November 17, 2005

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2005-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO REGION TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR DISSOLVED COPPER, LEAD, AND ZINC IN CHOLLAS CREEK

WHEREAS:

1. The San Diego Regional Water Quality Control Board (San Diego Water Board) adopted a revised Water Quality Control Plan for the San Diego Region (Basin Plan) on September 8, 1994. The adopted Basin Plan was approved by the State Water Resources Control Board (State Water Board) on December 13, 1994 and by the Office of Administrative Law (OAL) on April 26, 1995.

2. On June 29, 2005, the San Diego Water Board adopted Resolution No. R9-2005-0111 (Attachment) amending the Basin Plan to incorporate a TMDL for dissolved copper, lead, and zinc in Chollas Creek.

3. San Diego Water Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act and other State laws and regulations.

4. The San Diego Water Board found that the additions of this amendment would result in no adverse effect on wildlife, and the amendment would be consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16) and federal antidegradation requirements.

5. 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, and section 13242, which requires a program of implementation of water quality objectives. The State Water Board also finds that the TMDL as reflected in the Basin Plan amendment is consistent with the requirements of federal Clean Water Act section 303(d).

6. State Water Board staff determined that provisions of the amendment as adopted warranted minor, non-substantive clarification of the language of various provisions.

7. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The TMDL must also be approved by the U.S. Environmental Protection Agency (USEPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan to incorporate a TMDL for dissolved copper, lead, and zinc in Chollas Creek as adopted in San Diego Water Board Resolution No. R9-2005-0111 and as corrected by the San Diego Water Board Executive Officer.

2. Authorizes the Executive Director to transmit the amendment and administrative record for this action to OAL and the TMDL to USEPA for approval.

CERTIFICATION

The undersigned, Acting 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 February 1, 2006.

_____

Selica Potter
Acting Clerk to the Board