

California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. R8-2004-0001

Resolution Amending the Water Quality Control Plan for the Santa Ana River Basin to Incorporate an Updated Total Dissolved Solids (TDS) and Nitrogen Management Plan for the Santa Ana Region Including Revised Groundwater Subbasin Boundaries, Revised TDS and Nitrate-Nitrogen Quality Objectives for Groundwater, Revised TDS and Nitrogen Wasteload Allocations, and Revised Reach Designations, TDS and Nitrogen Objectives and Beneficial Uses for Specific Surface Waters

WHEREAS, the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional 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, approved by the State Water Resources Control Board (SWRCB) on July 21, 1994, and approved by the Office of Administrative Law (OAL) on January 24, 1995.
2. The updated Basin Plan incorporated the revised Total Inorganic Nitrogen (TIN) wasteload allocation that had been adopted and incorporated in the Basin Plan in 1991. The updated Basin Plan also included a revised Nitrogen and TDS management plan, including a revised TDS wasteload allocation for discharges to the Santa Ana River and its tributaries, revised findings regarding Nitrogen and TDS assimilative capacity in groundwater, and a plan for wastewater reclamation in the Region.
3. During consideration of adoption of the updated Basin Plan, watershed stakeholders questioned the validity of the groundwater quality objectives for TDS and nitrate-nitrogen and the Regional Board's Nitrogen/TDS management plan that implemented those objectives. A principal underlying concern was that the updated Basin Plan resulted in inappropriate constraints on wastewater recycling opportunities. Reuse of recycled water is a critical component of many agencies' plans to meeting rapidly increasing water demands in the Region. In response to these concerns, the Regional Board agreed to make the review of the objectives a high triennial review priority.
4. The Nitrogen/TDS Task Force (Task Force) was formed in 1995-96 to conduct studies regarding the TDS and nitrate-nitrogen objectives and other components of the N/TDS management plan. The Task Force was comprised of 22 water supply and wastewater agencies throughout the Region. The Task Force effort was coordinated by the Santa Ana Watershed Project Authority. Regional Board staff were active participants in the Task Force effort. Findings and recommendations based on the Task Force studies were presented to the Regional Board at numerous public workshops during the course of the studies.
5. The Task Force studies were guided by current law and regulation. The Task Force recommendations for changes to the TDS and nitrate-nitrogen water quality objectives for groundwater within the Region are based on consideration of the factors specified in Water Code Section 13241 and the state's antidegradation policy (SWRCB Resolution No. 68-16). The economic implications of all recommended changes to the N/TDS management plan were also considered. The Task Force studies were based on sound and objective science.

6. The Basin Plan amendments delineated in the attachment to this Resolution and described in detail in accompanying staff reports are the culmination of the multi-year, multi-million dollar (approximately \$3.5 million) studies conducted by the Task Force to review groundwater TDS and nitrate-nitrogen objectives, groundwater subbasin boundaries, the TIN and TDS wasteload allocations and other components of the N/TDS management plan.
7. The Basin Plan amendments will assure the reasonable protection of the beneficial uses of surface and groundwaters within the Region and are consistent with the state's antidegradation policy (SWRCB Resolution No. 68-16).
8. The proposed amendment to the Basin Plan was developed in accordance with the California Water Code, Section 13240 et seq.
9. The Regional Board has considered the costs associated with implementation of this amendment and finds the costs to be reasonable.
10. The proposed amendment results in no potential for adverse effects, either individually or cumulatively, on fish and/or wildlife species.
11. The proposed amendment meets the "Necessity" standard of the Administrative Procedure Act, Government Code, Section 11352, subdivision (b).
12. The Regional Board submitted the relevant technical documents that serve as the basis for the proposed amendment to an external scientific review panel and has considered the comments and recommendations of that panel in drafting the amendment.
13. The proposed amendment will result in revisions to Basin Plan Chapter 3 "Beneficial Uses", Chapter 4 "Water Quality Objectives, and Chapter 5 "Implementation" .
14. The Regional Board discussed this matter at a workshop conducted on November 21, 2003 after notice was given to all interested persons in accordance with Section 13244 of the California Water Code. Based on the discussion at that workshop, the Board directed staff to prepare the appropriate Basin Plan amendment and related documentation to incorporate language authorizing an update of the total dissolved solids/nitrogen management plan for the Santa Ana Region.
15. The Regional Board prepared and distributed written reports (staff reports) regarding adoption of the Basin Plan amendment in accordance with applicable state and federal environmental regulations (California Code of Regulations, Section 3775, Title 23, and 40 CFR Parts 25 and 131).
16. The process of basin planning has been certified by the Secretary for Resources as exempt from the requirement of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) to prepare an Environmental Impact Report or Negative Declaration. The Basin Plan amendment package includes staff reports, an Environmental Checklist, an assessment of the potential environmental impacts of the Basin Plan amendment, and a discussion of alternatives. The Basin Plan amendment, Environmental Checklist, staff reports, and supporting documentation are functionally equivalent to an Environmental Impact Report or Negative Declaration.

17. On January 22, 2004, the Regional Board held a Public Hearing to consider the Basin Plan amendment. Notice of the Public Hearing was given to all interested persons and published in accordance with Water Code Section 13244.
18. The Basin Plan amendment must be submitted for review and approval by the State Water Resources Control Board (SWRCB), and Office of Administrative Law (OAL) and U.S. Environmental Protection Agency (USEPA). Once approved by the SWRCB, the amendment is submitted to OAL and USEPA. The Basin Plan amendment will become effective upon approval by OAL and USEPA. A Notice of Decision will be filed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to Sections 13240 and 13241 of the California Water Code, the Regional Board, after considering the entire record, including oral testimony provided at the public hearing, adopts the amendment to the Water Quality Control Plan for the Santa Ana River Basin as set forth in the Attachment.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the SWRCB in accordance with the requirements of Section 13245 of the California Water Code.
3. The Regional Board requests that the SWRCB approve the Basin Plan amendment in accordance with the requirements of Sections 13245 and 13246 of the California Water Code and forward it to the Office of Administrative Law and the USEPA for approval.
4. If during its approval process the SWRCB or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Regional Board of any such changes.
5. The Executive Officer is authorized to sign the Department of Fish and Game Certificate of Fee Exemption.

I, Gerard J. Thibeault, 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, Santa Ana Region, on January 22, 2004.

Gerard J. Thibeault
Executive Officer