

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 91-81

APPROVAL OF RESOLUTION NO. 91-46 OF THE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
SAN DIEGO REGION (SAN DIEGO REGIONAL BOARD),
RESCINDING AND REPLACING ITS RESOLUTION NO. 88-91 AND ADDENDA
AND ESTABLISHING A SAN DIEGO REGIONAL BOARD DROUGHT POLICY

WHEREAS:

1. The San Diego Regional Board adopted Resolution No. 91-46 on May 20, 1991.
2. Resolution No. 91-46 (Attachment 1) rescinds San Diego Regional Board Resolution No. 88-91 and Addenda 1 and 2 which were approved by the State Water Resources Control Board (State Board) on September 20, 1990.
3. The provisions of Resolution No. 88-91 are replaced by the provisions of the attached Regional Board Drought Policy (Attachment A to Resolution No. 91-46).
4. Through the Regional Board Drought Policy, the San Diego Regional Board has reaffirmed its authority to grant waivers of waste discharge requirements (WDRs) and water reclamation requirements (WRRs) for selected water reclamation projects during drought conditions providing that certain conditions are met.
5. Through the Regional Board Drought Policy, the San Diego Regional Board has reaffirmed its authority to grant waivers of WDRs and WRRs for the use of reclaimed water during drought conditions providing that certain conditions are met.
6. The Regional Board Drought Policy authorizes the Executive Officer to notify dischargers of reclaimed water and treated wastewater in violation of effluent limits for certain constituents contained in WDRs adopted by the San Diego Regional Board that no formal enforcement action will be taken provided that certain conditions are met.
7. California Water Code (CWC) Section 13245.5 requires that the State Board approve San Diego Regional Board guidelines before these guidelines become effective.
8. The Office of the Chief Counsel has determined that San Diego Regional Board WDR waiver policies constitute guidelines.
9. State Board Resolution No. 73-42 requires that the State Board approve waiver policies.

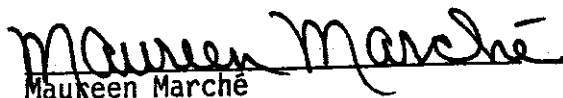
10. Pursuant to CWC Section 13245.5 and State Board Resolution No. 73-42, the San Diego Regional Board has submitted the waiver policy contained in the Regional Board Drought Policy for State Board consideration.
11. This waiver policy is consistent with all applicable laws, regulations, and the Administrative Procedures Manual.

THEREFORE BE IT RESOLVED:

1. That the Board approve the waste discharge requirement and water reclamation requirement waiver policy adopted by the San Diego Regional Board under its Resolution No. 91-46 and the Regional Board Drought Policy with the understanding that is applicable to land discharges only.
2. That the Board approves the enforcement policy contained in the Regional Board Drought Policy with the understanding that it applies to land discharges and direct discharges to the ocean.
3. That the Board recommends that the San Diego Regional Board consider permanently incorporating the enforcement policy contained in the Regional Board Drought Policy into the Basin Water Quality Control Plan for the San Diego Basin at the earliest possible time after making the appropriate revisions to the dates in paragraphs 5 and 6 of the "compliance conditions" in the policy.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify 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 August 22, 1991.



Maureen Marché

Administrative Assistant to the Board

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

RESOLUTION NO. 91-46

A RESOLUTION RESCINDING AND REPLACING
RESOLUTION NO. 88-91 AND ADDENDA,
AND ESTABLISHING A
REGIONAL BOARD DROUGHT POLICY

WHEREAS:

1. This Resolution rescinds and replaces Resolution No. 88-91 and Addenda thereto and establishes a "Regional Board Drought Policy"(Attachment A). The attached policy reaffirms the policies approved by the Regional Board in their adoption of Resolution No. 88-91 and Addenda. The policy grants temporary conditional waivers of Waste Discharge Requirements (WDR) and Water Reclamation Requirements (WRR) for selected water reclamation projects and for the temporary use of reclaimed water during drought conditions. The attached policy also establishes an enforcement policy for wastewater treatment plants that violate waste discharge requirements for total suspended solids (TSS), biological oxygen demand (BOD), Carbonaceous Biochemical Oxygen Demand (CBOD), total dissolved solids (TDS), and/or chlorides due to water conservation measures and/or an increase of these constituents in the imported water supply due to drought conditions.
2. The Regional Water Quality Control Board, San Diego Region, (hereinafter Regional Board) has adopted the "Comprehensive Water Quality Control Plan Report, San Diego Basin (9) (Basin Plan)" which establishes the water quality control plans for all areas of the region and establishes water quality standards and prohibitions applicable to the discharge of treated wastewater which is used or is proposed to be used as reclaimed water, for all areas of the region.
3. Pursuant to Section 13523 of the California Water Code, the Regional Board, after consulting with and receiving the recommendations of the State Department of Health Services, shall prescribe WRR for water which is used or proposed to be used as reclaimed water, in conformance with the established statewide reclamation criteria (set forth in the California Code of Regulations, Title 22, Sections 60301-60355) to assure health protection. The Board typically adopts WDR for the producer of reclaimed water, that require compliance with the requirements of the Basin Plan and Title 22, and WRR for the user of reclaimed water.
4. California Water Code Section 13260(a) requires that any person discharging wastes or proposing to discharge wastes within the Region, other than to a community sewer system, that could affect the quality of the waters to the State,

shall file a Report of Waste Discharge.

5. It is now clear that 1988, 1989, and 1990 have been years of severe drought in California, with no current indication that conditions will improve markedly during 1991.
6. The concentrations of TDS, chlorides, and other mineral constituents in waters imported from Northern California and the Colorado River have been increasing substantially due to prolonged drought conditions.
7. The concentrations of TDS, chlorides, BOD, CBOD, and TSS in the effluent discharged from sewage treatment plants and/or water reclamation plants in the Region have been increasing due to a reduction in the volume of sewage being treated, caused by a general reduction of water due to conservation measures, while at the same time mass loading of pollutants is little affected by water conservation practices.
8. The WDR adopted by the Regional Board for many dischargers within the San Diego Region include limitations on TDS and chloride concentrations in the discharge, and the recent changes in the quality of the imported water supply may result in delivery of water to the discharger which already exceeds, or will cause to exceed with the increments added by normal use, the TDS and/or chloride limitations prescribed in the WDR.
9. The WDR adopted by the Regional Board for many dischargers within the San Diego Region include limitations on TDS, chloride, TSS, BOD, and CBOD concentrations in the discharge. The treatment of sewage that has higher concentrations of these constituents due to a reduction of water in the sewage as a result of water conservation measures, may cause violations of the applicable limitations for these constituents prescribed in the WDR.
10. The increase in TSS, BOD, CBOD, TDS and/or chloride concentrations in the discharge, in cases where the discharger has not changed any factors in the waste disposal system, is beyond the discharger's control, being due solely to the change in the quality of the water supply and/or a reduction of water in the sewage caused by water conservation.
11. On August 29, 1988, the Regional Board adopted Resolution No. 88-91, "Conditional Waivers of Waste Discharge Requirements and Water Reclamation Requirements for Selected Water Reclamation Projects During Drought Conditions".

12. Resolution No. 88-91 provided the Executive Officer with the authority to issue temporary conditional waivers to new or expanded reclamation projects, that comply with appropriate regulations, to allow these projects to begin operations without the time restraints that occur when formally processing permit applications for Regional Board action.
13. On July 10, 1989, in compliance with Item No. 24 of Resolution No. 88-91 which states that the Regional Board will reconsider the resolution on an annual basis, the Regional Board adopted Addendum No. 1 to Resolution No. 88-91, "An Addendum Extending the Authority to Grant Waivers of Waste discharge requirements and Water Reclamation Requirements For Selected Water Reclamation Projects During Drought Conditions" which extended the effective date to July 31, 1991.
14. On June 4, 1990, the Regional Board adopted Addendum No. 2 to Resolution No. 88-91, "An Addendum Granting Conditional Waivers of Waste Discharge Requirements and Water Reclamation Requirements for the Temporary Use of Reclaimed Water During Drought Conditions". Addendum No. 2 to Resolution No. 88-91 provides the Executive Officer with the authority to grant temporary conditional waivers of WDR and WRR for the temporary use of reclaimed water during drought conditions, that complies with appropriate regulations. This allows the temporary use of reclaimed water to occur without formally processing permit applications for Regional Board action.
15. The temporary use of reclaimed water that has concentrations of TDS and chlorides that exceed WDR and/or the Basin Plan Water Quality Objectives, because of a more highly mineralized water supply due to conservation and/or changes in the water supply quality, over the short term will not affect the long range water quality objectives established in the Basin Plan. The temporary discharge of treated wastewater that has higher concentrations of TSS and BOD with the same mass loading of TSS and BOD, will also not affect the long range water quality objectives established in the Basin Plan.
16. The Regional Board has also adopted, on July 18, 1983, Resolution No. 83-21 which conditionally waives Waste Discharge Requirements for the temporary use of reclaimed water for soil compaction, dust abatement, and other construction purposes.
17. The Regional Board has a statutory obligation to prescribe waste discharge requirements for waste discharges except where

a waiver is not against the public interest pursuant to California Water Code Section 13269.

18. Waiving requirements for certain specific types of waste discharge is not against the public interest if these projects can otherwise be adequately regulated and because it avoids unnecessary expenditures of Board resources.
19. Water reclamation projects are not types of projects waived under Resolution 83-21.
20. California Water Code Section 13512 declares it is the intention of the Legislature that the State undertake all possible steps to encourage development of water reclamation facilities so that reclaimed water may be made available to help meet the growing water demands of the State.
21. The Board finds that due to the existing drought conditions, a temporary waiver of the adoption of waste discharge requirements and/or water reclamation requirements, for reclamation projects that comply with the attached policy, is in the public interest.
22. The Board finds that due to the existing drought conditions, adoption of water reclamation requirements for the user of reclaimed water is not necessary to protect the public health, safety or welfare, provided that the discharger or user complies with the attached policy and conditions.
23. This action is being taken by the Board involving projects which would result only in minor alterations to land and for the protection of the environment and involves no significant effect on the environment, and is thus categorically exempt from the provisions of the California Environmental Quality Act in accordance with Title 14, California Administrative Code, Chapter 3, Section 15304, or Section 15308, or both.
24. The Regional Board may direct the Executive Officer to take action on any water quality matter within its purview.
25. The Regional Board is already on record as encouraging water conservation and reclamation to decrease the overall water demand within the San Diego Region.
26. The Board on May 20, 1991, held a hearing in Encinitas, California, and considered all evidence concerning this matter.

27. This Resolution and the attached Drought Policy will not become effective until approved by the State Water Resource Control Board; now

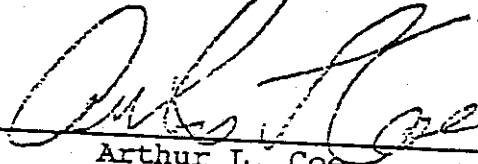
THEREFORE, BE IT RESOLVED:

1. That the California Regional Water Quality Control Board, San Diego Region, hereby rescinds Resolution No. 88-91 and Addenda thereto, and adopts this Resolution and the attached (Attachment A) "Regional Board Drought Policy" as a revised policy to replace the policies established in Resolution No. 88-91 and Addenda. This Resolution and the attached Drought Policy will become effective upon approval by the State Water Resources Control Board.
2. That the Regional Board authorizes the Executive Officer, upon receipt of a report demonstrating compliance with the attached policy, to notify the producer or user, or both, of reclaimed water that the Board has temporarily waived the adoption of waste discharge requirements or water reclamation requirements, or both, for the project
3. That the Regional Board authorizes the Executive Officer to notify dischargers that are in violation of waste discharge requirements, and have submitted a report demonstrating compliance with the attached policy, that the Regional Board does not intend to take formal enforcement actions for violations of WDR for TSS, BOD, CBOD, TDS and/or chlorides that are due solely to water conservation measures and/or changes in the imported water supply.
4. That the Executive Officer, after informing an applicant or discharger of the granting of a conditional waiver, or after informing a discharger that the Regional Board does not intend to take formal enforcement action for violations of WDR, pursuant to this Resolution, shall report the granting of a waiver and the status of an applicant's project, and/or a discharger's violations, to the Board at the subsequent regular Regional Board meeting.
5. That any waiver granted pursuant to this Resolution, and/or any enforcement action held in abeyance pursuant to this resolution, is conditional and may be terminated by the Executive Officer at any time.
6. That the Regulatory Policy portion of the attached policy shall not be applied to discharges of wastewater that are subject to regulation by means of a National Pollutant

Discharge Elimination System (NPDES) Permit pursuant to Section 402 of the Clean Water Act or amendments thereto.

7. That the Regional Board shall reconsider this Resolution and the attached policy within one year after source water supplies return to pre-drought conditions, as determined by the Regional Board, or within 3 years, whichever is earlier.
8. That the Regional Board will consult with the State and County Health Departments regarding the temporary use of reclaimed water to ensure compliance with water reclamation criteria established by these agencies.

I, Arthur L. Coe, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Resolution adopted by the California Regional Water Quality Control Board, San Diego Region, on May 20, 1991.



Arthur L. Coe
Executive Officer

ATTACHMENT A TO
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
RESOLUTION NO. 91-46

REGIONAL BOARD DROUGHT POLICY

INTRODUCTION

The California Regional Water Quality Control Board, San Diego Region, in their adoption of Resolution No. 91-46, establishes the following policy for the regulation of discharges of reclaimed water and treated wastewater during drought conditions. This policy contains two main elements. The first part of the policy is a regulatory policy which involves the permitting authority of the Regional Board and the implementation of this permitting authority for reclaimed water projects during drought conditions. The second part of the policy is an enforcement policy which establishes procedures for the enforcement of waste discharge requirements where violations occur due to changes in the water supply quality or due to water conservation measures.

The regulatory policy reaffirms the Regional Board policies originally established in Resolution No. 88-91 and addendums. This regulatory policy authorizes the Executive Officer to notify the producer or user, or both, of reclaimed water that the Regional Board has temporarily waived the adoption of waste discharge requirements or water reclamation requirements, or both, for reclaimed water projects that comply with the specified conditions of this policy.

The enforcement policy authorizes the Executive Officer to notify dischargers of reclaimed water and treated wastewater, that are in violation of Regional Board Waste Discharge Requirements (WDR) for Total Dissolved Solids (TDS), Chlorides, Total Suspended Solids (TSS), Biological Oxygen Demand (BOD), Carbonaceous Biochemical Oxygen Demand (CBOD), that the Regional Board does not intend to take formal enforcement action for these violations if the discharger complies with the conditions of this policy. The main condition of the enforcement policy is that the WDR violations are due solely to increased concentrations of waste constituents in the effluent due to water conservation measures and/or changes in the mineral quality of the water supply due to drought conditions.

I. DROUGHT REGULATORY POLICY

A. REGULATORY POLICY FOR PROPOSED PERMANENT RECLAMATION PROJECTS

The Regional Board:

1. Authorizes the Executive Officer, upon receipt of a report of waste discharge pursuant to Water Code Section 13260 or a report pursuant to Water Code Section 13522.5, for a water reclamation project, to notify the producer or user, or both, of reclaimed water that the Regional Board has temporarily waived the adoption of WDR or WRR, or both, for the project.
2. Shall allow the temporary waiver of WDR and WRR to remain in effect for a project until the Regional Board is able to adopt WDR, or WRR, as appropriate, for the project.
3. Shall adopt WDR or WRR, as appropriate, for water reclamation projects for which requirements have been waived pursuant to this policy at the earliest possible opportunity and in accordance with Regional Board priorities.

The Regulatory Policy outlined above applies to any waste discharge where the discharger has submitted an application for WDR and/or WRR pursuant to Sections 13260 and/or 13522.5 which demonstrates, to the satisfaction of the Executive Officer, compliance with the conditions outlined below. Any discharge will be in violation of Section 13260 of the California Water Code unless the discharger demonstrates in the application for WDR and/or WRR, to the satisfaction of the Executive Officer, compliance with the following:

1. That the proposed discharge of reclaimed water is in compliance with water reclamation regulations and guidelines established by the local health department and the State Department of Health Services, and with applicable water quality standards established in the Basin Plan.
2. That the application for WDR and/or WRR include 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 requirements for the use of reclaimed water. This letter shall also specify the monitoring requirements for bacteria that will be required to demonstrate compliance with the Wastewater Reclamation Criteria contained in Title 22.

B. REGULATORY POLICY FOR PROPOSED TEMPORARY RECLAIMED WATER PROJECTS

The Regional Board will apply the following policy for a temporary reclaimed water project that will not have WDR and/or WRR issued by the Regional Board, where the proposed use of reclaimed water is being proposed to temporarily augment a water supply that has been reduced by water conservation measures.

The Regional Board:

1. Authorizes the Executive Officer, upon receipt of an Application for Temporary Use of Reclaimed Water During Drought Conditions (See attached application form), to notify the producer or user, or both, of reclaimed water that the Regional Board has temporarily waived the adoption of WDR or WRR, or both, for the temporary use of reclaimed water.

The Regulatory Policy for temporary reclaimed water projects, outlined above, applies to any waste discharge where the discharger has submitted an application that demonstrates, to the satisfaction of the Executive Officer, compliance with the conditions outlined below. Any discharge will be in violation of Section 13260 of the California Water Code unless the discharger demonstrates in the application, to the satisfaction of the Executive Officer, the following:

1. Completion of the attached form entitled "Application for Temporary Use of Reclaimed Water During Drought Conditions".
2. That the proposed discharge of reclaimed water is in compliance with water reclamation regulations and guidelines established by the local health department and the State Department of Health Services.
3. That the application include 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 requirements for the use of reclaimed water. This letter shall also specify the monitoring requirements for bacteria that will be required to demonstrate compliance with the Wastewater Reclamation Criteria contained in Title 22. It is acceptable for the applicable section of the attached form to be completed and signed by the local health department or the State Department of Health Services, in lieu of a separate letter.

4. That the supplier of reclaimed water submit to the Regional Board by January 1 of the following year, an application for WDR and/or WRR, as appropriate, for all temporary reclaimed water projects granted a waiver of WDR and WRR pursuant to this policy in the preceding year. This application shall be made to make the temporary use project a permanent reclaimed water discharge pursuant to this policy, or a demonstration made as to why the temporary use of reclaimed water cannot be made permanent.
5. That the temporary use of reclaimed water for all temporary reclaimed water discharges, that do not become permanent reclaimed water discharges within one year pursuant to this policy, cease immediately after water supplies return to non-drought conditions, as determined by the Regional Board, or by May 20, 1994, whichever is sooner.

II. DROUGHT ENFORCEMENT POLICY

The Regional Board:

1. Shall not consider the effluent limitations in existing WDRs for total dissolved solids (TDS) to be violated unless effluent concentrations exceed 1500 mg/l, or the concentration in the water supply plus 500 mg/l, whichever is less, with comparable adjustment for mass emission rates in lbs./day, if warranted.
2. Shall not consider the effluent limitations in existing WDRs for chlorides to be violated unless effluent concentrations exceed 250 mg/l, or the concentration in the water supply plus 120 mg/l, whichever is less, with comparable adjustment for mass emission rates in lbs./day, if warranted.
3. Shall not consider the effluent limitations in existing WDRs for TSS, BOD, and CBOD to be violated if the concentration in the effluent is higher than the effluent limit but the mass emission rate of TSS, BOD, and CBOD remain the same.

For the following dischargers:

1. Any waste discharger whose water supply has high concentrations of TDS and chlorides due solely to the increased mineralization of imported water.

2. Any sewage treatment plant and/or water reclamation plant dischargers whose influent has high concentrations of chlorides and TDS due solely to the increased mineralization of imported water and/or to water conservation measures implemented within the area tributary to the plant.
3. Any sewage treatment plant and/or water reclamation plant dischargers whose effluent contains higher concentrations of TSS, BOD, and CBOD while maintaining the same mass emission rate, where the increase in TSS, BOD and CBOD is due solely to the reduction in sewage volume directly attributable to water conservation measures being implemented in the service area of the plant.

The Enforcement Policy outlined above applies to any waste discharge where the discharger has demonstrated, to the satisfaction of the Executive Officer, compliance with the conditions outlined below. Any discharge which exceeds the TDS, chloride, TSS, BOD, and CBOD limitations in its WDR is in violation of those requirements unless the discharger demonstrates to the satisfaction of the Executive Officer, by August 1, 1991 and quarterly thereafter, the following:

1. That the increased chloride and TDS concentrations are due solely to changes in the character of the water supply due to drought conditions,
2. That, for sewage treatment and/or water reclamation plant discharges, the increased chloride, TDS, TSS, BOD, and CBOD concentrations are due to changes in the water supply tributary to the plant related to water conservation measures and/or changes in the quality of imported water, and that the mass loading of TSS, BOD, and CBOD has not changed,
3. That the discharge will not cause the applicable Basin Plan objectives for TDS and chloride to be exceeded, in the long term,
4. That the historical discharge has not caused the Basin Plan objectives for TDS and chloride to be exceeded in the past (provided there is a sufficiently long term record which includes at least one drought period),

5. By October 1, 1991, identify major sources of chloride and TDS in its discharge, including but not limited to water softener regeneration brines; determine the average chloride and TDS contribution of each major source; determine the best available options for reducing chloride and TDS levels in the discharge; identify any negative effects on the potential for water reclamation that would result from the failure to control TDS and chloride levels in the discharge.
6. By January 1, 1992, identify proposed actions, together with a timetable of their implementation, to reduce chloride and TDS levels in the discharge as necessary to assure that the potential for water reclamation will be realized to the maximum extent practicable.

CALIFORNIA REGION WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

APPLICATION FOR TEMPORARY USE OF RECLAIMED WATER
DURING DROUGHT CONDITIONS

To be completed by applicant proposing reclaimed water use.

Entity: _____
Address: _____
Phone: _____
Contact Person: _____
Description of use: _____
Quantity (gallons per day): _____
Means of distribution: _____
Location(s) of use: _____

Signature: _____ Date: _____
Title: _____

To be completed by the agency supplying reclaimed water.

Agency: _____
Address: _____
Phone: _____
Contact person: _____
Level of wastewater treatment: _____
Approval for release of reclaimed water: _____

Signature: _____ Date: _____
Title: _____

To be completed by the local health department or the State Department of Health Services.

This application for the temporary use of reclaimed water has been reviewed by this office. The level of treatment, method of storage and delivery, and the quality of reclaimed water, comply with the applicable regulations and guidelines of the State and local health departments, for the proposed temporary use. The supplier of reclaimed water shall monitor the effluent from the treatment facility prior to delivery of the reclaimed water, for fecal and total coliform, according to the following (check one):
A. ___ Daily, B. ___ Weekly, C. ___ Monthly, D. ___ Quarterly,
E. ___ Annually, F. ___ Monitoring not required.

Health Department Approval by:

Signature: _____ Date: _____

Title: _____
Approval Subject to Attached Conditions: _____ Yes. _____ No

Completed by Regional Board staff.

This application, for the proposed use of reclaimed water at the location(s) described above, has been reviewed by staff. I approve the proposed use provided the user and producer of the reclaimed water meet the conditions specified in Resolution No. 91-46 and the Regional Board Drought Policy, and any other conditions imposed by the state or county Health Departments. The use of reclaimed water should be practiced in such a manner that at all times minimizes exposure to the public and impacts to water quality. This constitutes a temporary and conditional approval for the proposed use of reclaimed water only during the time allowed by, and under the applicable conditions of, Resolution No. 91-46 and the Regional Board Drought Policy.

Approved by: _____ Date: _____
ARTHUR L. COE, Executive Officer

(Rev. 5/20/90)