CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

**Resolution No. R15-007**

**Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate Stakeholder-Developed Groundwater Quality Management Measures for Salts and Nutrients in the Lower Santa Clara River Basin**

July 9, 2015

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board) finds that:

1. The State Water Resources Control Board (State Water Board) adopted the Policy for Water Quality Control for Recycled Water (Recycled Water Policy or Policy) (State Water Board Resolution No. 2009-0011) in February 2009, which was amended in January 2013 (State Water Board Resolution No. 2013-0003). The goal of this Policy is to increase the use of recycled water from municipal wastewater sources that meet the definition in Water Code section 13050(n) in a manner that implements State and federal water quality laws.

2. The Recycled Water Policy is intended to support the State Water Board's priorities in the 2008-2012 Strategic Plan to promote sustainable water supplies. Increasing the acceptance and promoting the use of recycled water is a means toward achieving sustainable water supplies and can result in the reduction of greenhouse gases, a significant driver of climate change. The Policy is also intended to encourage beneficial use of recycled water, rather than solely discharging it to receiving waters.

3. In developing the Policy, the State Water Board recognized that increased use of recycled water, in conjunction with other applications/discharges, may result in salt and nutrient loads to groundwater basins that could result in exceedances of groundwater quality objectives. Therefore, the Policy contains a requirement that salts and nutrients from all sources be managed on a basin-wide scale or watershed scale through the development of Salt and Nutrient Management Plans (SNMPs).

4. Per the Recycled Water Policy, SNMPs must be developed for every groundwater basin/sub-basin in California. The plans should identify water quality concerns in each basin/sub-basin and identify management strategies for all sources of salts and nutrients to groundwater basins, including recycled water irrigation projects and groundwater recharge projects that will be implemented.

5. The SNMPs are to be developed by local water and wastewater entities, together with local salt/nutrient contributing stakeholders through a collaborative process open to all interested persons. The SNMPs are to be completed and proposed to the Regional Water Boards no more than seven years of the effective date of the Policy (or by May 14, 2016). The Policy also directs the Regional Water Board to consider incorporating the implementation programs contained in these SNMPs into its water quality control plan within one year of their submission to the Regional Water Board.

6. The SNMPs are required to contain: (i) water recycling and stormwater recharge goals and objectives, (ii) salt and nutrient source identification, (iii) implementation measures to manage salt and nutrient loading in the basin on a sustainable basis, (iv) an anti-degradation analysis demonstrating that the projects included within the plan will collectively satisfy the requirement of State Water Board Resolution No. 68-16 ("Statement of Policy With Respect to Maintaining the High Quality of Waters in California", the State's anti-degradation policy), (v) a basin/sub-basin wide monitoring plan that includes the appropriate network of monitoring locations, and (vi) a provision for annual monitoring of Constituents of Emerging Concern.

7. For purposes of regulation by the Regional Water Board pursuant to its authority under the California Water Code, the groundwater basins in the Los Angeles Region are identified in Chapter 2 of the Water Quality Control Plan for the Los Angeles Region (Basin Plan). Chapter 2 of the Basin Plan also sets forth the beneficial uses of these groundwater basins (primarily municipal and domestic supply (MUN) and agricultural supply (AGR), as well as industrial process supply (PROC) and industrial service supply (IND)). Water quality objectives to protect these uses and to prevent degradation of existing water quality are set forth in Chapter 3 of the Basin Plan. Programs of implementation to attain the water quality objectives are set forth in Chapter 4 of the Basin Plan.

8. In November 2010, consistent with a State Water Board directive to Regional Water Boards to initiate and facilitate the SNMP development process, Regional Water Board staff conducted the first region-wide stakeholder SNMP workshop. At this workshop, stakeholders were provided with information regarding the SNMP requirements of the Recycled Water Policy, and had the opportunity for discourse with different groundwater basin stakeholder groups.

9. Stakeholders and interested persons for the Lower Santa Clara River Basin collaborated to develop the SNMP for their basin. The Ventura County Watershed Protection District (VCWPD) is the lead agency for the planning effort. A tiered stakeholder process, which included a Technical Advisory Group (TAG), the Santa Clara River Watershed Committee (SCRWC), and the Regional Water Board, allowed for broad-based local community involvement. The TAG is made up of the funding agencies and stakeholders responsible for management of salts and nutrients in the watershed and includes VCWPD, the cities of Ventura, Santa Paula and Fillmore, the United Water Conservation District (UWCD), Ventura County Water Works District 16, and the Farm Bureau of Ventura County.

10. The Lower Santa Clara River Basin is located in the southwestern portion of Ventura County and consists of the Piru, Fillmore, Santa Paula, Mound and Oxnard Forebay sub-basins. These sub-basins are overlain by the cities of Fillmore, Santa Paula, and San Buenaventura (Ventura) and small, unincorporated communities in Ventura County. Most of the area is reliant on groundwater for 65% of their overall water supply.

11. The groundwater and surface water in the SNMP area are strongly interconnected. Surface water and groundwater both flow from the Upper Santa Clara River into the Lower Santa Clara River planning area and the groundwater basins are interconnected with flow generally moving from the upper portions of the watershed to the lower portion of the watershed. Surface water recharge strongly influences groundwater quality, particularly in the Piru sub-basin.

12. The Lower Santa Clara River Basin is actively managed by the United Water Conservation District through groundwater replenishment and the construction and operation of water supply and delivery systems, and by the Ventura County Watershed Protection District through the issuance of permits for water supply and monitoring wells, and the collection of groundwater quality data. Recycled water use is not yet fully developed within this area; however, plans exist to expand its current use through a number of recycled water projects.

13. Sources of water and salts and nutrients to the basin include percolation of stream flows, imported water, recycled water, wastewater treatment percolation pond effluent, septic systems, and groundwater from upgradient basins. While there are localized areas with higher salt and nutrient levels (particularly in the vicinity of wastewater treatment effluent percolation ponds), average water quality in most of the sub-basins is below Basin Plan objectives, except for the Mound sub-basin where the existing concentration of TDS exceeds the water quality objective.

14. A number of management measures have been implemented in the planning area to manage salts and nutrients. Some of the key management measures include: prohibitions and incentive programs to remove water softeners; upgrades to and construction of new WWTPs to include nutrient removal; a ban on discharges of brine or saltwater in the City of Ventura; use of agricultural best management practices (BMPs) to control nutrients and salts, including fertilizer and irrigation management; requirements to infiltrate stormwater; an on-site wastewater treatment systems (i.e., septic tanks) policy; treatment of municipal supply; and a wellhead protection program in the City of Fillmore to provide wellhead protection, overdraft mitigation, and replenishment of extracted groundwater.

15. Lower Santa Clara River Basin stakeholders have prepared a detailed technical planning document containing all the elements outlined by the Recycled Water Policy. The document titled "Draft Lower Santa Clara River Salt and Nutrient Management Plan" is an integral part of this Regional Water Board action and was reviewed, considered and accepted by the Regional Water Board before acting. Further, this technical document provides the detailed factual basis and analysis supporting the assessment of current water quality conditions, the identification of salt and nutrient management measures, and the projected water quality impacts for this groundwater quality management tool.

16. The public has had reasonable opportunity to participate in the review of the amendments to the Basin Plan. Updates on the progress and status of the SNMP were provided at SCRWC meetings, and the Ventura County Watershed Protection District staff served as a liaison between the SCRWC and the TAG. Documents presented on the SNMP were posted on the SCRWC website. Regional Water Board staff has actively participated in stakeholder and TAG meetings. A Notice of Hearing was published in the Ventura County Star on May 5 2015, and circulated for 45 days preceding the Regional Water Board's proposed action. Drafts of the Salt and Nutrient Management Plan, Substitute Environmental Document, proposed Basin Plan amendment language, and staff memorandum were released for public comment on May 5, 2015 to allow a 45-day public comment period in advance of the public hearing. The Regional Water Board responded to written and oral comments received from the public on the proposed action. On July 9, 2015, prior to the Regional Water Board's action on this resolution, a public

hearing was held to consider incorporation of salt and nutrient management measures for the Lower Santa Clara River Basins into the Basin Plan. The public had an opportunity to provide oral comments and testimony during the hearing.

17. The proposed management strategies for salt and nutrients are designed to maintain current water quality conditions in the groundwater basins, prevent additional loading in localized areas with elevated levels of salts and nutrients, and manage additional loads from future recycled water projects in a manner that is protective of beneficial uses. Based on the initial analysis of potential recycled water projects, no net salt and nutrient increases are anticipated in the Fillmore and Piru sub-basins. For the Santa Paula, Oxnard Forebay and Mound sub-basins, changes to salt and nutrient loads will be dependent on the nature, magnitude, and location of the projects – most of which are yet to be defined. In the instances where there is a potential for use of assimilative capacity beyond 10% for a single project and 20% for multiple projects within a sub-basin, additional management measures will be implemented to limit these increases, and/or an anti-degradation analysis will be conducted. Given these considerations, the amendment is consistent with State Water Board Resolution No. 68-16, and is also consistent with the policy of the State established in California Water Code section 106.3 that everyone has the right to safe, clean, affordable, and accessible water.

18. This Basin Plan amendment meets the "necessity" standard of the California Administrative Procedures Act, Government Code section 11353(b), because the Recycled Water Policy requires that Regional Water Boards incorporate salt and nutrient management measures for groundwater basins into their respective basin plans within one year of the receipt of stakeholder developed salt and nutrient management plans. Also, Water Code section 13240 requires each regional water board's basin plan to conform with State policy for water quality control.

19. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Regional Water Boards' basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) requirements for preparing environmental documents (14 Cal. Code Regs. § 15251(g); 23 Cal. Code Regs. § 3782). A "substitute environmental document" (SED) was prepared for this project. The SED contains the required environmental documentation under the State Water Board's CEQA regulations. (23 Cal. Code Regs. § 3777.) The substitute environmental documents include the Salt and Nutrient Management Plan, a staff memorandum entitled "Groundwater Quality Management Measures for Salt and Nutrients in the Los Angeles Region's Lower Santa Clara River Basin", the environmental checklist, the comments and responses to comments, the basin plan amendment language, and this resolution. The project itself is the development of salt and nutrient management measures for the Lower Santa Clara River Basin. The CEQA checklist and other portions of the substitute environmental documents contain significant analysis and numerous findings related to impacts and mitigation measures.

20. A CEQA Scoping meeting was conducted on February 26, 2015, in the city of Santa Paula (Ventura County) to solicit input from the public and interested stakeholders in determining the appropriate scope and content and management options of the proposed Salt and Nutrient Management Plan. This meeting fulfilled the requirements under CEQA (Public Resources Code, Section 21083.9). A notice of the CEQA Scoping meeting was sent to interested parties on January 27, 2015.

21. The analysis considered the potential impacts of salt and nutrient management measures in the Lower Santa Clara Groundwater Basin. Foreseeable methods including both nonstructural and structural management measures, would not cause significant impacts that cannot be mitigated through commonly used construction, design and operational practices. The SED identifies mitigation methods for impacts with potentially significant effects and finds that these methods can mitigate potentially significant impacts to levels that are less than significant. To the extent that there are significant adverse effects on the environment due to the implementation of this Salt and Nutrient Management Plan, there are feasible alternatives and/or feasible mitigation measures that would substantially lessen significant adverse impacts in most cases. The foreseeable salt and nutrient management methods under consideration include increased recycled water use, which is considered a significant environmental benefit.

22. Consistent with the Regional Water Board's substantive obligations under CEQA, the substitute environmental documents do not engage in speculation or conjecture, and only consider the reasonably foreseeable environmental impacts, including those relating to the methods of compliance, reasonably foreseeable feasible mitigation measures to reduce those impacts, and the reasonably foreseeable alternative means of compliance, which would avoid or reduce the identified impacts.

23. The draft SED incorporates mitigation that reduces to a level that is insignificant any adverse effects on the environment. From a program level perspective, incorporation of the mitigation measures described in the SED will foreseeably reduce impacts to less than significant levels.

24. The Basin Plan amendment incorporating groundwater quality management measures for salts and nutrients in the Lower Santa Clara River Basin will be submitted for review and approval by the State Water Board and thence to the State Office of Administrative Law (OAL) for review of the regulatory portions.

25. If during the State Water Board's approval process Regional Water Board staff, the State Water Board or State Water Board staff, or OAL determine that minor, non-substantive modifications to the language of the amendment are needed for clarity or consistency, the Executive Officer should make such changes consistent with the Regional Water Board's intent in adopting these groundwater quality control measures, and should inform the Board of any such changes.

THEREFORE, BE IT RESOLVED THAT:

1. The Regional Water Board approves and adopts the CEQA substitute environmental documentation, which includes the Salt and Nutrient Management Plan, staff memorandum entitled "Groundwater Quality Management Measures for Salt and Nutrients in the Los Angeles Region's Lower Santa Clara River Basin", the environmental checklist, the comments and responses to comments, the basin plan amendment language, and this resolution, which was prepared in accordance with the requirements of the State Water Board's certified regulatory CEQA process (as set forth in California Code of Regulations, title 23, section 3775, et seq.), Public Resources Code section 21159, and California Code of Regulations, title 14, section 15187, and directs the Executive Officer or designee to sign the environmental checklist.

2. After considering the entire record, including oral testimony at the hearing, pursuant to Water Code sections 13240 and 13242, the Regional Water Board hereby approves and adopts the groundwater quality management measures for salts and nutrients in the Lower Santa Clara River Basin, as developed by stakeholders, reviewed by Regional Water Board staff and outlined in the proposed Basin Plan amendment. These strategies are designed to maintain current water quality conditions in the groundwater basins and to manage additional loads from recycled water projects in a manner that is protective of beneficial uses.

3. The salt and nutrient management strategies developed by local water entities in the Lower Santa Clara River Basin are voluntary measures that are designed to maintain water quality that is protective of beneficial uses and address elevated concentrations of salts and nutrients in localized areas. These strategies also include a water quality management protocol for managing future projects that may impact water quality conditions in the basin. Except for the permitting of existing and proposed facilities/projects, further Regional Water Board action pertaining to these implementation measures geared toward controlling salt and nutrient loading to these basins will only be necessary where data and/or other information indicate that the projected water quality conditions are not being met.

4. The Regional Water Board is taking this action pursuant to the State Water Board's Recycled Water Policy (Resolution No. 2009-0011 as amended by Resolution No. 2013-0003) in which the State Water Board directs the regional water boards to amend their basin plans to incorporate salt and nutrient management measures for each basin within 12 months of receipt of a Salt and Nutrient Management Plan.

5. The Executive Officer is directed to forward copies of the Basin Plan amendments to the State Water Board in accordance with the requirements of California Water Code section 13245.

6. The Regional Water Board requests that the State Water Board approve the Basin Plan amendments in accordance with the requirements of California Water Code sections 13245 and 13246, and forward them to OAL for approval.

7. If during the approval process, Regional Water Board staff, the State Water Board or State Water Board staff, or OAL determines that minor, non-substantive modifications to the language of the amendments are needed for clarity or consistency, the Executive

Officer may make such changes, and shall inform the Regional Water Board of any such changes.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of the resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on July 9, 2015.

Samuel Unger

Samuel Unger, P.E.
Executive Officer