

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
October 10, 2007

ITEM: 7

SUBJECT: **BASIN PLAN AMENDMENT:** Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region. (*Wayne Chiu*)

PURPOSE: The San Diego Water Board will hear comments on, deliberate, and consider adopting Tentative Resolution No. R9-2007-0104 (Supporting Document 1) to amend the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan) with the revised and new conditional waivers.

PUBLIC NOTICE: Public Notice for this item was provided in the Agenda Notice for the October 10, 2007 meeting of the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board).

The State Water Resources Control Board's California Environmental Quality Act implementation regulations [23 CCR 3777] require the San Diego Water Board to provide to the public a Notice of Filing of a written report on any standard, rule, regulation, or plan proposed for board approval or adoption at least 45 days prior to board action. Federal Clean Water Act regulations [40 CFR 25.5] require the San Diego Water Board to provide notice of a proposed Basin Plan amendment to interested persons at least 45 days in advance of the public hearing. The Notice of Filing of the written technical report and Notice of Public Hearing for this Basin Plan amendment (Supporting Document 2) were provided by newspaper publication in the San Diego Union-Tribune, Orange County Register, and Riverside Press-Enterprise on June 25, 2007, 45 days in advance of the public hearing August 8, 2007. The notices were also distributed to interested persons by email distribution. The draft Technical Report was available to the public on our website on July 6, 2007.

DISCUSSION: The conditional waivers of waste discharge requirements described in Tentative Resolution No. R9-2007-0104 (Supporting Document 1), and the Technical Report and

Appendices A through D (Supporting Documents 3 through 5), were revised based on written and oral comments from the public, and input from Board members. Written comments from the public were received between July 6, 2007 and September 25, 2007 (Supporting Document 6), and oral comments and testimony were received during the public hearing on August 8, 2007. The Board members also provided input to staff at the public hearing. Revisions to the Technical Report and Appendices A through D are shown in ~~strikeout~~/underline format in Supporting Documents 3 and 4, respectively. Supporting Document 5 is a clean version of the Technical Report.

The most notable revisions to the conditional waivers and technical report were based on comments and input pertaining to the conditional waivers for discharges from agricultural and nursery operations (Conditional Waiver No. 4), and for discharges of recycled water to land (Conditional Waiver No. 7). A response to comments document was prepared and included as Appendix E to the Technical Report (Supporting Document 4).

The conditions for Conditional Waiver No. 4 were revised to require agricultural and nursery operations to:

- 1) enroll under the waiver as part of a monitoring group or as an individual operation by December 31, 2010 rather than by December 31, 2012, 2) prepare and submit a Monitoring and Reporting Program Plan and Quality Assurance Project Plan by December 31, 2011, and 3) submit of a Monitoring Program Report by December 31, 2012. Revisions to Conditional Waiver No. 4 are specified in the responses to comments in Appendix E (Supporting Document 4) and also shown in ~~strikeout~~/underline format in the Technical Report and Appendices A through C (Supporting Documents 3 and 4).

Based on comments from several recycled water interest groups, purveyors and end users, and after consultation with the California Department of Public Health (CDPH), the introduction to, and conditions of Conditional Waiver No. 7 were revised to clarify who is eligible for the waiver, and to require the discharger of recycled water to demonstrate that the discharge will comply with the CDPH recycled water criteria and state regulations. Revisions to Conditional Waiver No. 7 are shown in the responses to comments in Appendix E (Supporting Document 4), and in

strikeout/underline format in the Technical Report and Appendices A through C (Supporting Documents 3 and 4).

Additionally, the Technical Report and the introductions for each conditional waiver in Tentative Resolution No. R9-2007-0104 were revised to clarify that discharges that comply with the waiver conditions are not expected to pose a threat to water quality. Discharges that comply with the waiver conditions are eligible for a conditional waiver.

KEY ISSUES:

1. The existing conditional waivers expire on December 31, 2007, unless renewed by the San Diego Water Board.
2. The 35 (26 existing and 9 new) specific types of discharge proposed to be eligible for conditional waivers were grouped into 11 discharge classifications to make them easier to understand and enforce.
3. Waiver conditions for specific types of discharge eligible for conditional waivers were revised to be more protective of water quality.
4. The waiver for discharges from agricultural and nursery operations was revised to include a monitoring and reporting requirement. The date when enrollment is required was moved up by two years from December 31, 2012 to December 31, 2010.
5. The waiver for discharges of recycled water to land was revised to clarify who is eligible for the waiver.

LEGAL CONCERNS:

None.

SUPPORTING DOCUMENTS:

1. Tentative Resolution No. R9-2007-0104.
2. Notice of Filing and Notice of Public Hearing on an Amendment to the *Water Quality Control Plan for the San Diego Region (9)* to Incorporate the Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region.
3. Technical Report titled *Basin Plan Amendment to Renew and Issue Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region* (strikeout/underline version).
4. Appendices A through E to the Technical Report (strikeout/underline version).
 - Appendix A – Review of Existing Conditional Waivers
 - Appendix B – Review of New Types of Discharge
 - Appendix C – Tentative Resolution R9-2007-0104 and Basin Plan Amendment
 - Appendix D – Environmental Analysis and Checklist
 - Appendix E – Responses to Public Comments

5. Technical Report (clean version)
6. Written comments received between July 6, 2007 and September 25, 2007.

RECOMMENDATION(S): Adopt Tentative Resolution No. R9-2007-0104.