Item Number 6c

Supporting Document 1

Tentative Resolution No. R9-2020-0036

March 5, 2020

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN DIEGO REGION

TENTATIVE RESOLUTION NO. R9-2020-0036

NON-REGULATORY UPDATES TO THE WATER QUALITY CONTROL PLAN FOR

THE SAN DIEGO BASIN

WHEREAS:

1. The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) adopted an updated Water Quality Control Plan for the San Diego Region (Basin Plan) on September 8, 1994.

2. The Basin Plan includes definitions and designations of beneficial uses of waters in the San Diego Region, water quality objectives to protect those beneficial uses, implementation programs and prohibitions to achieve water quality objectives and protect beneficial uses, and references to statewide plans and policies.

3. California Water Code section 13240 requires a periodic review of the Basin Plan. The federal Clean Water Act section 303(c)(1) requires a triennial review of water quality standards and, as appropriate, modifying and adopting standards. Water quality standards consist of beneficial use designations, water quality objectives necessary to protect those uses, and antidegradation provisions.

4. In recent years, the State Water Resources Control Board (State Water Board) adopted statewide Beneficial Uses, Water Quality Objectives, Plans, and policies affecting the San Diego Region Basin Plan.

5. The Basin Plan triennial review workplan adopted by the San Diego Water Board in October 2018 directed staff to complete two projects that required editorial, non-regulatory changes to the Basin Plan (see Projects 3 and 6 in the 2018 Staff Report and Prioritized List). Updates and/or changes must be made through the Basin Plan amendment process.

6. A draft Basin Plan amendment was made available to the public for review on December 5, 2019. Interested persons had an opportunity to submit written comments during a 47-day comment period which extended from December 5, 2019, through January 21, 2020. One comment letter was received.

7. Chapter 2 of the Basin Plan defines and designates the beneficial uses for all surface and ground waters in the San Diego Region. The proposed Basin Plan updates to Chapter 2 include: updating the Preservation of Biological Habitats of Special Significance (BIOL) Beneficial Use; adding three new beneficial uses for Tribal Traditional Culture (CUL), Tribal Subsistence Fishing (T-SUB), and

Subsistence Fishing (SUB); and corrections, clarifications, and general formatting changes that improve the overall readability.

8. Chapter 3 of the Basin Plan designates water quality objectives to all surface and ground waters in the San Diego Region. The proposed Basin Plan updates to Chapter 3 include: updating applicable statewide plans and policies, including the addition of a reference to the newly adopted Inland Surface Waters, Enclosed Bays and Estuaries Plan and incorporating the newly adopted statewide bacteria water quality objectives; and corrections, clarifications, and general formatting changes that improve overall readability.

9. Chapter 4 of the Basin Plan describes actions that are necessary to protect the beneficial uses described in Chapter 2 and achieve the water quality objectives specified in Chapter 3, and describes the San Diego Water Board's implementation program. The proposed Basin Plan update to Chapter 4 includes updates to the Compliance and Enforcement Section and general formatting changes that improve overall readability.

10. The proposed Basin Plan amendment is not a "project" within the meaning of the California Environmental Quality Act (CEQA) because it will neither cause a direct physical change in the environment, or a reasonably foreseeable indirect change. See Public Resources Code section 21065 [defining "project"]; CCR, title 14, section 15378 [defining "project"]. As a result, this amendment is not subject to CEQA, and therefore not subject to the San Diego Water Board's certified regulatory program regulations for implementing CEQA (CCR, title 23, section 3720, subdivisions (b) and (c)(2)).

11. This Basin Plan amendment does not become effective until approved by the State Water Board and until the Office of Administrative Law (OAL) has concurred on its non-regulatory status.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to California Water Code section 13240, the San Diego Water Board, after considering the record, hereby adopts the Basin Plan amendment as set forth in Appendix A - C to this Resolution.

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

3. The San Diego Water Board requests the State Water Board approve the Basin Plan amendment in accordance with the requirements of California Water Code sections 13245 and 13246 and forward it to OAL for approval.

4. If, during the approval process, San Diego Water Board staff, the State Water Board or State Water Board staff, or OAL determines that minor, non-substantive modifications to the language or formatting of the amendments are needed for

clarity, accessibility or consistency, the Executive Officer may make such changes, and shall inform the San Diego Water Board of any such changes.

5. Following approval of the Basin Plan amendment by OAL, the Executive Officer shall file a Notice of Decision with the Secretary for Natural Resources in accordance with Public Resources Code section 21080.5, subsection (d)(2)(E), and California Code of Regulations, title 23, section 3781.

I, David W. Gibson, Executive Officer, do hereby certify that this Order is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on March 5, 2020.

Ordered By: _____

David W. Gibson
EXECUTIVE OFFICER

Appendix A: Proposed Basin Plan Chapter 2 Updates
Appendix B: Proposed Basin Plan Chapter 3 Updates
Appendix C: Proposed Basin Plan Chapter 4 Updates