

APPENDIX 1

TENTATIVE RESOLUTION NO. R9-2006-0029
AND ATTACHMENTS

TENTATIVE

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION (9)**

RESOLUTION NO. R9-2006-0029

**RESOLUTION AMENDING THE *WATER QUALITY CONTROL PLAN FOR
THE SAN DIEGO BASIN (9)* TO EDIT AND REFORMAT TEXT,
AND UPDATE GRAPHICS; AND REINSTATING TEXT ON
“CONTROLLABLE WATER QUALITY FACTORS”
(BASIN PLAN ISSUE NO. 1)**

WHEREAS, the California Regional Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board), finds that:

1. **BASIN PLAN AMENDMENT:** The proposed amendment to the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan) described in the recitals below was developed in accordance with Water Code section 13240, *et seq.*
2. **TRIENNIAL REVIEW:** This Basin Plan amendment is the result of an investigation of Issue No. 1 on the Prioritized List of Basin Plan Issues for Investigation from September 2004 to September 2007 (Attachment 1 to Resolution No. R9-2004-0156) adopted by the San Diego Water Board as part of the 2004 Triennial Review of the Basin Plan.
3. **NECESSITY STANDARD:** This regulatory action meets the “Necessity” standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
4. **PUBLIC NOTICE:** The San Diego Water Board has notified all known interested persons and the public of its intent to consider adoption of the proposed Basin Plan amendment in accordance with Water Code section 13244. Interested persons and the public have had reasonable opportunity to participate in review of the proposed Basin Plan amendments. Efforts to solicit public review and comment have included a public workshop held on March 27, 2006, a public review and comment period of 45 days preceding the public hearing; and a public hearing held on April 12, 2006.
5. **PUBLIC HEARING:** The San Diego Water Board has considered all comments pertaining to this Basin Plan amendment submitted to the San Diego Water Board in writing, or by oral presentations at the public hearing held on April 12, 2006. Detailed responses to relevant comments have been incorporated into a Response to Comments document (Appendix 2 of the Technical Report).

6. **CALIFORNIA ENVIRONMENTAL QUALITY ACT:** The Basin Plan amendment is not a project under the California Environmental Quality Act (CEQA) because it has no potential for any direct or indirect physical change to the environment. Accordingly, it is not subject to CEQA and no Fish and Game filing fees need to be paid.
7. **SCIENTIFIC PEER REVIEW:** The Basin Plan amendment does not require scientific peer review because there is no scientific foundation to the amendment.
8. **REINSTATED TEXT:** The proposed revision to reinstate text on “Controllable Water Quality Factors” to Chapter 3, “Water Quality Objectives” inadvertently omitted in the September 8, 1994 Basin Plan update is non-regulatory, and is authorized under Title 1 of the California Code of Regulations, section 100 (Office of Administrative Law regulations governing administrative rulemaking).

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The San Diego Water Board hereby adopts an amendment to the Basin Plan to edit and reformat text, and update graphics, as set forth in Attachment A to this Resolution.
2. The San Diego Water Board hereby adopts a revision to the Basin Plan to add the section entitled, “Controllable Water Quality Factors” to Chapter 3, “Water Quality Objectives” as set forth in Attachment B to this Resolution.
3. The Executive Officer is directed to forward copies of this Basin Plan amendment to the State Water Resources Control Board (State Water Board) in accordance with Water Code section 13245. The San Diego Water Board requests that the State Water Board approve the Basin Plan amendment and forward it to the Office of Administrative Law for concurrence on its non-regulatory status.
4. If, during its approval process for this amendment, the State Water Board or Office of Administrative Law 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 San Diego Water Board of any such changes.

*I, John H. Robertus, 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, San Diego Region, on **Month day**, 2006.*

JOHN H. ROBERTUS
Executive Officer

**ATTACHMENT A
TO RESOLUTION NO. R9-2006-0029**

**AMENDMENT TO *THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO
BASIN (9)* TO EDIT AND REFORMAT TEXT, AND UPDATE GRAPHICS**

This amendment edits and reformats text, and updates graphics in the Basin Plan to improve consistency of the text language, improve information accessibility to readers, and corrects errors. Chapters 1, 2, 3, 4, 5, and 6; Appendices A, B, C, D and E; the title and cover pages of the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan) are revised as shown in Attachments C and D. Attachment C shows the revised Basin Plan as a “clean copy.” Attachment D shows the revised Basin Plan with changes in underline and strikeout format.

**ATTACHMENT B
TO RESOLUTION NO. R9-2006-0029**

**REVISION TO REINSTATE TEXT ON “CONTROLLABLE
WATER QUALITY FACTORS”**

This revision adds the section below to Chapter 3, “Water Quality Objectives” following the section entitled “Designated Water Quality Objectives.” This text was inadvertently omitted in the 1994 update of the Basin Plan. The revision is non-regulatory, and is authorized under Title 1 of the California Code of Regulations, section 100 (Office of Administrative Law regulations governing administrative rulemaking).

“CONTROLLABLE WATER QUALITY FACTORS

Controllable water quality factors shall conform to the water quality objectives contained herein. When other factors result in the degradation of water quality beyond the levels or limits established herein as water quality objectives, then controllable water quality factors shall not cause any degradation of water quality.

Controllable water quality factors are those actions, conditions, or circumstances resulting from man’s activities that may influence the quality of the waters of the State and that may be reasonably controlled.”