

California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. 94-1

**Resolution Adopting the Updated Water Quality Control Plan for the
Santa Ana River Basin (8)**

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

1. The Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) was adopted by the Regional Board on April 11, 1975 and approved by the State Water Resources Control Board (State Board) on April 17, 1975.
2. An amended Basin Plan was adopted by the Regional Board on May 13, 1983 and approved by the State Board on October 20, 1983. Since that time, specific amendments to the Basin Plan have been adopted by the Regional Board and approved by the State Board. These amendments include the following: revisions of compliance dates for certain waste discharge prohibitions; revisions of the beneficial use designations, in part to conform the Basin Plan to the State Board's Sources of Drinking Water Policy; revision of the total inorganic nitrogen wasteload allocation for discharges to the Santa Ana River system; and the incorporation of minimum lot size requirements and exemption criteria for the use of septic tank-subsurface disposal systems in the Region.
3. Section 303(c) of the Federal Clean Water Act requires that water quality standards be reviewed and revised, if appropriate, on a triennial basis, and Section 13240 of the California Water Code provides that basin plans must be periodically reviewed and may be revised.
4. In 1989, the State Board initiated a statewide program for comprehensive review and update of the basin plans by all regional boards.
5. With extensive public participation and input, the Regional Board has prepared an updated Basin Plan. This Basin Plan update process satisfies federal triennial review requirements under Section 303(c) of the Clean Water Act and the periodic review requirements of the California Water Code under Section 13240.
6. The Regional Board discussed the basin plan update process at its meeting on April 23, 1993. A first draft of the revised Basin Plan was released in June, 1993 and a public workshop to review that draft was conducted on July 16, 1993. The Regional Board released a second draft of the Basin Plan and the relevant staff report in September, 1993 and conducted a public workshop on October 22, 1993. The public workshops were conducted after notice was given to all interested persons in accordance with Section 13244 of the California Water Code. The testimony introduced at those workshops was considered in the preparation of the final revised Basin Plan.

7. Significant additions to the revised Basin Plan include the addition of a new beneficial use designation of "Limited Warm Freshwater Aquatic Habitat" (LWRM) specifically for concrete-lined channels, the creation of wetlands as a waterbody type, designation of RARE beneficial use for a number of waterbodies, revised un-ionized ammonia objectives and corresponding total ammonia effluent limits, water quality objectives for the Big Bear groundwater basin, revised total dissolved solids wasteload allocation and a discussion of water quality and water resource management projects in the region.
8. In accordance with applicable guidance and regulations, the Regional Board has developed site-specific water quality objectives (SSOs) for cadmium, copper and lead in the Middle Santa Ana River system. The Regional Board reviewed and discussed the issues related to the development and adoption of these SSOs in public meetings and workshops on August 7, 1992, March 5, 1993 and June 4, 1993. The testimony introduced at these workshops was considered in the preparation of final recommendations for SSOs.
9. In accordance with the provisions of California Water Code, Section 13280 *et seq.*, the Regional Board developed a proposed Basin Plan amendment to incorporate the SSOs.
10. At a duly noticed Public Hearing on October 22, 1993, the Regional Board adopted Resolution No. 93-64, adopting the proposed Basin Plan amendment to incorporate the SSOs for cadmium, copper and lead for the middle Santa Ana River system. A staff report regarding this matter was prepared and distributed to all interested parties 30 days prior to the hearing. However, between the time of the transmittal of the staff report and the October 22, 1993 hearing, new information was presented that led to the modification of the SSOs which had been recommended in the staff report. To avoid procedural questions, it is appropriate to rescind Resolution No. 93-64 and to reconsider adoption of the SSOs as part of the final revised Basin Plan. A report concerning the SSOs considered and adopted by the Regional Board on October 22, 1993 is included in the staff report pertaining to the adoption of the revised Basin Plan.
11. Regional Board Resolution No. 92-10, adopted February 14, 1992, found that some of the national water quality criteria, including those for cadmium, copper and lead, are inappropriate for the Middle Santa Ana River because the flows are dominated by reclaimed water, which provides and supports beneficial uses which would not otherwise exist.
12. A Use-Attainability Analysis (UAA) has been conducted for the Santa Ana River. The UAA provided data and analyses which allow the Regional Board to make the following findings regarding the Santa Ana River:
 - a. The Site-Specific Water Quality Objectives (SSOs) for cadmium, copper and lead proposed by Regional Board staff will protect the beneficial uses of the Santa Ana River.
 - b. The proposed SSOs have been shown to be conservative.

- c. The proposed SSOs, which represent higher water quality than presently exists, will not result in degradation of water quality.
 - d. Existing levels of cadmium, copper and lead in the SAR do not contribute to toxicity in the Santa Ana River.
 - e. Dischargers to the Santa Ana River are either in compliance with their NPDES permits or are meeting approved compliance schedules.
13. Adoption and implementation of the cadmium, copper and lead SSOs is consistent with the maximum benefit to the people of California, particularly because it encourages water reclamation and will support important social and economic development in the Santa Ana Region.
14. The findings of this Resolution with respect to metals SSOs are specific to the Santa Ana River and to cadmium, copper and lead. These findings are not meant to establish precedent or be applicable to other metals or other water bodies.
15. The Regional Board has prepared and distributed a written report (Staff Report) on adoption of the revised Basin Plan, including site-specific objectives for metals, in compliance with applicable state and federal environmental regulations (California Code of Regulations, Section 3775, Title 23 and 40 CFR Parts 25 and 131).
16. The process of basin planning is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq*) to prepare an Environmental Impact Report or Negative Declaration. The updated Basin Plan includes a completed Environmental Checklist, an assessment of the environmental impacts of the adoption of the updated Basin Plan and a discussion of alternatives. The updated Basin Plan, Environmental Checklist, staff report and supporting documentation are functionally equivalent to an Environmental Impact Report or Negative Declaration.
17. Review of potential environmental impacts of adoption and implementation of the reviewed Basin Plan indicated that a substantial increase in energy consumption might be required and that there may be no feasible alternatives or mitigation measures for this impact. However, the only alternatives identified which would not require increase in energy consumption would not ensure protection of the beneficial uses of the waters of the Santa Ana Region and would therefore not comply with state and federal laws. Pursuant to CEQA regulations Section 15093a, Findings of Overriding Considerations, as attached to the Checklist, are therefore appropriate. The benefits of the Basin Plan amendments outweigh the unavoidable adverse environmental effects.
18. The Regional Board has considered federal and state antidegradation policies, the state Sources of Drinking Water Policy and other relevant water quality control policies and finds the updated Basin Plan consistent with those policies.

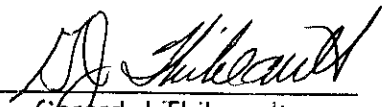
19. On January 28, 1994, the Regional Board held a Public Hearing to consider the revised Basin Plan, including site-specific objectives for metals. Notice of the Public Hearing was given to all interested persons and published in accordance with Water Code Section 13244.
20. This Basin Plan must be submitted for review and approval by the State Board, the Office of Administrative Law (OAL) and the US Environmental Protection Agency. Once approved by the State Board, the Basin Plan is to be submitted to the Office of Administrative Law. A Notice of Decision will be filed after the State Board and the Office of Administrative Law have acted on this matter. The Basin Plan must then be submitted for review by the U.S. Environmental Protection Agency.
21. The revised Basin Plan will become effective upon approval by the State Water Resources Control Board and the Office of Administrative Law

NOW THEREFORE BE IT RESOLVED THAT:

1. The California Regional Water Quality Control Board, Santa Ana Region, adopts the updated Water Quality Control Plan for the Santa Ana River Basin (8) as set forth in the attached document.
2. The Regional Board hereby adopts the Findings of Overriding Considerations attached to the Environmental Checklist prepared for the updated Water Quality Control Plan.
3. Resolution No. 93-64 adopting site-specific objectives for metals for the middle Santa Ana River system is hereby rescinded.
4. The Regional Board will implement the Inland Surface Waters Plan and Enclosed Bays and Estuaries Plan (Plans), where applicable, as long as they remain in effect. If the Plans are invalidated, the Regional Board will continue to issue National Pollutant Discharge Elimination System permits in compliance with the Porter-Cologne Act and applicable State and federal regulations, including but not limited to, 40 CFR 122.44(d).
5. Within three years after consultation with the Department of Fish and Game on specific waterbodies that support threatened or endangered species, and where scientific evidence indicates that certain existing water quality objectives for these water bodies do not adequately protect such species, the Regional Board will determine whether these objectives are adequately protective. In cases where such existing objectives do not provide adequate protection for threatened and endangered species, the Regional Board will develop and adopt adequately protective site-specific objectives for those constituents.
6. The Executive Officer is directed to forward copies of the updated Water Quality Control Plan for the Santa Ana River Basin (8) to the State Water Resources Control Board in accordance with the requirements of Section 13245 of the California Water Code.

7. The Regional Board requests that the State Water Resources Control Board approve the Water Quality Control Plan in accordance with the requirements of Sections 13245 and 13246 of the California Water Code and forward it to the Office of Administrative Law and the US Environmental Protection Agency-Region IX for approval.

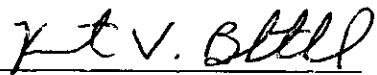
I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on March 11, 1994.



Gerard J. Thibeault
Executive Officer

7. The Regional Board requests that the State Water Resources Control Board approve the Water Quality Control Plan in accordance with the requirements of Sections 13245 and 13246 of the California Water Code and forward it to the Office of Administrative Law and the US Environmental Protection Agency-Region IX for approval.

I, Gerard J. Thibeault, 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, Santa Ana Region, on January 28, 1994.



for Gerard J. Thibeault
Executive Officer