

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2019-0046**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN  
FOR THE SAN DIEGO BASIN TO INCORPORATE SITE-SPECIFIC WATER  
EFFECT RATIOS INTO WATER QUALITY OBJECTIVES FOR  
TOXIC POLLUTANTS AND TOTAL MAXIMUM DAILY LOADS FOR  
COPPER AND ZINC IN CHOLLAS CREEK

WHEREAS:

1. On February 8, 2017 the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) adopted [Resolution No. R9-2017-0015](#), to amend the Water Quality Control Plan for the San Diego Region (Basin Plan) as follows:
  - Update Chapter 3 of the Basin Plan to clarify the application of water effect ratios (WERs) in the California Toxics Rule (CTR) for developing site-specific water quality objectives (WQOs);
  - Update Chapter 3 of the Basin Plan to apply site-specific WERs to dissolved copper and dissolved zinc in Chollas Creek during wet weather; and
  - Update Chapter 7 of the Basin Plan to apply site-specific WER values during wet weather when calculating the dissolved copper and zinc numeric targets and wasteload allocations for the *Total Maximum Daily Loads for Copper, Lead, and Zinc in Chollas Creek, Tributary to San Diego Bay* (Chollas Creek Metals TMDLs).
2. The San Diego Water Board's proposed Basin Plan amendment is an action subject to the requirements of the California Environmental Quality Act (CEQA). The Resources Agency has approved the regional water boards' basin planning process as a "certified regulatory program" that adequately satisfies requirements under CEQA to prepare environmental documents. (CCR Title 14, section 15251, subdivision (g); CCR Title 23, section 3777.) The San Diego Water Board previously prepared "substitute environmental documentation" for the Chollas Creek Metals TMDLs (TMDL SED). In Resolution No. R9-2017-0015, the San Diego Water Board adopted an addendum to the TMDL SED finding that the adoption of site-specific WERs in Chollas Creek were within the scope of the environmental analysis for the Chollas Creek Metals TMDLs. The San Diego Water Board also found that the implementation actions associated with the site-specific WERs were comparable to those previously analyzed for the TMDL SED. Because the

adoption of site-specific WERs did not involve new significant environmental effects, a substantial increase in the severity of previously identified significant effects, or new mitigation measures or alternatives, the San Diego Water Board determined that no subsequent or supplemental CEQA documentation was required pursuant to CCR Title 14, section 15162. The State Water Resources Control Board (State Water Board) has reviewed the substitute environmental documentation for the Basin Plan amendment and concurs with the San Diego Water Board's findings and determinations.

3. The San Diego Water Board also adopted the Basin Plan amendment pursuant to the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b)(4).
4. The San Diego Water Board found the Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining High Quality of Waters in California (State Water Board [Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 CFR section 131.12) because it requires attainment of water quality standards, will not unreasonably affect present or probable future beneficial uses in Chollas Creek, and is consistent with the maximum benefit to people of the State.
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise basin plans, and section 13242, which requires a program of implementation for achieving water quality objectives. The State Water Board also finds that the revisions to the Chollas Creek Metals TMDLs, as reflected in the Basin Plan amendment, are consistent with the requirements of section 303(d) of the federal Clean Water Act.
6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The TMDL will be sent for review to the U.S. Environmental Protection Agency (U.S. EPA).

THEREFORE, BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under San Diego Water Board Resolution No. R9-2017-0015; and
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under San Diego Water Board Resolution No. R9-2017-0015 to OAL for approval of the regulatory provisions.

3. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment to U.S. EPA for review of the regulatory provisions.

### **CERTIFICATION**


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 17, 2019.

AYE: Chair E. Joaquin Esquivel  
Vice Chair Dorene D'Adamo  
Board Member Tam M. Doduc  
Board Member Sean Maguire  
Board Member Laurel Firestone

NAY: None

ABSENT: None

ABSTAIN: None

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Jeanine Townsend  
Clerk to the Board