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Ser 09C.RC/5268  
June 9, 1995

Ms. Joanne Schneider  
Environmental Program Manager  
California Regional Water Quality Control Board, Santa Ana Region  
2010 Iowa Avenue, Suite 100  
Riverside, CA 92507-2409

Dear Ms. Schneider:

The Department of Navy (DON) appreciates the opportunity to comment on the enclosed proposed amendment to the Basin Plan for the Santa Ana Region (Enclosure). DON requests that the clarifying amendment be further clarified to ensure that the language will be interpreted in a manner that is consistent with the basic intent of the amendment and long-standing interpretations of the basin plan's total dissolved solids (TDS) water quality objectives (In the Matter of the Petition of Gerry D. Bayless for Review of Order No. 76-4 of the California Regional Water Quality Control Board, Santa Ana Region Order No. 77-13).

It is well established that TDS concentrations in groundwater have degraded in some subbasins addressed by the Basin Plan so that current background levels of TDS exceed existing water quality objectives as a result of naturally occurring sources of TDS and past agricultural practices. Agricultural irrigation is not the only discharge activity that encounters the issue of whether such existing background concentrations of TDS in groundwater must be treated after extraction and before return of the groundwater in subbasins without assimilative capacity. Remediation of releases of hazardous substances into the groundwater through pump, treat, and reinjection remediation techniques also faces the same issue, as recognized by the State Water Resources Control Board. Section III.F.1 of State Water Resources Control Board Resolution No. 92-49 states that Regional Water Board shall require that cleanup and abatement: "Conform to the provisions of Resolution No. 68-16 of the State Water Board, and the Water Quality Control Plans of the State and Regional Water Boards, provided that under no circumstances shall these provisions be interpreted to require cleanup and abatement which achieves water quality conditions that are better than background conditions (emphasis supplied)."

DON recommends that the amendment be further clarified to address the remediation scenario in a manner consistent with the treatment of agricultural irrigation and State Water Resources Control Board decisions and resolutions. Reinjection of groundwater exceeding TDS water quality objectives into subbasins without assimilative capacity following extraction and treatment of hazardous substances should continue to be deemed consistent with the basin plan so long as the TDS concentrations in the discharged

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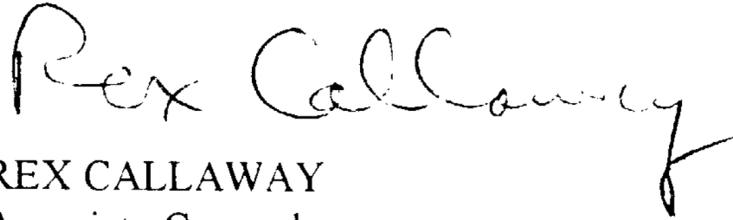
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groundwater do not exceed the background levels already present in the receiving water. We suggest that the following language be added to the end of the final sentence of the paragraph discussing the TDS/assimilative capacity issue immediately after the word "area":

"...and groundwater may be pumped and treated to remove non-TDS contaminants and hazardous substances and reinjected with TDS concentrations exceeding the TDS water quality objectives if the TDS concentrations in the discharge do not exceed background concentrations of TDS present in the receiving groundwater."

Again, DON appreciates the opportunity to comment on the Proposed Amendment and urges the Regional Board to incorporate the requested clarifications. If you have any questions or otherwise need to contact me, my phone number is (619)-532-1662.

Sincerely,



REX CALLAWAY  
Associate Counsel  
(Environmental)

Copy to:  
Hope Smith, Chief of Planning Section  
California Regional Water Quality Control Board

Ted Cobb, Counsel  
State Water Resources Control Board

California Regional Water Quality Control Board  
Santa Ana Region

To: <u>Jocelyn Wade</u>	From: <u>Wanda Smith</u>
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Dept.	Phone # <u>909-782441</u>
Fax #	Fax #

July 7, 1995

ITEM:

SUBJECT: PROPOSED AMENDMENT OF THE BASIN PLAN FOR THE SANTA ANA REGION

DISCUSSION

On April 7, 1995, the Regional Board conducted a public workshop to discuss the issue of Regional Board regulation of reclaimed water used for agricultural or landscape irrigation in areas overlying subbasins without total dissolved solids (TDS) assimilative capacity. Board staff prepared and distributed a staff report which described TDS problems in the Region and the significant efforts which have made to address them. The report also discussed some current Basin Plan language regarding TDS assimilative capacity, the State Board's Rancho Caballero decision and the applicability of the Rancho Caballero decision to the Board's regulatory activities.

This current Basin Plan language states:

*"If there is assimilative capacity in the receiving waters for TDS, nitrogen or other constituents, the allowed waste discharge may be of lower quality than the objectives for those constituents for the receiving waters as long as the discharge does not cause violation of the objectives. However, if there is no assimilative capacity in the receiving waters, such as the subbasins identified above, the numerical limits in the discharge requirements cannot exceed the receiving water objectives or the degradation process would be accelerated. This rule was expressed clearly by the State Water Resources Control Board in a decision regarding the appropriate TDS discharge limitations for the Rancho Caballero Mobilehome park located in the Santa Ana Region (Order No. 73-4, the so called "Rancho Caballero decision") [6]. However, this rule is not meant to restrict overlying agricultural irrigation, or similar activities such as landscape irrigation. Even in subbasins without assimilative capacity, groundwater may be pumped and used for agricultural purposes in the area."*

As discussed at the April workshop, the last two sentences have been interpreted by some to mean that the Rancho Caballero decision does not restrict agricultural irrigation with reclaimed water or other waters of TDS quality poorer than subbasin water quality objectives in areas overlying subbasins without TDS assimilative capacity. Alternatively, these sentences can be interpreted to mean that the Rancho Caballero rule does not apply to the use of groundwater when it is pumped from subbasins without assimilative capacity and the return of that groundwater (as by

agricultural or landscape irrigation) to the same subbasins. Because these sentences are subject to varying interpretations, clarification is necessary.

At the April 7th workshop, staff described the California Water Code requirement (Section 13263) that waste discharge requirements implement the Basin Plan. The Basin Plan includes water quality objectives established to protect beneficial uses. As described in the preceding Basin Plan language, to implement the Basin Plan, waste discharge requirements for discharges to subbasins without TDS assimilative capacity must limit TDS to no more than the subbasin objectives. The first interpretation of the subject Basin Plan language, that the Rancho Caballero rule does not apply to waste discharges when they are used for agricultural or landscape irrigation, does not conform to this California Water Code requirement (Section 13263). Moreover, to excuse agriculture from TDS regulation would be inconsistent with the very significant efforts which have been and continue to be made to address TDS problems in the Region.

After discussion of this matter on April 7th, the Regional Board directed staff to prepare a Basin Plan amendment, revising the subject sentences to reflect that the Rancho Caballero rule does not apply to the pumping of groundwater from subbasins without assimilative capacity and the return of that water to the same subbasins. The Board suggested specific modifications of this language as shown below.

#### Proposed Basin Plan Amendment

The proposed Basin Plan amendment consists of changes to the two sentences discussed above. Language deleted is struck out; language added is highlighted.

If there is assimilative capacity in the receiving waters for TDS, nitrogen or other constituents, the allowed waste discharge may be of lower quality than the objectives for those constituents for the receiving waters as long as the discharge does not cause violation of the objectives. However, if there is no assimilative capacity in the receiving waters, such as the subbasins identified above, the numerical limits in the discharge requirements cannot exceed the receiving water objectives or the degradation process would be accelerated. This rule was expressed clearly by the State Water Resources Control Board in a decision regarding the appropriate TDS discharge limitations for the Rancho Caballero Mobilehome park located in the Santa Ana Region (Order No. 73-4, the so called "Rancho Caballero decision") [6]. ~~However, this rule is not meant to restrict overlying agricultural irrigation, or similar activities such as landscape irrigation. Even~~ **Notwithstanding the foregoing discussion,** in subbasins without assimilative capacity, groundwater may be pumped and used for

agricultural purposes in the area.

#### California Environmental Quality Act (CEQA) Requirements

The basin planning process has been certified by the Secretary of Resources as functionally equivalent to the preparation of an Environmental Impact Report or Negative Declaration pursuant to CEQA. Environmental review is nonetheless required. This review includes the preparation of a written report which describes the proposed project, identifies the potential adverse environmental impacts of that project and discusses possible alternatives and mitigation measures. It also includes preparation of an Environmental Checklist. This report and the April 7, 1995 staff report, the Environmental Checklist and analysis included with this staff report, satisfy those requirements.

Specific public notice requirements pertaining to this Basin Plan amendment have been fulfilled. On May 19, 1995, a Notice of Public Hearing and Notice of Filing were published in several newspapers of general circulation in Orange, Riverside and San Bernardino Counties. The Notice of Public Hearing and Notice of Filing were also submitted to the Secretary of Resources and the County Clerk of each County and mailed to all interested persons and agencies. A Notice of Decision will be filed after the Regional Board, the State Board and the Office of Administrative Law act on this matter.

#### Staff Recommendation

Adopt Resolution No. 95-54 adopting the amendment to the Water Quality Control Plan (Basin Plan) shown in the attachment to the Resolution.