

**California Environmental Quality Act (CEQA) Scoping Meeting
Irvine, November 6, 2008**

Project: Revision of the Numeric Water Quality Objectives for Nitrogen in San Diego Creek and Adoption of New Numeric Water Quality Objectives for Additional Tributaries to Newport Bay, and Revision of the Newport Bay Watershed Nutrient Total Maximum Daily Loads (TMDLs)

Description of the Proposed Activity

The Santa Ana Regional Water Quality Control Board (Regional Board) proposes to amend the Basin Plan to:

1. Revise the numeric water quality objectives for nitrogen in San Diego Creek, and establish new numeric water quality objectives for other freshwater tributaries to Newport Bay
2. Revise the nutrient TMDLs for the Newport Bay/San Diego Creek Watershed

Revising the nutrient TMDLs is necessary to achieve and maintain compliance with nutrient-related water quality objectives specified in the Basin Plan, and to protect the beneficial uses of Newport Bay and its tributaries.

Proposed Basin Plan amendment revising the numeric water quality objectives for nitrogen in San Diego Creek and establishing new numeric water quality objectives for nitrogen in additional tributaries to Newport Bay

The new and revised numeric water quality objectives will be based on evaluation of applicable data and analysis of the assimilative capacity for nitrogen in Newport Bay and its tributaries. In addition, the following factors will be considered pursuant to Section 13241 of the Porter Cologne Act:

- a) Past, present, and probable future beneficial use of water
- b) Environmental characteristics of the hydrographic unit under consideration including the quality of water available thereto
- c) Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area
- d) Economic considerations
- e) The need for developing housing within the region
- f) The need to develop and use recycled water

Proposed Basin Plan amendment revising the nutrient TMDLs for the Newport Bay/San Diego Creek Watershed

The proposed Basin Plan amendment revising the nutrient TMDLs will include:

- a) New interim and final nutrient load targets for San Diego Creek, Newport Bay, and potentially for additional tributaries to Newport Bay.
- b) Interim and final allocations for point sources (wasteload allocations) and non-point sources (load allocations) based on the proposed interim and final numeric targets.
- c) An implementation plan that specifies minimum actions to be taken by dischargers of nutrients in order to achieve the TMDLs. The implementation plan will include a set of tasks, a schedule for completing those tasks, and a monitoring program.

Compliance with the revised numeric objectives and TMDL load allocations is expected to result in the restoration and protection of the beneficial uses in the watershed that are currently being impaired by excessive nutrient concentrations and nutrient loads to Newport Bay and its tributaries.

Reasonably Foreseeable Methods of Compliance

Compliance with the revised TMDL allocations will require actions to reduce or eliminate nitrogen discharges. Such actions may include:

- Diversion of nitrogen-containing waste discharges to sanitary sewers
- Implementation of one or more types of nitrogen treatment facilities, such as constructed wetlands, bioreactors, or bioswales
- Stream restoration
- Enforcement of existing water quality regulations that prohibit non-storm runoff in discharges from storm sewers to waters of the state
- Landscape retrofit projects to reduce nitrogen fertilizer use

NSMP: Watershed stakeholders have been engaged in an extensive Nitrogen and Selenium Management Program (NSMP) designed to address selenium and nitrogen-related impairment in Newport Bay and its watershed. The proposed implementation plan is expected to rely on the comprehensive selenium management plan, including a phased, prioritized program of Best Management Practices (BMPs), developed through the NSMP. As denitrification is a pre-requisite for most selenium treatment methods, implementation of the selenium management plan is expected to result in achievement of nitrogen load allocations for most groundwater dischargers.

A collaborative and adaptive management approach is anticipated, coupled with Regional Board issuance and/or modification of waste discharge requirements, or waivers there from, as necessary and appropriate to assure TMDL implementation.