

ATTACHMENT 1  
RESOLUTION NO. R5-2002-0151  
AMENDMENT TO BASIN PLAN  
TO CLARIFY THE PROCESS OF CHANGING BENEFICIAL USES  
AND UPDATING THE LANGUAGE

Revise Basin Plan sections as follows:

~~CHAPTER II – PRESENT AND POTENTIAL BENEFICIAL USES~~

~~Add the following sentence to the end of the “Surface Waters” section on Page II-2.00:~~

~~The judgment of the Regional Board on beneficial use evaluations and designations, particularly to change the above designated and assigned beneficial uses, will be conducted in accordance with California Water Code Sections 13240 through 13247 and 40 CFR Part 131 which relate to the adoption and approval of water quality control plans and water quality standards.~~

CHAPTER III – WATER QUALITY OBJECTIVES

Revise Page III-1.00, second paragraph of the “first point”, first sentence, as follows:

*Changes to the objectives can also occur because of new scientific information on the effects of specific constituents ~~water contaminants~~.*

CHAPTER IV – IMPLEMENTATION

Revise Page IV-4.00, “Mineral Exploration and Extraction” section, last sentence of third paragraph as follows:

*... Mining waste management facilities and associated mining operations are regulated through the issuance of waste discharger requirements under the State and Regional Water Boards’ Discharges of Waste to Land hazardous and solid waste regulatory program (Title 23, California Code of Regulations (CCR), Division 3, Chapter 15/ and Title 27, CCR, Division 2, Subdivision 1).*

Revise Page IV-5.00, first paragraph under the “Hazardous and Non-Hazardous Waste Disposal” section as follows:

*... If the concentrations of ~~pollutants~~ constituents in the land-discharged waste are sufficiently high to prevent the waste from being classified as “inert waste” under 23 CCR, Section 252427 CCR, Section 20230, discharges of such wastes to waste management units require long term containment or active treatment following the discharge in order to prevent waste or waste constituents from migrating to and impairing the beneficial uses of waters of the State.*

Revise Page IV-5.00, third paragraph under the “Hazardous and Non-Hazardous Waste Disposal” section as follows:

*... Recent monitoring efforts under the State and Regional Water Boards’ Title 23, CCR Division 3, Chapter 15/; Title 27 CCR, Division 2, Subdivision 1; and SWAT programs have revealed that*

*discharges of municipal solid wastes to unlined and single clay lined landfills have resulted in ground water degradation and pollution by volatile organic constituents (VOCs) and other waste constituents.*

Revise Page IV-6.00, last paragraph of the “Hazardous and Non-Hazardous Waste Disposal” section as follows:

~~... The State Water Board is in the process of developing revised regulations under 23 CCR, Division 3, Chapter 15, Discharges of Waste to Land, to fully implement water quality related portions of the RCRA Subtitle D federal regulations.~~

Revise the “Water Bodies with Special Water Quality Problems” section on Page IV-6.007.00 as follows:

*Water quality management may require the identification and ranking of water bodies with regard to certain quality parameters. Water Quality Limited Segments (WQLSs) are one example of expressing water quality problems by water bodies. WQLSs are those sections of lakes, streams, rivers or other fresh water bodies where water quality does not meet (or is not expected to meet) water quality standards even after the application of appropriate effluent limitations for point sources (40 CFR 130, et seq.).*

*Additional treatment beyond minimum federal requirements will be imposed on dischargers to WQLSs. Dischargers will be assigned or allocated a maximum allowable load of critical pollutants so that water quality objectives can be met in the segment.*

*The Regional Water Board's ~~current~~ list of WQLSs is ~~Appendix Item 38~~ updated biennially as required by Clean Water Act Section 303(d). The current list may be obtained by contacting the Regional Water Board office.*

Revise Item 2 under “Control Action Considerations of the State Water Board” on Page IV-8.00 as follows:

*2. State Water Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Water in California.*

*The State Water Board adopted this policy on 28 October 1968. The policy generally restricts the Regional Water Board and dischargers from reducing the water quality of surface or ground waters even though such a reduction in water quality might still allow the protection of the beneficial uses associated with the water prior to the quality reduction. The goal of the policy is to maintain high quality waters.*

*Changes in water quality are allowed only if the change is consistent with maximum benefit to the people of the State; does not unreasonably affect present and anticipated beneficial uses; and, does not result in water quality less than that prescribed in water quality control plans or policies.*

*USEPA water quality standards regulations require each state to adopt an “antidegradation” policy and specify the minimum requirements for the policy (40 CFR 131.12). ~~Resolution No. 68-16 preceded the federal policy and applies to both ground and surface waters.~~ The State Water*

*Board has interpreted State Water Board Resolution No. 68-16 to incorporate the federal antidegradation policy. The Regional Water Board implements Resolution No. 68-16 consistent with the federal antidegradation policy where the federal regulations apply. Resolution No. 68-16 applies to both ground and surface waters of the state. Therefore, the federal antidegradation policy must be followed where it is applicable. The federal antidegradation policy applies if a discharge or other activity, which began after 28 November 1975, will lower surface water quality. Application of the federal policy may be triggered by water quality impacts or mass loading impacts to receiving waters. Resolution No. 68-16 is Appendix Item 2; the federal policy is Appendix Item 39.*

Add the following to the “Control Action Considerations of the State Water Board” section on Page IV-10.00:

15. Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California” (a.k.a. State Implementation Plan or SIP)

In March 2000, the State Water Board adopted the SIP in Resolution No. 2000-015. This Policy establishes:

(1) Implementation provisions for priority pollutant criteria promulgated by the U.S.

Environmental Protection Agency (U.S. EPA) through the National Toxics Rule (40 CFR 131.36) (promulgated on 22 December 1992 and amended on 4 May 1995) and through the California Toxics Rule (40 CFR 131.38) (promulgated on 18 May 2000 and amended on 13 February 2001), and for priority pollutant objectives established by Regional Water Boards in their basin plans; and

(2) Monitoring requirements for 2,3,7,8-TCDD equivalents; and

(3) Chronic toxicity control provisions.

In addition, this Policy includes special provisions for certain types of discharges and factors that could affect the application of other provisions in this Policy.

Revise Page IV-10.00, first item under the “Programs” section as follows:

1. Discharges of Hazardous Waste to Land, California Code of Regulations Title 23, Division 3, Chapter 15 and Consolidated Regulations for Treatment, Storage, Processing or Disposal of Solid Waste, California Code of Regulations Title 27, Division 2, Subdivision 1

Title 23, CCR, Division 3 Chapter 15 and Title 27 CCR, **Division 2, Subdivision 1** includes regulations governing discharges of hazardous and solid waste to land for treatment, storage, or disposal.

Revise Page IV-18.00, first paragraph under Item 9 as follows:

The Regional Water Board's strategy for managing contaminated sites is guided by several important principles, which are based on Water Code Sections 13000 and 13304, the Title 23, CCR, Division 3, Chapter 15 and Title 27, CCR, **Division 2, Subdivision 1** regulations and State Water Board Resolution Nos. 68-16 and 92-49:

Revise Page IV-18.00, first paragraph under Item 9a as follows:

*The Regional Water Board will require conformance with the provisions of State Water Board Resolution No. 68-16 in all cases and will require conformance with applicable or relevant provisions of 23 CCR, Division 3, Chapter 15 and 27 CCR, Division 2, Subdivision 1 to the extent feasible.*

Revise Page IV-21.00, first paragraph under Item 9l as follows:

*Where leachable/mobile concentrations of constituents of concern remain on-site in concentrations which threaten water quality, the Regional Water Board will require implementation of applicable provisions of Title 23, CCR, Division 3 Chapter 15 ~~and Title 27, CCR, Division 2, Subdivision 1~~. Relevant provisions of Title 23, CCR, Division 3 Chapter 15 ~~and Title 27, CCR, Division 2, Subdivision 1~~ which may not be directly applicable, but which address situations similar to those addressed at the cleanup site will be implemented to the extent feasible, in conformance with Title 23, CCR, Section 2511(d)/27 CCR, Section 20090(d). This may include, but is not limited to, surface or subsurface barriers or other containment systems, ~~pollutant~~ waste immobilization, toxicity reduction, and financial assurances.*

#### APPENDIX

Remove Appendix 38,