

**10/05/10 BD MEETING – ITEM #5
STAFF CHANGE #1(CIRCULATED 09/30/10)**

This Change Sheet covers the revisions made to the proposed Resolution approving an amendment to the Water Quality Control Plan for the Sacramento River and the San Joaquin River Basins for the Control of Selenium in the Lower San Joaquin River. Central Valley Regional Water Quality Control Board Resolution No. R5-2010-0046. State Water Board Staff proposes to make changes to paragraph two, page three, and Staff Recommendation number two in the Staff Fact Sheet. State Water Board Staff also proposes a change to finding number eight, and the resolved clause number two in the draft State Water Board Resolution, as follows.

CHANGES TO THE DRAFT STATE WATER BOARD FACT SHEET

COMPLIANCE SCHEDULE TIME EXTENSION

The amendments will allow discharges from the Grasslands Bypass Project area to continue to impact Mud Slough (north) and the San Joaquin River between the Mud Slough discharge and the confluence with the Merced River for up to an additional nine years, three months. The original compliance schedule set October 1, 2010 as the end date for the agricultural subsurface discharges into Mud Slough. Other objectives outlined in the 1996 amendment have been met, except for the 5 µg/L (4-day average) objective at Mud Slough and the San Joaquin River between the Mud Slough discharge and the confluence with the Merced River. This extension will allow discharges to continue at Mud Slough and the objective to be exceeded until December 31, 2019. Since the selenium control program implements major portions of the 2001 San Joaquin River Selenium Total Maximum Daily Load (TMDL), these amendments will revise the implementation of the TMDL. ~~In addition, selenium is a priority pollutant covered by the California Toxics Rule (CTR) and the change to the compliance schedule will require U.S. EPA approval.~~

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan adopted under Central Valley Water Board Resolution R5-2010-0046.
2. Authorizes the Executive Director, or designee, to transmit the amendments adopted under Central Valley Water Board Resolution R5-2010-0046 to the Office of Administrative Law and to the U.S. Environmental Protection Agency for approval if necessary.

CHANGES TO THE DRAFT STATE WATER BOARD RESOLUTION

WHEREAS:

8. The Basin Plan amendments do 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 amendments must also be approved by the U.S. Environmental Protection Agency (U.S. EPA).~~

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

2. Authorizes the Executive Director or designee to submit the amendment adopted under Central Valley Water Board Resolution No. R5-2010-0046 to the Office of Administrative Law and to the U.S. Environmental Protection Agency for approval if necessary.