

ITEM: 16

SUBJECT: Clean Water Action Sections 305(b) and 303(d) Integrated Assessment Report for the Central Valley Region – *Board Workshop*

BOARD ACTION: Information Item only, no formal action. Staff presentation and oral comments for consideration in development of draft Integrated Assessment Report and proposed revisions to the 2012 Clean Water Act Section 303(d) list of impaired water bodies

BACKGROUND: Central Valley Water Board staff is proposing revisions to the Clean Water Act (CWA) Section 303(d) list of impaired water bodies (303(d) List) and presenting the draft Clean Water Act Section 305(b) report on the water quality condition of waters within the Central Valley Region. The purpose of the Board Workshop is to provide information, answer questions, receive input, and facilitate discussion with the Central Valley Water Board Members and the public on the draft 305(b)/303(d) Integrated Report with focus on the proposed revisions to the 303(d) List.

Section 303(d) requires the State to develop and submit to the U.S. Environmental Protection agency (USEPA) for approval a list of impaired waters, where applicable water quality standards are not being attained or are not expected to be attained with the implementation of technology-based controls. Water bodies are included on the 303(d) List of Water Quality Limited Segments after evaluation of available water quality data using the methodology for determining impairment identified in the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy). In addition, water bodies currently on the 303(d) List can be delisted when evidence indicates that the water body meets water quality standards or when the original listing is determined to be in error. The resulting 303(d) List of impaired water bodies includes the pollutant causing the impairment, potential sources, and a schedule for developing a Total Maximum Daily Load (TMDL) for each waterbody-pollutant combination. Impaired water bodies on the 303(d) List must be addressed through the development of TMDLs or by other means as described in the State's Water Quality Control Policy for Addressing Impaired Waters.

In addition, Section 305(b) of the CWA requires each State to report biennially to the USEPA on the water quality condition of its waters. In order to meet CWA Section 305(b) requirements of reporting on the water quality condition of waters, each waterbody segment was assigned to one of five non-overlapping, overall beneficial use-support categories based on the assessment of the available water quality data. For each waterbody segment assessed, a beneficial use support rating of fully supporting, not supporting, or insufficient information, is determined for each of six "core" beneficial uses; aquatic life, drinking water supply, fish consumption, non-contact recreation, shell fishing, and swimming. During the current evaluation for the Central Valley Water Board's Integrated Report, 648 waterbody segments were placed into one of five Integrated Report beneficial use support categories based on the assessment of the available water quality data. The categories and numbers of water bodies in each category are listed below.

Category Description

1. At least one beneficial use is supported and no beneficial uses are known to be impaired (43 waterbody segments);
2. There is insufficient information to determine beneficial use support; (247 waterbody segments);
3. There is insufficient information to make a beneficial use support determination but information indicates beneficial uses may be potentially threatened (0 waterbody segments);
4. At least one beneficial use is not supported but a TMDL is not needed (10 waterbody segments); and
5. At least one beneficial use is not supported and a TMDL is needed (348 waterbody segments).

Water quality data developed by internal programs and provided by outside agencies resulted in significantly more information than was available during the previous 303(d) List updates. The additional information resulted in over 11,000 fact sheets, each assessing a unique waterbody-pollutant combination, being developed during this evaluation. These fact sheets contain over 17,000 lines of evidence. Due to the extensive amount of water quality information, evaluations were prioritized to ensure assessment of available data for all natural water bodies and water bodies previously listed. Information on constructed agricultural drains was compiled but not assessed except for previously listed drains.

There are 286 proposed new 303(d) listings that require TMDL development and 38 proposed delistings. The number of proposed new listings does not necessarily reflect an overall decrease in water quality since the previous (2012) listing cycle and, more likely, reflects an increase in the amount of water quality data available for consideration.

Included in this agenda package are the workshop notice, information sheet, Integrated Report, and Appendix A of the Integrated Report. Appendix A is the 303(d) List with recommended changes and additions highlighted. The rest of the Integrated Report, along with any comment letters received to date, can be downloaded from the Regional Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/tmdl/impaired_waters_list/index.shtml

ISSUES:

Central Valley Water Board staff proposes a category change to the current 303(d) List that includes a number of waterbody-pollutant combinations that staff recommends be re-categorized from Category 5 (TMDL required) to Category 4b (being addressed with another, USEPA-approved enforceable program). This is the first time the Central Valley 303(d) List would include Category 4b. Staff determined that an existing regulatory program—the Irrigated Lands Regulatory Program—is reasonably expected to result in the attainment of the water quality standard within a reasonable, specified time frame for 76 waterbody-pollutant combinations. Of these 76 waterbody-pollutant combinations, 53 were identified as impaired on the previous 303(d) List, and 21 are newly identified impairments. Staff focused Category 4b evaluations on pesticides such as chlorpyrifos, diazinon, and diuron. Based on public and multi-agency review comments, staff may expand the Category 4b assessment for the next 303(d) List update cycle to include additional pollutants. Identifying waterbody impairments addressed by existing regulatory programs both

identifies the effectiveness of existing programs and enables the TMDL Program to focus its efforts on impairments that will not be otherwise addressed.

RECOMMENDATION: Information item only, no Board action is required.

Mgmt. Review AL
Legal Review SY
October 13/14, 2016
Redding City Hall