

ITEM: 7

SUBJECT: Clean Water Act Sections 305(b) and 303(d)
Integrated Report for the Central Valley Region

BOARD ACTION: *Consideration of Adoption of Resolution*

BACKGROUND: This Integrated Report provides the recommendations of the staff of the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) for changes to the Clean Water Act (CWA) Section 303(d) list of impaired waterbodies and a Clean Water Act Section 305(b) report on the water quality condition of waters within the Central Valley Region.

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 existing 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, waterbodies currently on the 303(d) List can be delisted when evidence suggests that the water body meets water quality standards. The resulting 303(d) List of impaired waterbodies includes the pollutant causing the impairment, potential sources, and a schedule for developing a Total Maximum Daily Load (TMDL) for each pollutant-water body combination. Impaired waterbodies 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 Regional Water Board’s 2008 Integrated Report, 386 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 waterbodies in each category are listed below.

Category Description

1. All core beneficial uses are supported (0-waterbody segments);
2. At least one core beneficial use is supported (24-waterbody segments);
3. Insufficient information to determine beneficial use support (95-waterbody segments);
4. At least one beneficial use is not supported but a TMDL is not needed (6-waterbody segments)
5. At least one beneficial use is not supported and a TMDL is needed (261-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. Over 1,800 fact sheets, each assessing a unique waterbody-pollutant combination, were developed during this evaluation. These fact sheets contain over 3,700 lines of evidence. There are 390 proposed new 303(d) listings and 23 proposed de-listings. The large number of new listings is likely due to the large volume of new water quality data that was available since the most recent (2006) 303(d) List update, the protective water quality standards applicable to these waterbodies, and the requirements of the Listing Policy to evaluate all readily available data. Therefore, the number of proposed new listings does not necessarily reflect an overall decrease in water quality since the previous (2006) listing cycle and, more likely, reflects an increase in the amount of water quality data available for consideration.

Regional Water Board staff circulated a public review draft report on 22 January 2009 for public comment, and held a stakeholder meeting on 10 March 2009 to discuss the draft Integrated Report. Written comments received within the comment period have been responded to and resulted in several changes to the proposed 303(d) List that is now contained in the Regional Water Board's 2008 Integrated Report.

Included in this agenda package is the hearing notice, Staff Report, Resolution approving the 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 comment letters and responses to comments can be downloaded from the Regional Water Board website at http://www.caterboards.ca.gov/centralvalley/water_issues/tmdl/impaired_waters_list/303d_list.shtml

ISSUES:

Significant issues addressed in the comments include the following:

- Use and application of narrative water quality objectives in applying evaluation criteria. Staff believes that the rationale for selecting criteria that was used to make impairment listing decisions is supported by existing Basin Plan and provisions in the listing policy.
- Temperature listings in the San Joaquin River watershed and elsewhere. Staff believes that the listing decisions were based on a consistent application of the listing policy.
- Proposed metals listings based on CTR aquatic life criteria. Staff agrees that total metals concentrations should not be used to evaluate compliance with CTR aquatic life criteria. The Integrated Report has been revised accordingly.
- Inappropriate beneficial use designations. Inappropriate use designations may result in impairment listings that are incorrect. Staff indicated that, for this evaluation, water concentration data had to be compared with existing designated beneficial uses and that there were other forums to discuss beneficial use designations, including triennial basin plan reviews.

- Impaired water body segment size. Staff used best professional judgment to determine the appropriate segment size. Segment sizes were revised in cases where commenters provided appropriate information that supported the suggested change.

RECOMMENDATION: Adopt the proposed resolution.

Mgmt. Review _____

Legal Review _____

11/12 June 2009
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