



California Regional Water Quality Control Board ATTACHMENT 1  
Central Valley Region

Katherine Hart, Chair



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DIVISION OF WATER QUALITY

TO: Darrin Polhemus, Chief  
Division of Water Quality  
State Water Resources Control  
Board

FROM: Pamela C. Creedon  
Executive Officer  
Central Valley Water Board

DATE: 6 April 2010

SIGNATURE:

SUBJECT: **MINOR, NON-SUBSTANTIVE CHANGES TO THE BASIN PLAN AMENDMENT  
ADOPTED UNDER CENTRAL VALLEY WATER BOARD RESOLUTION  
NO. R5-2009-0069**

The Central Valley Water Board adopted an amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan) on 13 August 2009 under Resolution No. R5-2009-0069 to correct editing errors and make other language updates to the Basin Plan. Central Valley Water Board Resolution No. R5-2009-0069 grants the Executive Officer the authority to make minor, non-substantive changes to the language of the adopted Basin Plan amendment.

State Water Board staff has identified a need for minor, non-substantive corrections to the amendment to improve clarity. I am hereby making minor, non-substantive changes to the Basin Plan amendment included with Resolution No. R5-2009-0069. Attached are the revisions to the Basin Plan amendment.

If you have any questions about this matter please contact me at (916) 464-3291 or Betty Yee at (916) 464-4643.

Attachment

cc: Central Valley Water Board Members  
Lori Okun, OCC  
Rik Rasmussen, DWQ  
Peter Martin, DWQ

California Environmental Protection Agency



RESOLUTION NO. R5-2009-0069  
NON-REGULATORY AMENDMENTS TO BASIN PLAN

Minor, non-substantive changes to the Basin Plan Amendment language made by the Central Valley Water Board's Executive Officer on 30 March 2010 are indicated by **highlight**. Revise Basin Plan sections as follows:

CHAPTER II: PRESENT AND POTENTIAL BENEFICIAL USES

Modify Footnote 9 of Table II-1 as follows:

Per State Water Board Resolution No. 90-28, Marsh Creek and Marsh Creek Reservoir in Contra Costa County are assigned the following beneficial uses: REC1 and REC2 (potential uses), WARM, WILD, and RARE

CHAPTER III: WATER QUALITY OBJECTIVES

Modify Table III-1 as follows:

<u>CONSTITUENT</u>	<u>MAXIMUM CONCENTRATION</u>	<u>APPLICABLE WATER BODIES</u>
Boron	2.0 (15 March through 15 September)	San Joaquin River, mouth of the Merced River to Vernalis
	0.8 (monthly mean, 15 March through 15 September)	
	2.6 (16 September through 14 March)	
	1.0 (monthly mean, 16 September through 14 March)	
	1.3 (monthly mean, critical year <sup>b</sup> )	
<u>5.8</u>		<u>Salt Slough, Mud Slough (north), San Joaquin River from Sack Dam to the mouth of Merced River</u>
<u>2.0 (monthly mean, 15 March through 15 September)</u>		

Revise page III-3.00, first paragraph under "Chemical Constituents" as follows:

Waters shall not contain chemical constituents in concentrations that adversely affect beneficial uses. The chemical constituent objectives in Table III-1 apply to the water bodies specified. Metal objectives in the table are dissolved concentrations. Selenium, molybdenum, and boron objectives are total concentrations. Water quality objectives are also contained in the Water Quality Control Plan for Salinity the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, adopted by the State Water Board in May 1994-1995 and revised in 2006.

Revise "Radioactivity" on page III-6.01 as follows:

... waters designated for use as domestic or municipal supply (MUN) shall not contain concentrations of radionuclides in excess of the maximum contaminant levels (MCLs) specified in Table 64442 of Section 64442 and Table 64443-4 (MCL Radioactivity) of Section 64443 of Title 22 of the California Code of

Regulations, which are incorporated by reference into this plan. This incorporation-by-reference is prospective, including future changes to the incorporated provisions as the changes take effect.

Revise Page III-6.01, paragraph under “Salinity – Electrical Conductivity, Total Dissolved Solids, and Chloride--Delta Waters” as follows:

~~The objectives for salinity (electrical conductivity, total dissolved solids, and chloride) which apply to the Delta are listed in Table III-5 at the chapter's end. See Figure III-2 for an explanation of the hydrologic year type classification system. The objectives in Table III-5 were adopted by the State Water Board in May 1991 in the Water Quality Control Plan for Salinity. See the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, 2006, for salinity objectives applicable in the Delta.~~

Revise page III-8.00, second paragraph under “Temperature” as follows:

Temperature objectives for COLD interstate waters, WARM interstate waters, and Enclosed Bays and Estuaries are as specified in the *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays of California* including any revisions. There are also temperature objectives for the Delta in the State Water Board's ~~May 1991 Water Quality Control Plan for Salinity~~ 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

Delete Figure III-2 and Table III-5.

#### CHAPTER IV: IMPLEMENTATION

Revise the introduction to State Water Board Policies and Plans on page IV-8.00 as follows:

~~The~~ There are ten State Water Board adopts water quality control policies and ~~three State Water Board~~ water quality control plans to which Regional Water Board actions must conform.

Revise the third paragraph of Item 13 on Page IV-10.00 as follows:

In response to the Court's decision, the State Water Board adopted the Water Quality Control Plan for Salinity in May 1991. ~~The Delta salinity, temperature, and dissolved oxygen standards contained in the plan are identified in Table III-5 of Chapter III. The May 1991 Plan was superceded in May 1995 when the State Water Board adopted the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. This Plan was revised in 2006. The State Water Board's Plan includes water quality objectives for salinity, temperature and dissolved oxygen that are applicable in the Delta.~~

Revise Item 14 on Page IV-10.00 as follows:

*Nonpoint Source Management Plan and the Nonpoint Source Implementation and Enforcement Policy*

~~In 1988, the State Water Board adopted (Resolution 88-123) a Nonpoint Source Management Plan. The Plan describes three general management approaches that are to be used to address nonpoint source problems. These are 1) voluntary implementation of best management practices, 2) regulatory based encouragement of best management practices and 3) adopted effluent limits.~~

~~The approaches are listed in order of increasing stringency. In general the least stringent option that successfully protects or restores water quality should be employed, with more stringent measures considered if timely improvements in beneficial use protection are not achieved. The Regional Water Board will determine which approach or combination of approaches is most appropriate for any given nonpoint source problem.~~

In December 1999, the State Water Board, in its continuing efforts to control nonpoint source (NPS) pollution in California, adopted the *Plan for California's Nonpoint Source Pollution Control Program (NPS Program Plan)*. The NPS Program Plan upgraded the State's first *Nonpoint Source Management Plan* adopted by the State Water Board in 1988 (1988 Plan). Upgrading the 1988 Plan with the NPS Program Plan brought the State into compliance with the requirements of Section 319 of the Clean Water Act and Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990.

The NPS Implementation and Enforcement Policy, adopted by the State Water Board on 20 May 2004 (State Water Board Resolution No. 2004-0030), explains how the Porter-Cologne Act mandates and authorities, delegated to the State Water Board and Regional Water Boards by the California Legislature, will be used to implement and enforce the NPS Program Plan. The policy also provides a bridge between the NPS Program Plan and the *SWRCB Water Quality Enforcement Policy*.

Add the following description as Item 16 of the "Control Action Considerations of the State Water Board" on page IV-10.01:

*Water Quality Enforcement Policy (Enforcement Policy)*

The State Water Board adopted the Enforcement Policy on 19 February 2002. The primary goal of this Enforcement Policy is to create a framework for identifying and investigating instances of noncompliance, for taking enforcement actions that are appropriate in relation to the nature and severity of the violation, and for prioritizing enforcement resources to achieve maximum environmental benefits.

Add the following description as Item 17 of the “Control Action Considerations of the State Water Board” on Page IV-10.01:

*Water Quality Control Policy for Developing California’s Clean Water Act Section 303(d) List*

Pursuant to California Water Code section 13191.3(a), this State policy for water quality control describes the process by which the State Water Board and the regional water boards will comply with the listing requirements of section 303(d) of the federal Clean Water Act. The objective of this policy is to establish a standardized approach for developing California’s section 303(d) list in order to achieve the overall goal of achieving water quality standards and maintaining beneficial uses in all of California’s surface waters.

Add the following description as Item 18 of the “Control Action Considerations of the State Water Board” on Page IV-10.01:

*Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options*

Section 303(d) of the Clean Water Act requires states to identify waters within their borders that are not attaining water quality standards. This State policy for water quality control describes the existing tools and mechanisms that the regional water boards will use to address the water bodies listed as impaired under section 303(d) of the federal Clean Water Act.

Add the following description as Item 19 of the “Control Action Considerations of the State Water Board” on Page IV-10.01:

*Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits*

The Policy authorizes the Regional Water Board to include a compliance schedule in a permit for an existing discharger to implement a new, revised, or newly interpreted water quality objective or criterion in a water quality standard that results in a permit limitation more stringent than the limitation previously imposed.

Revise the “Regional Water Board Waivers” subsection on pages IV-22.00 and IV-23.00 as follows:

State law allows Regional Water Boards to conditionally waive WDRs for a specific discharge or types of discharges where the waiver is consistent with any applicable state or regional water quality control plan and it is in not against the public interest. A waiver may not exceed five years in duration, but may be renewed by a Regional Water Board. Waiver conditions must include monitoring

requirements unless the Regional Water Board determines that the discharge does not pose a significant threat to water quality. Prior to renewing any waiver for a specific type of discharge, the Regional Water Board shall review the terms of the waiver policy at a public hearing. At the hearing, the Regional Water Board shall determine whether the discharge for which the waiver policy was established should be subject to general or individual waste discharge requirements. (Water Code section 13269)

~~On 26 March 1982, the Regional Water Board adopted Resolution No. 82-036 to waive WDRs for certain discharges. The types of discharges and the limitations on the discharges which must be maintained if the waivers are to apply are shown in Table IV-1. These waivers are conditional and may be terminated at any time.~~

~~The Regional Water Board adopted two additional conditional waivers, one for retail fertilizer facilities (Resolution No. 89-247) and one for pesticide applicator facilities (Resolution No. 90-34). The waivers and their attached conditions are included in the appendix (Items 31 and 32).~~

The Regional Water Board may, after compliance with the California Environmental Quality Act (CEQA), allow short-term variances from Basin Plan provisions, if determined to be necessary to implement control measures for vector and weed control, pest eradication, or fishery management which are being conducted to fulfill statutory requirements under California's Fish and Game, Food and Agriculture, or Health and Safety Codes. In order for the Regional Water Board to determine if a variance is appropriate, agencies proposing such activities must submit to the Regional Water Board project-specific information, including measures to mitigate adverse impacts.

**TABLE IV-1**

**~~WASTE DISCHARGE REQUIREMENT WAIVER AND LIMITATIONS~~**

<u>TYPE OF WASTE DISCHARGE</u>	<u>LIMITATIONS</u>
<del>Air conditioner, cooling and elevated temperature waters</del>	<del>Small volumes which will not change temperature of receiving water more than 1 degree C.</del>
<del>Drilling muds</del>	<del>Discharged to a sump with two feet of freeboard. Sump must be dried by evaporation or pumping. Drilling mud may remain in sump only if discharger demonstrates that it is nontoxic. Sump area shall be restored to pre-construction state within 60 days of completion or abandonment of well.</del>
<del>Clean oil containing no toxic materials</del>	<del>Used for beneficial purposes such as dust control, weed control and mosquito abatement where it cannot reach state waters.</del>

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<del>Inert solid wastes (per California Code of Regulations, Section 2524)</del>	<del>Good disposal practices.</del>
<del>Test pumpings of fresh water wells.</del>	<del>When assurances are provided that pollutants are neither present nor added.</del>
<del>Storm water runoff</del>	<del>Where no water quality problems are contemplated and no federal NPDES permit is required.</del>
<del>Erosion from development</del>	<del>Where BMP plans have been formulated and implemented.</del>
<del>Pesticide rinse waters from applicators</del>	<del>Where discharger complies with Regional Water Board guidance.</del>
<del>Confined animal wastes</del>	<del>Where discharger complies with Regional Water Board guidance.</del>
<del>Minor stream channel alterations and suction dredging</del>	<del>Where regulated by Department of Fish and Game agreements.</del>
<del>Small, short term sand and gravel operations</del>	<del>All operations and wash waters confined to land.</del>
<del>Small, metal mining operations</del>	<del>All operations confined to land, no toxic materials utilized in recovery operations.</del>
<del>Swimming pool discharges</del>	<del>Where adequate dilution exists or where beneficial uses are not affected.</del>
<del>Food processing wastes spread on land</del>	<del>Where an operating/maintenance plan has been approved.</del>
<del>Construction</del>	<del>Where BMPs are used.</del>
<del>Agricultural commodity wastes</del>	<del>Small, seasonal and confined to land.</del>
<del>Industrial wastes utilized for soil amendments</del>	<del>Where industry certifies its nontoxic content and BMPs are used for application.</del>
<del>Timber harvesting</del>	<del>Operating under an approved timber harvest plan.</del>
<del>Minor hydro projects</del>	<del>Operating under water rights permit from State Water Board or Department of Fish and Game agreement and no water quality impacts anticipated.</del>
<del>Irrigation return water (tail water)</del>	<del>Operating to minimize sediment to meet Basin Plan turbidity objectives and to prevent concentrations of materials toxic to fish or wildlife.</del>
<del>Projects where application for Water Quality Certification is required</del>	<del>Where project (normally minor construction) is not expected to have a significant water quality effect and project complies with Dept. of Fish and Game agreements.</del>
<del>Septic tank/leachfield systems</del>	<del>Where project has county permit and county uses Water Board Guidelines.</del>

Delete the introductory paragraph on page IV-30.00 under "Actions and Schedule to Achieve Water Quality Objectives," as follows:

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~~The Regional Water Board expects to implement the actions identified below over the fiscal year (FY) period 1993/1994 through 1995/1996. The problems to which the actions respond were identified as a result of the Regional Water Board's 1993 Triennial Review. The actions and schedules assume that the Regional Water Board has available a close approximation of the mix and level of resources it had in FY 1993/1994. The actions are identified by major water quality problem categories.~~

Delete the sections on "Beneficial Use Impairments from Logging, Construction, and Associated Activities," "Dairies" and "Nutrient and Pesticide Discharges from Nurseries" on page IV-37.00.

#### APPENDIX

Remove Appendices 31 and 32.