

19.1 Introduction

State Water Resources Control Board Resolution 68-16 (Antidegradation Policy) protects surface and ground waters from degradation. It states that waters having quality that is better than that established in effective policies shall be maintained unless any change will be consistent with the maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial uses and will not result in water quality less than that prescribed in the policies. The State Water Resource Control Board (State Water Board) will consider all relevant information and determine if the Lower San Joaquin River (LSJR) alternatives or southern Delta Water Quality (SDWQ) alternatives would unreasonably affect the water quality or adversely affect the designated beneficial uses of water from the estuary in the final SED. This chapter summarizes the antidegradation policies with which the State Water Board must be consistent.

19.2 Antidegradation Policies

The state and federal antidegradation policies are similar and complimentary. The State Antidegradation Policy incorporates the Federal Antidegradation Policy “where applicable” in State Water Resources Control Board Resolution 68-19. Both policies are discussed in this section.

19.2.1 Federal Antidegradation Policy

The Federal Antidegradation Policy was adopted as part of the 1972 amendments to the Federal Water Pollution Control Act (the Clean Water Act) (USEPA 1987). The Federal Antidegradation Policy was enacted to compel the states to enact policies to fully protect existing instream water uses. The Federal Antidegradation Policy, as stated in 40 CFR 131.12 is:

(a) The State shall develop and adopt a statewide antidegradation policy and identify the methods for implementing such policy pursuant to this subpart. The antidegradation policy and implementation methods shall, at a minimum, be consistent with the following:

(1) Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.

(2) Where the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the State finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the State's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the State shall assure water quality adequate to protect existing uses fully. Further, the State shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing

point sources and all cost-effective and reasonable best management practices for nonpoint source control.

(3) Where high quality waters constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.

(4) In those cases where potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy and implementing method shall be consistent with section 316 of the Act.

The Federal Antidegradation Policy establishes three tiers or types of waterbodies to guide antidegradation analysis. Tier 1 maintains and protects existing uses and water quality conditions to support such uses. Tier 1 requirements apply to all surface waters (USEPA 2012). Tier 2 is comprised of “High Quality Waters.” Tier 2 waterbodies have higher water quality than those required to support designated uses (USEPA 1987). Tier 3 is comprised of Outstanding National Resource Waters (*Ibid*). No water quality degradation is allowed in Tier 3 waterbodies.

California has two waterbodies designated as Outstanding National Resource Waters (ONRW): Lake Tahoe and Mono Lake. Additionally, California treats oceanic Areas of Special Biological Significance as ONRW. The project area’s waterbodies are not designated as ONRW, so water degradation is permitted provided that specific requirements are met. The project area’s waterbodies are classified as Tier 2 waterbodies per the Federal Antidegradation Policy.

19.2.2 State of California Antidegradation Policy

The “Statement of Policy With Respect to Maintaining High Quality of Waters in California,” adopted on October 28, 1968 in Resolution 68-16 (Antidegradation Policy), was adopted to prevent degradation of surface water and groundwater in California. The Antidegradation Policy states, in part:

- 1. Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies.*
- 2. Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or purposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.*

19.3 Printed References

United States Environmental Protection Agency (USEPA). 1987. U.S. Environmental Protection Agency Region 9 Guidance on Implementing the Antidegradation Provisions of 40 CFR 131.12. June 3, 1987. Available: <http://water.epa.gov/scitech/swguidance/standards/adeq/upload/Region9_antideg_guidance.pdf>. Accessed: May 23, 2012.

United States Environmental Protection Agency (USEPA). 2012. Antidegradation Policy. March 6, 2012. Available: <<http://water.epa.gov/scitech/swguidance/standards/adeq.cfm>>. Accessed: May 23, 2012.