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GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

TO: Tom Howard
Executive Director
State Water Board

FROM: 
Pamela C. Creedon
Executive Officer
CENTRAL VALLEY WATER BOARD

SUBJECT: MINOR, NON-SUBSTANTIVE CHANGES TO THE BASIN PLAN
AMENDMENTS ADOPTED UNDER CENTRAL VALLEY WATER BOARD
RESOLUTION R5-2014-0041

DATE: 7 March 2017

On 28 March 2014, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted Resolution R5-2014-0041 amending the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan). The amendment is for the control of diazinon and chlorpyrifos discharges in the Sacramento and San Joaquin River Basins below the major dams. On 16 June 2015, the State Water Resources Control Board (State Water Board) approved the amendment under Resolution 2015-0043.

Central Valley Water Board Resolution R5-2014-0041 grants the Executive Officer the authority to make minor, non-substantive changes to the language of the adopted Basin Plan amendment. During Office of Administrative Law review of the administrative record, it was determined that minor-non-substantive corrections to the record are needed for clarity or consistency. One comment summary and response in the Staff Report requires correction. I am hereby adding the following corrections to Comment 3.3 and Response to Comment 3.3 sections of Appendix E of the Staff Report:

Correct the summary for Comment 3.3 to show the underline and strikethrough in the original comment letter, as shown below:

Comment 3.3:

Diazinon and Chlorpyrifos Discharges, Provision 1.c, p. C-5: The language in this subdivision refers to the level of concentrations in the discharge versus concentrations in the receiving waters. Water quality objectives apply to receiving waters and are not discharge limitations. Accordingly, references to meeting water quality objectives in the discharge itself should be deleted. We recommend that this provision be revised as follows: "Encourage implementation of measures or practices by all dischargers that result in concentrations of

chlorpyrifos and diazinon in all applicable waters discharges that are below the water quality objectives.”

Make the following corrections to the Response to Comment 3.3, shown in underline and strikethrough:

Response to Comment 3.3:

Staff agree that water quality objectives apply in the receiving waters and not in the discharge. Provision 1.c is a statement of intent of the program, to encourage implementation of practices that will achieve the water quality objective concentration in their discharge, since that would guarantee attainment of the water quality objectives in the receiving water. Provision 1.c is not a regulatory requirement; therefore it was not necessary to delete the word “discharges” from that provision. ~~The intent of this control program is to encourage implementation of practices that will achieve the water quality objective concentration in their discharge, since that would guarantee attainment of the water quality objectives in the receiving water.~~ This language has been clarified in Provision 1.c of the Proposed Amendment. The language proposed by the commenter was not included in the Proposed Amendment as this language would give the impression that the Board will seek voluntary compliance, when the Board will instead impose mandatory requirements requiring discharger to achieve compliance with the water quality objectives the implementation of practices to attain water quality objectives in the receiving water is something voluntary, that is being “encouraged” by the Board, when in fact it is required by the Board.

If you have any questions regarding this matter, please contact Daniel McClure of my staff at 916-464-4751 or daniel.mcclure@waterboards.ca.gov.

cc: Central Valley Water Board Members
Patrick Pulupa, OCC
Rik Rasmussen, DWQ