

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2014-XXXX

AMENDMENTS TO THE WATER QUALITY CONTROL PLAN
FOR
THE TULARE LAKE BASIN TO EDIT AND UPDATE LANGUAGE

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board) finds that:

1. In 1975 the Central Valley Water Board adopted the Water Quality Control Plan for the Tulare Lake Basin (Basin Plan), which has been amended occasionally.
2. The Basin Plan may be amended in accordance with the California Water Code Section 13240, et seq.
3. California Water Code section 13241 authorizes the Central Valley Water Board to establish water quality objectives and California Water Code section 13242 sets forth the requirements for a program for implementation for achieving water quality objectives.
4. The Clean Water Act (33 United States Code (USC) § 1251 et seq.) section 303 requires the Central Valley Water Board to develop water quality objectives which are sufficient to protect beneficial uses designated for each water body found within its region.
5. The Clean Water Act section 303 requires the Central Valley Water Board to review the Basin Plan at least every three years and where appropriate modify water quality objectives or beneficial uses in the Basin Plan.
6. The Central Valley Water Board has prepared draft amendments which correct the description of the boundary between the San Joaquin River Basin and the Tulare Lake Basin; remove, correct and update footnotes in several tables; correct typographical errors; and update references to the California Department of Public Health and the California Department of Fish and Wildlife. In addition the amendments incorporate the State Water Resources Control Board (State Water Board) policies for compliance schedules and recycled water and update the incorporation of the implementation policy for toxics and the enforcement policy.
7. The amendments are corrections and updates and the Board is not revising or adopting water quality objectives, so the Water Board is not required to consider the factors in Water Code section 13241.
8. The Central Valley Water Board finds that the draft amendments are corrections of typographical errors and updates and do not have scientific elements requiring independent, external scientific peer review in accordance with Health and Safety Code Section 57004.

9. The Central Valley Water Board finds that the proposed amendments are consistent with the State Water Resources Control Board (State Water Board) Resolution No. 68-16, in that the changes to water quality objectives (i) consider maximum benefit to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies, and that the proposed amendment is consistent with the federal Antidegradation Policy (Code of Federal Regulations, title 40, section 131.12). The proposed amendments correct typographical errors and updates language in the Basin Plan. The amendments will not cause impacts on water quality.
10. The Basin Plan is the basis for regulatory actions by the Regional Water Boards to protect waters of the state and assure compliance with the California Water Code. Therefore, errors in the text should be corrected and the language should be updated to assure that stakeholders are aware of the applicable regulations. The proposed action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).
11. The basin planning process has been certified by the Resources Agency as an exempt regulatory program because its process adequately fulfills the purposes of the California Environmental Quality Act (CEQA). The Central Valley Water Board is therefore exempt from CEQA's requirements to prepare an environmental impact report, negative declaration, or initial study (Public Resources Code, section 21000 et seq.) for the proposed amendment. Instead, the Central Valley Water Board prepares substitute environmental documents under the certified regulatory program. However, the proposed amendments are exempt from the certified regulatory program requirements because those requirements do not apply if the proposed amendments are exempt from CEQA. (Pub. Res. Code § 21080, subd. (b)(1); Cal. Code of Regs., tit. 14, §§ 15060, subd. (c) and 15378, subd. (b)(5); Cal. Code of Regs., tit. 23, § 3720, subd. (b).)
12. Central Valley Water Board staff has prepared draft amendments and a staff report dated December 2013. The staff report included a description of the proposed amendment.
13. Central Valley Water Board staff has circulated a Notice of Public Hearing and a written staff report, including draft proposed amendments, to interested individuals and public agencies, for review and comment in accordance with state and federal environmental requirements. (Wat. Code § 13245; Code of Federal Regulations, title 40, sections 25 and 131).
14. Responses to all comments have been prepared and the draft amendment, staff report and environmental checklist have been revised as appropriate in response to comments.
15. The Central Valley Water Board held a public hearing on XX March 2014, for the purpose of receiving testimony on the draft Basin Plan amendment. Notice of the public

hearing was sent to all interested persons and published in accordance with California Water Code section 13244.

16. A Basin Plan amendment must be approved by the State Water Board, Office of Administrative Law (OAL), and, as appropriate, the U. S. Environmental Protection Agency (USEPA). The proposed amendment becomes effective under State law after OAL approval and becomes effective under the federal Clean Water Act after USEPA approval.
17. The Central Valley Water Board finds that the amendment to the Basin Plan was developed in accordance with California Water Code section 13240, et seq.

THEREFORE BE IT RESOLVED:

1. Pursuant to California Water Code section 13240, et seq., the Central Valley Water Board, after considering the entire record, including oral testimony at the hearing, hereby approves the staff report and adopts the amendment to the Basin Plan as set forth in Attachment 1.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Water Board in accordance with the requirements of California Water Code section 13245.
3. The Central Valley Water Board requests that the State Water Board approve the Basin Plan amendment in accordance with the requirements of Water Code sections 13245 and 13246 and forward it to OAL and the USEPA. The Central Valley Water Board specifically requests USEPA approval of all Basin Plan amendment provisions that require USEPA approval.
4. If during its approval process the Central Valley Water Board staff, State Water Board or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Central Valley Water Board of any such changes.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on XX March 2014.

PAMELA C. CREEDON, Executive Officer

Attachments: Attachment 1: Amendments to the Water Quality Control Plan for the Tulare Lake Basin to Edit and Update Language.

ATTACHMENT 1

RESOLUTION NO. R5-2014-XXXX

AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE TULARE LAKE BASIN TO EDIT AND UPDATE LANGUAGE

Revise Basin Plan sections as follows:

CHAPTER I: INTRODUCTIONS

Revise the description of the Basin boundary on page I-1 as follows:

Note: In 1976, the U.S. Geologic Survey, the Department of Water Resources, and the State Water Resources Control Board agreed upon the hydrologic boundaries for basins within California. The agreed boundaries did not match the planning boundaries in certain cases such as between the San Joaquin River Basin and the Tulare Lake Basin. The planning boundary between the San Joaquin River Basin and the Tulare Lake Basin follows the southern watershed boundaries of the Little Panoche Creek, Moreno Gulch, and Capita Canyon to boundary of the Westlands Water District. From here, the boundary follows the northern edge of the Westlands Water District until its intersection with the Firebaugh Canal Company's Main Lift Canal. The basin boundary then follows the Main Lift Canal to the Mendota Pool and continues eastward along the channel of the San Joaquin River northern boundary of Little Panoche Creek basin, continues eastward along the channel of the San Joaquin River to the southern boundary of the Little Dry Creek watershed (Hydrologic Subareas No. 540.70 and 545.30) Millerton Lake in the Sierra Nevada foothills, and then follows along the southern boundary of the San Joaquin River drainage basin.

CHAPTER II: PRESENT AND POTENTIAL BENEFICIAL USES

Revise incorrect reference to Page II-7: Footnote b as follows:

^b Ground water and spring water within ½ mile radius of the McKittrick Waste Treatment (formerly Liquid Waste Management) site in Section 29, T30S, R22E, MDB&M, are not suitable, or potentially suitable, for municipal or domestic supply (MUN), have no beneficial uses.

CHAPTER III: WATER QUALITY OBJECTIVES

Modify page III-2 as follows:

The Regional Water Board recognizes that immediate compliance with water quality objectives adopted by the Regional Water Board or the State Water Board, or with water quality criteria adopted by the federal Environmental Protection Agency, may not be feasible in all circumstances. Where the Regional Water Board determines it is infeasible for a discharger to comply immediately with such objectives or criteria, compliance shall be achieved in the shortest practicable period of time (determined by the Regional Water Board), not to exceed ten years after the adoption of applicable objectives or criteria. This policy shall apply to water quality objectives and water quality criteria adopted after the effective date of this Basin Plan update. The Regional Water Board will establish compliance schedules in NPDES permits consistent with the provisions of the State Water Board's Compliance Schedule Policy (Resolution 2008-0025). Time schedules in waste discharge requirements are established consistent with Water Code Section 13263.

Modify pages III-3, III-4 and III-7 as follows:

The Regional Water Board will consider all material and relevant information submitted by the discharger and other interested parties and numerical criteria and guidelines for detrimental levels of chemical constituents developed by the State Water Board, the California Office of Environmental Health Hazard Assessment, the California Department of Public Health Services, the U.S. Food and Drug Administration, the National Academy of Sciences, the U.S. Environmental Protection Agency, and other appropriate organizations to evaluate compliance with this objective.

Modify second column of pages III-6 and III-8 as follows:

The Regional Water Board will also consider all material and relevant information submitted by the discharger and other interested parties and numerical criteria and guidelines for toxic substances developed by the State Water Board, the California Office of Environmental Health Hazard Assessment, the California Department of Public Health Services, the U.S. Food and Drug Administration, the National Academy of Sciences, the U.S. Environmental Protection Agency, and other appropriate organizations to evaluate compliance with this objective.

Modify second column on page III-4 and first column on page III-8 as follows:

... waters designated 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, 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.

Modify page III-5, Table III-2 as follows:

**TABLE III-2
 TULARE LAKE BASIN
 MAXIMUM ELECTRICAL CONDUCTIVITY LEVELS**

| <u>Stream</u> | <u>Location</u> | <u>Max. Electrical Conductivity (µmhos/cm)</u> |
|---------------|--|--|
| Kings River | | |
| Reach I | Above Kirch Flat | 100 |
| Reach II | Kirch Flat to Pine Flat Dam | 100 ^a |
| Reach III | Pine Flat Dam to Friant-Kern | 100 |
| Reach IV | Friant-Kern to Peoples Weir | 200 |
| Reach V | Peoples Weir to Island Weir | 300 ^b |
| Reach VI | Island Weir to Stinson Weir on North Fork and Empire Weir No. 2 on South Fork | 300 ^b |
| Kaweah River | | |
| Reach I | Above Lake Kaweah | 175 |
| Reach II | Lake Kaweah | 175 ^c |
| Reach III | Below Lake Kaweah | ^d |
| Tule River | | |
| Reach I | Above Lake Success | 450 |
| Reach II | Lake Success | 450 ^e |
| Reach III | Below Lake Success | ^d |
| Kern River | | |
| Reach I | Above Lake Isabella | 200 |
| Reach II | Lake Isabella | 300 |
| Reach III | Lake Isabella to Southern California Edison Powerhouse (KR-1) | 300 |
| Reach IV | KR-1 to Bakersfield | 300 ^f |
| Reach V | Below Bakersfield | ^d |

^a Maximum 10-year average – 50 µmhos/cm

^b During the period of irrigation deliveries. Providing, further, that for 10 percent of the time (period of low flow) the following shall apply to the following reaches of the Kings River:

Reach V 400 µmhos/cm

Reach VI 600 µmhos/cm

^c Maximum 10-year average – 100 µmhos/cm

^d During the irrigation season releases should meet the levels shown in the preceding reach. At other times the channel will be dry or controlled by storm flows.

^e Maximum 10-year average – 250 µmhos/cm

^f Maximum 10-year average – 175 µmhos/cm

CHAPTER IV: IMPLEMENTATION PLAN

Modify page IV-1 as follows:

The “Water Quality Concerns”, ~~first~~ section of this chapter describes water quality concerns and how the Regional Water Board addresses them. This section is organized by discharge type (agriculture, silviculture, mines, etc.). The “Nature of Control Actions Implemented by the Regional Water Board”, ~~second~~ section lists Regional Water Board programs, and plans and policies which will result in the achievement of most of the water quality objectives in this plan. This section includes a list of Regional Water Board prohibition areas. The “Actions Recommended for Implementation by Other Agencies”, ~~third~~ section contains recommendations for appropriate action by entities other than the Regional Water Board to protect water quality. The “Continuous Planning for Water Quality Control”, ~~fourth~~ section describes how the Regional Water Board integrates water quality control activities into a continuous planning process.

Modify second column on page IV-3 as follows:

Persons proposing new evaporation basins and expansion of evaporation basins shall submit technical reports that assure compliance with, or support exemption from, Title 27, California Code of Regulations, Section 20080 ~~Title 23, California Code of Regulations, Section 2510~~, et seq., and that discuss alternatives to the basins and assess potential impacts of and identify appropriate mitigations for the proposed basins.

Modify second column on page IV-4 as follows:

Title 27, California Code of Regulations, Section 2601 ~~Title 23, California Code of Regulations, Section 2510-2601 (Chapter 15)~~ contains minimum standards to protect both surface and ground waters from discharges of animal waste as confined animal facilities.

In addition to the standards in Title 27 Chapter 15, the following is required:

Modify second column on page IV-4 as follows:

Animal confinement facilities, including retention ponds, shall be protected from overflow from stream channels during 20-year peak stream flows for facilities that existed as of 25 July ~~1995~~ 1975 and protected from 100-year peak stream flows for facilities constructed after 25 July 1975.

Modify second column on page IV-8 as follows:

In accordance with a Memorandum of Understanding between the Department of Fish and Game (now the California Department of Fish and Wildlife) and Mosquito Abatement Districts in the Tulare Lake Basin (copy is Appendix 25)....

Modify page IV-10 as follows:

- The maximum electrical conductivity (EC) of a discharge shall not exceed the quality of the source water plus 500 micromhos per centimeter (umhos/cm) or 1,000 ~~micromhos per centimeter~~ umhos/cm, whichever is more stringent. When the water is from more than one source, the EC shall be a weighted average of all sources.

- Discharges shall not exceed an EC of 1,000 ~~micromhos per centimeter~~ µmhos/cm, a chloride content of 175 mg/l, or a boron content of 1.0 mg/l.

In addition to the above, discharges to waters having an EC or water quality objective of less than 150 ~~micromhos~~ µmhos/cm shall comply with the following:

Modify page IV-11 as follows:

- The incremental increase in salts from use and treatment must be controlled to the extent possible. The maximum EC shall not exceed the EC of the source water plus 500 ~~micromhos/cm~~ µmhos/cm. When the source water is from more than one source, the EC shall be a weighted average of all sources.
- In the Poso Creek Subarea discharges shall not exceed 1,000 ~~micromhos/cm~~ µmhos/cm EC, 200 mg/l chlorides, and 1.0 mg/l boron. The Poso Creek subarea consists of about 35,000 acres of land between State Highway 99 and 65 about six miles north of Bakersfield, and is defined more specifically in Regional Water Board Resolution No. 71-122, which is incorporated by reference into this plan.
- Discharges to areas that may recharge to good quality ground waters shall not exceed an EC of 1,000 ~~micromhos per centimeter~~ µmhos/cm, a chloride content of 175 mg/l, or a boron content of 1.0 mg/l.

Modify second column on page IV-11 as follows:

The California Department of Public Health Services will be consulted for all cases.

Modify page IV-12 as follows:

3. The reclamation project is consistent with the “Guidelines for Use of Reclaimed Water” developed by the Department of Health Services (now the California Department of Public Health). The “Guidelines for Use of Reclaimed Water” is incorporated by reference into this plan. (See Appendix 34.)

Modify page IV-15 as follows:

Compliance monitoring for wildlife problems shall continue to be deferred to the Department of Conservation and the California Department of Fish and Wildlife Game.

Modify page IV-15 as follows:

The discharge of produced wastewater to land, where the concentration of constituents may cause ground water to exceed water quality objectives, shall be subject to the requirements contained in the California Code of Regulations, Title 27 ~~23~~, Section 20005 ~~2540~~, et seq. (Title 27 ~~Chapter 15~~).

Modify second column of page IV-18 as follows:

These discharges, and the waste management units at which the wastes are discharged, are subject to concurrent regulation by other state and local agencies responsible for land use planning, solid waste management, and hazardous waste management. “Local Enforcement Agencies” (mainly cities and counties) implement the state’s solid waste management laws and local ordinances governing the siting, design, and operation of solid waste

disposal facilities (usually landfills) with the concurrence of the California Department of Resources Recycling and Recovery (CalRecycle) (formerly the California Integrated Waste Management Board (Waste Management Board)). CalRecycle ~~The Waste Management Board~~ also has direct responsibility for review and approval of plans for closure and post-closure maintenance of solid waste landfills. The Department of Toxic Substances Control issues permits for all hazardous waste treatment, storage, and disposal facilities (which include hazardous waste incinerators, tanks, and warehouses where hazardous wastes are stored in drums as well as landfills, waste piles, surface impoundments, and land treatment units). The State Water Board, regional water boards, the Waste Management Board (now CalRecycle), and Department of Toxic Substances Control have entered into Memoranda of Understanding to coordinate their respective roles in the concurrent regulation of these discharges.

Modify page IV-19 as follows:

Regional water boards and CalRecycle ~~the Waste Management Board~~ are implementing these new regulations in California under a policy for water quality control from the State Water Board (Resolution No. 93-62) and regulations from CalRecycle ~~the Waste Management Board~~.

Modify page IV-22 as follows:

To evaluate compliance with the narrative water quality objectives, the Regional Water Board considers, on a case-by-case basis, direct evidence of beneficial use impacts, all material and relevant information submitted by the discharger and other interested parties, and relevant numerical criteria and guidelines developed and / or published by other agencies and organizations (e.g., State Water Board, California Department of Public Health Services, California Office of Environmental Health Hazard Assessment,...

Modify page IV-22 as follows:

...California Department of Toxic Substances Control, University of California Cooperative Extension, California Department of Fish and Wildlife Game, U.S. EPA, U.S. Food and Drug Administration, National Academy of Sciences, U.S. Fish and Wildlife Service, Food and Agricultural Organization of the United Nations)

Modify pages IV-22 to IV-23 as follows:

Where the Regional Water Board determines it is infeasible to achieve immediate compliance with water quality objectives adopted by the Regional Water Board or the State Water Board, or with water quality criteria adopted by the federal Environmental Protection Agency, or with an effluent limitation based on these objectives or criteria, the Regional Water Board shall establish in NPDES permits a schedule of compliance. The schedule of compliance shall include a time schedule for completing specific actions that demonstrate reasonable progress toward the attainment of the objectives or criteria and shall contain a final compliance date, based on the shortest practicable time (determined by the Regional Water Board) required to achieve compliance. In no event shall an NPDES permit include a schedule of compliance that allows more than ten years (from the date of adoption of the objective or criteria) for compliance with water quality objectives, criteria or effluent limitations based on the objectives or criteria. Schedules of compliance are authorized by this provision only for those water quality objective or criteria adopted after the effective date of this provision. The Regional Water Board will establish compliance schedules in NPDES permits consistent with the provisions of the State Water Board's Compliance Schedule Policy (Resolution 2008-0025) and in accordance with Title 23, California Code of Regulations, Section 2231, compliance schedules may be included in waste discharge requirements for discharges other than from point sources to navigable waters. Time schedules in waste discharge requirements are established consistent with Water Code Section 13263.

Modify Page IV-26 as follows and remove Appendices 27 and 28:

State law allows Regional Water Boards to conditionally waive waste discharge requirements 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 (California Water Code, Section 13269). 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 (California Water Code, Section 13269). However, NPDES permits for discharge to surface waters may not be waived.

~~On 26 March 1982, the Regional Water Board adopted Resolution No. 82-036 to waive waste discharge requirements 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-2. These waivers are conditional and may be terminated at any time.~~

The Regional Water Board may, after compliance with the California Environmental Quality Act (CEQA), allow short-term variance 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 ~~Wildlife 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-2

WASTE DISCHARGE REQUIREMENT WAIVER AND LIMITATIONS

| <u>TYPE OF WASTE DISCHARGE</u> | <u>LIMITATIONS</u> |
|--|--|
| Air conditioner, cooling and elevated temperature waters | Small volumes which will not change temperature of receiving water more than 1 degree C. |
| Drilling muds | 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. |

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| | |
|--|---|
| Clean oil containing no toxic materials | Used for beneficial purposes such as dust control, weed control and mosquito abatement where it cannot reach state waters. |
| Minor dredger operations Inert solid wastes (per CCR, Section 2524) | When soil is nontoxic and discharged to land. Good disposal practices. |
| Test pumpings of fresh water wells. | When assurances are provided that pollutants are neither present nor added. |
| Storm water runoff | Where no water quality problems are contemplated and no federal NPDES permit is required. |
| Erosion from development | Where BMP plans have been formulated and implemented. |
| Pesticide rinse waters from applicators | Where discharger complies with Regional Water Board guidance. |
| Confined animal wastes | Where discharger complies with Regional Water Board guidance. |
| Minor stream channel alterations and suction dredging | Where regulated by Department of Fish and Game agreements. |
| Small, short term sand and gravel | All operations and wash waters confined to land. |
| Small, metal mining operations | All operations confined to land, no toxic materials utilized in recovery operations. |
| Swimming pool discharges | Where adequate dilution exists or where beneficial uses are not affected. |
| Food processing wastes spread on land | Where an operating / maintenance plan has been approved. |
| Construction | Where BMPs are used. |
| Agricultural commodity wastes | Small, seasonal and confined to land. |
| Industrial wastes utilized for soil amendments | Where industry certifies its nontoxic content and BMPs are used for application. |
| Timber harvesting | Operating under an approved timber harvest plan. |
| Minor hydro projects | Operating under water rights permit from State Water Resources Control Board or Department of Fish and Game agreement and no water quality impacts anticipated. |
| Irrigation return water (tail water) | Operating to minimize sediment to meet Basin Plan turbidity objectives and to prevent concentrations of materials toxic to fish or wildlife. |

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~~Projects where application for Water Quality Certification is required~~

~~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.~~

~~Septic tank / leachfield systems~~

~~Where project has county permit and county uses Water Board Guidelines.~~

Modify page IV-28 as follows:

6. The State Water Board should request legislation that will protect negotiated fish flow releases for instream uses in those critical reaches designated by the California Department of Fish and Wildlife Game from any new exercise of appropriative or riparian rights. Those flow releases should recognize and protect existing contractual commitments for beneficial use.

Modify page V-1 as follows:

~~The Eleven~~ State Water Board adopts water quality control policies and ~~five State Water Board~~ water quality control plans to direct Regional Water Board actions.

Modify page V-2 as follows:

6. State Water Board Resolution No. 88-23, Policy Regarding Regulations of Underground Storage Tanks

This policy, adopted on 18 February 1988, implements a pilot program to fund oversight of remedial action at leaking underground storage tank sites, in cooperation with the California Department of Public Health Services.

8. State Water Board Resolution No. 92-49, Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304

These policies and procedures, ~~adopted 18 June 1992 and amended on 21 April 1994~~, describe the manner in which the Regional Water Board will require dischargers to cleanup and abate the effect of discharges. This cleanup and abatement shall be done in a manner that promotes attainment of background water quality, or the highest water quality which is reasonable if background levels of water quality cannot be restored. Any cleanup less stringent than background water quality shall be consistent with State Water Board Resolution No. 68-16. These policies and procedures, including future revisions, are specifically incorporated into this Basin Plan. See Appendix 8.

11. ~~State Water Board Resolution No. 88-123, Nonpoint Source Management Plan and the Nonpoint Source Implementation and Enforcement Policy~~

~~This plan was adopted in 1988 and 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*. The NPS Implementation and Enforcement Policy, including future revisions, is incorporated into this Basin Plan and shall be implemented according to the policy's provisions.

Modify page V-2.01 as follows:

- ~~11. 12. State Water Board Resolution No. 2000-015, Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California²² (a.k.a. State Implementation Policy or SIP)~~

~~In March 2000, the State Water Board adopted the SIP in Resolution No. 2000-015. This Policy a policy that establishes: (1) implementation provisions for priority pollutant criteria promulgated by the U.S. Environmental Protection Agency (U.S. EPA) through the National Toxics Rule (NTR) (40 CFR 131.36) (promulgated on 22 December 22, 1992 and amended on 4 May 4, 1995) and through the California Toxics Rule (CTR) (40 CFR 131.38) (promulgated on 18 May 2000 and amended on 13 February 2001), and for priority pollutant objectives established by Regional Water Boards in their basin plans; (2) monitoring requirements for 2,3,7,8-TCDD equivalent; and (3) chronic toxicity control provisions. In addition, this Policy the SIP includes special provisions for certain types of discharges and factors that could affect the application of other provisions in this Policy the SIP. The SIP including future revisions is incorporated into this Basin Plan and shall be implemented according to the policy's provisions.~~

Add language to page V-2.01 as follows:

13. Water Quality Enforcement Policy (Enforcement Policy) and Policy on Supplemental Environmental Projects (SEP Policy)

The State Water Board adopted the Enforcement Policy 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. The State Water Board adopted the SEP Policy as an adjunct to the Water Boards' enforcement program and allows for the inclusion of a supplemental environmental project in administrative civil liability actions as long as certain criteria are met to ensure that such a project has environmental value, furthers the goals of the State Water Board and

Regional Water Boards, and are subject to appropriate input and oversight by the Water Boards. Both the Enforcement Policy and the SEP Policy, including future revisions, are incorporated into this Basin Plan and shall be implemented according to the policies' provisions.

14. Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (303(d) Listing Policy)

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. The 303 (d) Listing Policy, including future revisions, is incorporated into this Basin Plan and shall be implemented in accordance with the Policy's provisions.

15. Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options (Impaired Waters Policy)

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. The Impaired Waters Policy, including future revisions, is incorporated into this Basin Plan and shall be implemented in accordance with the Policy's provisions.

16. Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits (Compliance Schedule Policy)

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. The Compliance Schedule Policy, including future revisions, is incorporated into this Basin Plan and shall be implemented in accordance with the Policy's provisions.

17. Policy for Water Quality Control for Recycled Water (Recycled Water Policy)

The Recycled Water Policy establishes requirements to increase the use of recycled water in California. These requirements include the development and adoption of salt/nutrient management plans, requirements for the regulation of incidental runoff from landscape irrigation with recycled water, criteria and procedures for streamlined permitting of recycled water landscape irrigation projects, procedures for permitting ground water recharge projects including procedures for demonstrating compliance with the Resolution No. 68-16 (the State Antidegradation Policy), and provisions for addressing constituents of emerging concern. The Recycled Water Policy, including future revisions, is incorporated into this Basin Plan and shall be implemented in accordance with the Policy's provisions.

Modify page V-3 as follows:

2. ~~Department of Toxic Substances Control~~ Department of Health Services

On 26 January 1986, the State Water Board signed an MOA with the Department of Health Services, now the Department of Toxic Substances Control regarding the implementation of the hazardous waste program.

3. California Department of Public Health Services

In 1996, the State Water Board signed an MOA with the Department of Health Services (now the California Department of Public Health) regarding the use of reclaimed water.

Modify page V-4 as follows:

6. ~~Department of Health Services~~ / Department of Toxic Substances Control

On 30 July 1990, the State Water Board signed a MOU with the Department of Health Services, Toxic Substances Control Program (later reorganized into the Department of Toxic Substances Control) explaining the roles of the agencies (including the Regional Water Board) in the cleanup of hazardous waste sites.

8. Environmental Affairs Agency, Air Resources Board, and California Department of Resources Recycling and Recovery (CalRecycle) ~~California Integrated Waste Management Board~~

On 27 August 1990, the State Water Board signed a MOU with the Environmental Affairs Agency, Air Resources Board, and California Integrated Waste Management Board (now CalRecycle) to enhance program coordination and reduce duplication of effort. This MOU consists of provisions describing the scope of the agreement (including definitions of the parties and issues to which the MOU applies), the principles which will govern the conduct of the parties, and the existing statutory framework. See Appendix 18.

10. Implementation of the San Joaquin Valley Drainage Program's Recommended Plan

In January 1992, the State Water Board signed a MOU with the U.S. Bureau of Reclamation, the U.S. Fish and Wildlife Service, the U.S. Soil Conservation Service (now the Natural Resources Conservation Service), the U.S. Geological Survey, the Department of Water Resources, the Department of Fish and Game (now the California Department of Fish and Wildlife), and the Department of Food and Agriculture. Subject to the availability of funding and legal authority, these agencies agreed to use the management plan described in the September 1990 final report of the San Joaquin Valley Drainage Program as a guide for remediating subsurface agricultural drainage and related problems. See Appendix 20.

11. California Integrated Waste Management Board (now the California Department of Resources Recycling and Recovery (CalRecycle))

On 8 January 1993, the State Water Board signed a MOU to address the Regional Water Board's review of Solid Waste Assessment Test (SWAT) reports. See Appendix 21.

Modify page V-5 as follows:

2. California Department of Fish and Wildlife ~~Game~~ and Mosquito Abatement and Vector Control Districts

In March 1993, the Regional Water Board Executive Officer signed an MOU with the Department of Fish and Game (now the California Department of Fish and Wildlife) and Mosquito Abatement Districts in the southern San Joaquin Valley to coordinate weed control efforts in wastewater treatment facilities. See Appendix 25.

APPENDICES

Modify the titles of Appendices 12, 13, 16, and 25 as follows:

12. State Water Board MOA~~U~~ with DHS (now the California Department of Public Health) (Implementation of Hazardous Waste Program)
13. State Water Board MOA with DHS (now the California Department of Public Health) (Use of Reclaimed Water)
16. State Water Board MOU with Department of Health Services /Department of Toxic Substances Control (later the Department of Health Services was renamed the Department of Public Health and the Toxic Substances Control Program was reorganized into the Department of Toxic Substances Control.)
21. State Water Board MOU with California Integrated Waste Management Board (now the California Department of Resources Recycling and Recovery (CalRecycle))
25. Regional Water Board MOU with California Department of Fish and Game (now the California Department of Fish and Wildlife) & Mosquito Abatement and Vector Control Districts of the South San Joaquin Valley