

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2003-0007

AMENDING THE WATER QUALITY CONTROL PLAN
FOR
THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS
TO EDIT THE WATER QUALITY OBJECTIVE FOR
BACTERIA IN GROUND WATER

WHEREAS, in 1975 the California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board) adopted the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan), which has been amended occasionally; and

WHEREAS, the Federal Clean Water Act (CWA) Section 303 requires the Regional Board to develop water quality objectives which are sufficient to protect beneficial uses designated for each water body found within its region; and

WHEREAS, the CWA Section 303 requires the Regional 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; and

WHEREAS, the Regional Board staff prepared for Regional Board consideration draft amendments to the Basin Plan that revised several portions of the Basin Plan including (1) revisions to address United States Environmental Protection Agency disapprovals of certain provisions, (2) revisions to outdated portions of the Basin Plan, and (3) revisions to correct inconsistent language in the Basin Plan, including the water quality objective for bacteria in groundwater; and

WHEREAS, the proposed amendment to revise the water quality objective for bacteria in groundwater would amend Chapter III "Water Quality Objectives" of the Basin Plan; and

WHEREAS, the Regional Board held a public hearing on 19 July 2002, for the purpose of receiving testimony on the draft Basin Plan amendment, including the water quality objective for bacteria in groundwater. Notice of the public hearing was sent to all interested persons and published in accordance with California Water Code, section 13244; and

WHEREAS, on 6 September 2002 the Regional Board adopted the other proposed revisions to the Basin Plan but postponed consideration of the revision to the water quality objective for bacteria in groundwater to provide additional time for Board members to review comments and response to comments; and

WHEREAS, the proposed amendment is consistent with State Water Resources Control Board (State Board) Resolution No. 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Waters in California*), the State's "Antidegradation Policy," in that the changes to water quality objectives (i) consider maximum benefits 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

WHEREAS, the regulatory action proposed meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b); and

WHEREAS, the basin planning process has been certified as "functionally equivalent" to the California Environmental Quality Act requirements for preparing environmental documents as specified in Title 23 California Code of Regulations (23 CCR) Section 3782 and is, therefore, exempt from those requirements (Public Resources Code, Section 21000 et seq.); and

WHEREAS, Regional Board staff has prepared a draft amendment and a staff report dated May 2002; and

WHEREAS, the Notice of Filing and environmental checklist indicates that the amendment results in no potential for adverse effect, either individually or cumulatively, on wildlife; and

WHEREAS, the draft amendment, staff report, Notice of Filing, and environmental checklist have been prepared, noticed and circulated to interested individuals and public agencies for review and comment in accordance with state and federal environmental regulations (23 CCR Section 3775, 40 CFR 25, and 40 CFR 131); and

WHEREAS, the environmental documents prepared by Regional Board staff pursuant to Public Resources Code Section 21080.5 were certified by the Regional Board on 6 September 2003 and the Executive Officer was directed to file a Notice of Decision with the State Clearinghouse after State Board approval; and

WHEREAS, this Basin Plan amendment must be approved by the State Board and the Office of Administrative Law (OAL) before becoming effective; and

WHEREAS, the Regional Board finds that the proposed amendment to the Basin Plan was developed in accordance with California Water Code Section 13240, et seq.:

THEREFORE BE IT RESOLVED, pursuant to Section 13240, et seq. of the California Water Code, the Regional Board, after considering the entire record, including oral testimony at the hearing, adopts the amendment to the Basin Plan as set forth in Attachment 1; and be it further

RESOLVED, that the Executive Officer is directed to forward copies of the Basin Plan amendment to the State Board in accordance with the requirements of Section 13245 of the California Water Code; and be it further

RESOLVED, that the Regional Board requests that the State Board approve the Basin Plan amendment in accordance with the requirements of Sections 13245 and 13246 of the California Water Code and forward it to OAL; and be it further

RESOLVED, if during its approval process the State 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 Regional Board of any such changes.

I, THOMAS R. PINKOS, 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 31 January 2003.

/s/
THOMAS R. PINKOS, Executive Officer

ATTACHMENT 1
RESOLUTION NO. R5-2003-0007
AMENDMENT TO THE BASIN PLAN
TO EDIT THE WATER QUALITY OBJECTIVE FOR
BACTERIA IN GROUND WATER

Revise Basin Plan sections as follows:

CHAPTER III – WATER QUALITY OBJECTIVES

Revise the “Bacteria” objective on Page III-9.00 as follows:

In ground waters ~~used for~~ designated for use as domestic or municipal supply (MUN) the most probable number of coliform organisms over any seven-day period shall be less than 2.2/100 ml.