

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION R5-2015-0022

AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR
THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS
TO
REMOVE THE MUNICIPAL AND DOMESTIC SUPPLY (MUN) BENEFICIAL USE IN TWELVE
CONSTRUCTED AND/OR MODIFIED WATER BODIES IN THE SACRAMENTO RIVER BASIN
THAT RECEIVE TREATED MUNICIPAL WASTEWATER FROM THE CITIES OF BIGGS,
COLUSA, LIVE OAK OR WILLOWS

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

1. The Central Valley Water Board adopted the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan) in 1975 and has amended it as necessary.
2. The Federal Clean Water Act (CWA) Section 303 requires the Central Valley Water Board develop water quality objectives which are sufficient to protect beneficial uses designated for each water body found within its region.
3. The Basin Plan has incorporated the California's *Sources of Drinking Water Policy* (Resolution 88-63) into its Basin Plan. The *Sources of Drinking Water Policy* designates the MUN beneficial use in all surface and ground water bodies with certain exceptions.
4. 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.
5. The Central Valley Water Board directed staff during the 2011 Triennial Review Adoption process ([Resolution R5-2011-0074](#)) to evaluate the appropriate MUN beneficial use designation in agriculturally dominated surface water bodies, including those receiving discharge from Publically Owned Treatment Works (POTWs) in the Sacramento River Basin.
6. Characterization studies have been completed pertaining to twelve constructed and/or modified agriculturally dominated water bodies receiving treated municipal wastewater from the cities of Biggs, Colusa, Live Oak and Willows. The twelve water bodies are located in Butte, Colusa, Glenn or Sutter counties and named as follows: Ag Drain C (Logan Creek), Cherokee Canal, East Interceptor Canal, Lateral 1, Lateral 2, Lateral K, Main Drainage Canal (C Main Drain), New Ditch (2011), Powell Slough, unnamed tributary, Wadsworth Canal, and Western Intercepting Canal.
7. An 18-month study was also conducted evaluating the water quality in the 400-square mile study area encompassing the twelve water bodies in question. In addition, the Board conducted a review of ongoing water quality monitoring within the study area, the Colusa

Basin Drain and the Sutter Bypass (which receive water from the twelve water bodies), and further downstream along the Sacramento River to the Sacramento-San Joaquin River Delta.

8. The completed studies find that the twelve constructed and/or modified water bodies in the Sacramento River Basin meet Exception 2b in the *Sources of Drinking Water Policy*, which applies to water bodies that have been designed or modified to convey agricultural drainage, provided that discharge from such systems is monitored to assure compliance with all relevant water quality objectives as required by the Regional Board.
9. The completed studies find that the existing water quality monitoring conducted in the downstream water bodies receiving discharge from the twelve water bodies meets the monitoring requirement in Exception 2b to assure compliance with all relevant water quality objectives as required by the Central Valley Water Board.
10. The Central Valley Water Board has prepared draft amendments which remove the MUN beneficial use from the twelve constructed and/or modified water bodies in the Sacramento River Basin.
11. The proposed Amendment will revise Chapter II (Existing and Potential Beneficial Uses) and Chapter IV (Implementation) to include a reference to a new appendix (Appendix 44) in the Basin Plan for water bodies that meet one or more of the *Sources of Drinking Water Policy* exceptions.
12. The proposed Amendment will revise Chapter V (Surveillance and Monitoring) to prioritize the importance of facilitating the consolidation of information gathered from all agencies in a format that can be readily utilized to provide the foundation for regular assessments of ambient surface water quality conditions and of program effectiveness.
13. State Water Resources Control Board Resolution 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Waters in California*, referred to hereafter as the *State Anti-Degradation Policy*) generally prohibits the Central Valley Water Board from authorizing activities that will result in the degradation of high-quality waters unless it has been shown that:
 - The degradation will not result in water quality less than that prescribed in state and regional policies, including violation of one or more water quality objectives;
 - The degradation will not unreasonably affect present and anticipated future beneficial uses;
 - The discharger will employ Best Practicable Treatment or Control (BPTC) to minimize degradation; and
 - The degradation is consistent with the maximum benefit to the people of the state.

The Central Valley Water Board finds that the proposed Amendment is consistent with the *State Anti-Degradation Policy* because it removes designated beneficial uses consistent with the *Sources of Drinking Water Policy* exception and the federal Antidegradation Policy (40 CFR § 131.12), will not result in violation of one or more water quality objectives, will not unreasonably affect present and anticipated future beneficial uses, and is consistent with the maximum benefit to the people of the state, including those that depend on the Sacramento River as their source of drinking water

and those that are served by the POTWs in the Sacramento River Basin. Furthermore, discharges into the affected waterbodies that will degrade water quality in those water bodies must still employ BPTC to minimize degradation.

14. In compliance with Water Code section 106.3, it is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. The proposed Amendment will not interfere with the public's right to safe, clean, affordable, and accessible water.
15. The proposed amendment contains no new science and therefore is not subject to the peer review requirement of Health and Safety Code section 57004.
16. The regulatory action proposed meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).
17. The Central Valley Water Board or Board is the Lead Agency under the California Environmental Quality Act (CEQA)(Pub. Resources Code, § 21000 et seq.) and is responsible for evaluating potentially significant environmental impacts that may occur as a result of the proposed Amendment. The Secretary of Resources has determined that the Board's Basin Planning Process qualifies as a certified regulatory program pursuant to Public Resources Code section 21080.5 and California Code of Regulations, title 14, section 15251(g). This determination means that the Board may prepare Substitute Environmental Documentation, which includes the Staff Report and an Environmental Checklist, instead of preparing an environmental impact report. The Substitute Environmental Documentation satisfies the requirements of State Water Board's regulations for the implementation of CEQA for exempt regulatory programs. (Cal. Code Regs., tit. 23, §§ 3775 et seq.)
18. The Central Valley Water Board staff held CEQA scoping meetings on 24 October, 2 November, and 7 November 2012 to receive comments on the proposed Amendment and to identify any significant issues that must be considered.
19. The Central Valley Water staff developed and evaluated alternatives for the proposed Amendment, with stakeholder input provided during open public meetings held on 22 February 2012, 3 May 2012, 9 August 2012, 16 January 2013, 26 March 2013, 28 May 2013, 19 August 2013, 12 September 2013, 26 September 2014, and 14 January 2015.
20. Central Valley Water Board staff has prepared a draft Amendment and a Staff Report dated February 2015, and made minor changes to these documents in response to comments received. The Staff Report included a description of the proposed Amendment and analysis of reasonable alternatives to the proposed Amendment. The Staff Report included an analysis of the reasonably foreseeable environmental impacts of the methods of compliance and an analysis of the reasonably foreseeable alternative methods of compliance with the proposed Amendment. Some potential impacts that were not significant were identified based on the analysis of the reasonably foreseeable methods of compliance.
21. Central Valley Water Board staff completed an Environmental Checklist that concluded that the proposed Amendment does not have the potential to significantly impact the

environment. Because the proposed Amendment does not have the potential to significantly impact the environment, no mitigation measures are proposed.

22. Central Valley Water Board staff has circulated a Notice of Public Hearing, Notice of Filing, a written Staff Report, response to public comments documents, and Environmental Checklist, and a draft Amendment to interested individuals and public agencies, including persons having special expertise with regard to the environmental effects involved with the proposed Amendment, for review and comment in accordance with state and federal environmental regulations (Cal. Code Regs., tit. 23, section 3775; 40 CFR §§ 25 and 131).
23. The Central Valley Water Board held a public hearing on 6 February 2015 for the purpose of receiving comments on the draft Basin Plan Amendment. Notice of the public hearing was sent to all interested persons and published in accordance with Water Code section 13244.
24. Based on the record as a whole, including a draft Basin Plan Amendment, the environmental document, accompanying written documentation, and public comments received, the Central Valley Water Board concurs with staff's conclusion that no actions to comply with the Amendment are expected to cause a potentially significant impact to the environment. The Central Valley Water Board finds that the record as a whole and the procedures followed by staff comply with applicable CEQA requirements. (Cal. Code Regs., tit. 23, § 3775 et seq., Pub. Res. Code §§ 21080.5, 21083.9, and 21159, Cal. Code Regs., tit. 14, § 15250.)
25. A Basin Plan Amendment must be approved by the State Water Board, Office of Administrative Law (OAL), and the United States Environmental Protection Agency (USEPA), for those components under federal jurisdiction. The proposed Amendment becomes effective under state law after OAL approval and becomes effective under the federal Clean Water Act after USEPA approval.
26. The Central Valley Water Board finds that the Amendment to the Basin Plan was developed in accordance with Water Code section 13240, et seq.

THEREFORE BE IT RESOLVED:

1. Pursuant to section 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 section 13245 of the Water Code.
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 for approval. 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.
5. The Central Valley Water Board hereby approves and adopts the CEQA Substitute Environmental Documentation, which was prepared in accordance with Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187.
6. Following approval of the Basin Plan Amendment by the OAL, the Executive Officer shall file a Notice of Decision with the Secretary for Resources in accordance with Public Resources Code section 21080.5, subsection (d)(2)(E), and California Code of Regulations, title 23, section 3781.

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 16 April 2015.

original signed by

PAMELA C. CREEDON, Executive Officer

Attachments:

Attachment 1: Amendment to Basin Plan to remove the Municipal and Domestic Supply (MUN) beneficial use in twelve constructed and/or modified water bodies in the Sacramento River Basin that receive treated municipal wastewater from the cities of Biggs, Colusa, Live Oak or Willows

ATTACHMENT 1
RESOLUTION R5-2015-0022

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The proposed changes to the Basin Plan are as follows. Text additions to the existing Basin Plan language are underlined and *italicized*. Text deletions to the existing Basin Plan are in ~~strikethrough~~.

Modify the Basin Plan in Chapter 2 Beneficial Uses under the heading, "Surface Waters" (page II-2.01), as follows:

Water Bodies within the basins that do not have beneficial uses designated in Table II-1 are assigned MUN designations in accordance with the provisions of State Water Board Resolution No. 88-63 which is, by reference, a part of this Basin Plan, except as provided below:

- Old Alamo Creek (Solano County) from its headwaters to the confluence with New Alamo Creek
- ~~Sulphur Creek (Colusa County) from Schoolhouse Canyon to the confluence with Bear Creek~~
- *Water bodies listed in Appendix 44, Water Bodies That Meet One or More Sources of Drinking Water Policy (Resolution 88-63) Exceptions*

These MUN designations in no way affect the presence or absence of other beneficial use designations in these water bodies. In making any exemptions to the beneficial use designation of MUN, the Regional Board will apply the exceptions listed in Resolution 88-63 (Appendix Item 8) *and the excepted water bodies will be listed in Appendix 44.*

Add the following table to the Basin Plan as Appendix 44, Water Bodies That Meet One or More of the Sources of Drinking Water Policy (Resolution 88-63) Exceptions. Since Central Valley Water Board Resolution R5-2007-0021 removed the MUN beneficial use from Sulphur Creek in Colusa County for meeting an exception in the Sources of Drinking Water Policy, the reference to Sulphur Creek will be removed from page II-2.01 of the Basin Plan and will be added to the table along with the twelve water bodies evaluated in this Basin Plan Amendment.

County	Water Body Name	Description	Approximate GIS Coordinates (WGS84 Datum)	
			Starting Location	Ending Location
Butte	Cherokee Canal	Cherokee Canal runs southwest from the Richvale area (near Nelson Shippee Road) to Butte Creek, west of the City of Live Oak	(39.537741, -121.707079)	(39.285685, -121.921656)
Butte	Lateral K	Lateral K is part of Reclamation District 833 and starts near 8 th Street in the City of Biggs and travels southwest past the City of Biggs' Wastewater Treatment Plant to the Main Drainage Canal	(39.421894, -121.71297)	(39.406837, -121.725361)
Butte	Main Drainage Canal	The Main Drainage Canal (also known as the Main Drain C) is part of Reclamation District 833 and starts on the south end of the City of Biggs near Trent Street and runs southwest to the Cherokee Canal	(39.41041, -121.704258)	39.327924, -121.882067
Colusa	New Ditch (2011)	New Ditch (2011) starts near the south end of the Colusa Wastewater Treatment Plant and runs south, parallel to the unnamed tributary, until the two water bodies join near the effluent outfall and weir.	(39.180224, -122.031358)	(39.174267, -122.031274)
Colusa	Powell Slough	Powell Slough begins just north of Highway 20, downstream of Hopkins Slough, and runs south until its confluence with the Colusa Basin Drain.	(39.211133, -122.062955)	(39.161267, -122.038445)
Colusa	Sulphur Creek	Lower two miles from Schoolhouse Canyon to its confluence with Little Bear Creek.	39.035631, -122.437619	39.040144, -122.408168
Colusa	unnamed tributary (to Powell Slough)	unnamed tributary to Powell Slough starts near Will S. Green Avenue and runs west and southwest to Powell Slough	(39.188028, -122.02328)	(39.166857, -122.034722)
Glenn	Ag Drain C	Glenn-Colusa Irrigation District's Ag Drain C (segments also known as North Fork Logan Creek and Logan Creek) runs southeast from Highway 5 near Highway 99W through the Sacramento Wildlife Refuge to the Colusa Basin Drain	(39.498519, -122.199216)	(39.356401, -122.082675)
Sutter	East Interceptor Canal	The East Interceptor Canal starts at Pease Road and runs west until it meets the Wadsworth Canal.	(39.170745, -121.670588)	(39.171003, -121.727014)
Sutter	Lateral 1	Lateral 1 is part of Reclamation District	(39.257501,	(39.201248,

County	Water Body Name	Description	Approximate GIS Coordinates (WGS84 Datum)	
			Starting Location	Ending Location
		777 and starts near the City of Live Oak's Wastewater Treatment Plant and runs south and west to the Western Intercepting Canal.	-121.678718)	-121.696329)
Sutter	Lateral 2	Lateral 2 is part of Reclamation District 777. It starts on the south end of the City of Live Oak near Treatment Plant Access Road and runs south and then west past the City of Live Oak's Treatment Plant outfall until it meets Lateral 1.	(39.264739, -121.669314)	(39.257501, -121.678718)
Sutter	Western Intercepting Canal (<i>not to be confused with West Interceptor Canal</i>)	Western Interceptor Canal is under shared management between Reclamation District 777 and Reclamation District 2056. It starts south of Sanders Road and runs south until it meets the East Interceptor Canal.	(39.201248, -121.696329)	(39.17092, -121.695374)
Sutter	Wadsworth Canal	The Wadsworth Canal starts just north of Butte House Road and runs southwest until it meets the Sutter Bypass	(39.171003, -121.727014)	(39.113605, -121.768985)

Changes the Basin Plan's Chapter IV Implementation (page IV-9.00) under the heading State Water Board Resolution No. 88-63, Sources of Drinking Water Policy as follows:

Where the Regional Water Board finds that one of the exceptions applies, it may remove the municipal and domestic supply beneficial use designation for the particular body of water through a formal Basin Plan amendment and a public hearing, followed by approval of such an amendment by the State Water Board and the Office of Administrative Law. See Appendix Item 8 *for Resolution 88-63 exceptions and Appendix 44 for water bodies that meet one or more of the exceptions.*

Change the Basin Plan's Chapter V Surveillance and Monitoring (page V-1.00) under the heading Data Collected by Other Agencies as follows:

The Regional Water Board *currently* relies on *internal staff* coordination and *compilation of* data collected by a variety of other agencies *to augment data collected by internal programs in order to assess ambient water quality conditions and program effectiveness.* For example, the Department of Water Resources (DWR) has an ongoing monitoring program in the Delta and the United States Geological Survey (USGS) and DWR conduct monitoring in some upstream rivers. The Department of Fish and Wildlife, Fish and Wildlife Service, USGS, and State Water Board Division of Drinking Water also conduct special studies and collect data, *as do local entities such as water purveyors, county health departments and wastewater treatment plants.*

The long-term goal is to have a system in place that facilitates consolidation of information gathered from all agencies in a format that can be readily utilized to provide the foundation for regular assessments of ambient surface water quality conditions and program effectiveness including support of updates to the California Integrated Report (Clean Water Act Sections 303(d)/305(b)) which provides a water quality conditions assessment of surface water bodies.