

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2007-0077

GRANTING AN EXCEPTION TO THE WATER QUALITY CONTROL PLAN  
FOR THE CONTROL OF TEMPERATURE  
IN THE COASTAL AND INTERSTATE WATERS  
AND ENCLOSED BAYS AND ESTUARIES OF CALIFORNIA  
FOR THE CALIFORNIA DEPARTMENT OF GENERAL SERVICES  
CENTRAL PLANT OPERATIONS, HEATING AND COOLING FACILITY  
WASTEWATER DISCHARGE INTO SACRAMENTO RIVER

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Water Board) finds:

1. Thermal water quality objectives for the Sacramento River are outlined in the *Water Quality Control Plan for Control of Temperature in Coastal Interstate Waters and Enclosed Bays and Estuaries of California* (Thermal Plan).
2. For existing elevated temperature waste discharges to estuaries, Specific Water Quality Objectives 5.A. of the Thermal Plan provides that:
  - “(1)a. *the maximum temperature shall not exceed the natural receiving water temperature by more than 20°F.*
  - (1)b. *elevated temperature waste discharges either individually or combined with other discharges shall not create a zone, defined by water temperatures of more than 1°F above natural receiving water temperature, which exceeds 25 percent of the cross-sectional area of a main river channel at any point.*
  - (1)c. *no discharge shall cause a surface water temperature rise greater than 4°F above the natural temperature of the receiving waters at any time or place.*
  - (2) *the maximum temperature of thermal waste discharges shall not exceed 86°F.”;*
3. The California Department of General Services, Central Plant Operations (hereafter Discharger) has an existing discharge of elevated temperature non-contact cooling water into the Sacramento River.
4. Section 316(a) of the Clean Water Act (CWA) and 40 CFR Section 125.73 provide that thermal discharge effluent limitations or standards established in permits may be less stringent than those required by applicable standards and

limitations if the discharger demonstrates to the satisfaction of the permitting authority that such effluent limitations are more stringent than necessary to assure the protection and propagation of a balanced, indigenous community of shellfish, fish, and wildlife in and on the body of water into which the discharge is made.

5. An exception to the Thermal Plan is available under General Water Quality Provision No. 4, in accordance with Section 316(a) of the CWA, and subsequent federal regulations.
6. The Discharger requested exception to Specific Water Quality Objectives 5.A. of the Thermal Plan:
  - (1)a. Remove Water Quality Objective during the months of November through April which states that “ *the maximum temperature shall not exceed the natural receiving water temperature by more than 20°F*”;
  - (1)c. Remove Water Quality Objective which states that “ *no discharge shall cause a surface water temperature rise greater than 4°F above the natural temperature of the receiving waters at any time or place*”;
  - (2) Change Water Quality Objective which states that “ *the maximum temperature of thermal waste discharges shall not exceed 86°*” to “ *the maximum temperature of a thermal waste discharge shall not exceed 89°F*”;
7. The Thermal Plan states that Regional Water Boards may, in accordance with Section 316(a) of the Federal Water Pollution Control Act of 1972, and subsequent federal regulations including 40 CFR Part 122, grant an exception to Specific Water Quality Objectives in the plan.
8. The Discharger conducted studies and provided the findings of the studies in a January 2006 report entitled “Thermal Effects of the Department of General Services’ Central Heating and Cooling Plant Discharge on Migrating Fishes and Other Aquatic Life of the Sacramento River” in consultation with the California Department of Fish and Game and the U.S. National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service. This study characterized the discharge plume, characterized the species composition and relative abundance of fish exposed to the discharge and at locations without exposure, evaluated the response of fish to the temperature conditions within the discharge plumes, and, provided a temperature and biological analysis to determine whether existing discharges adversely affect beneficial uses and the propagation of a typical community of fish and benthic macro invertebrates in the receiving waters.

9. These previous studies concluded that Specific Water Quality Objective 5.A.(1)a, 5.A.(1)c, and 5.A.(2) of the Thermal Plan were more stringent than necessary to assure the protection and propagation of a balanced, indigenous community of shellfish, fish, and wildlife in an on the body of water into which the discharge is made.
10. These study conclusions were confirmed in a letter from the Regional Administration of NOAA's National Marine Fisheries Service (NMFS) on 25 May 2006.
11. The alternatives to ensure compliance by the Discharger with Specific Water Quality Objectives 5.A. (1) a, 5.A. (1) c, and 5.A. (2) would require modifications not commensurate with benefit to the aquatic environment.
12. The Discharger shall comply with Specific Water Quality Objective 5.A. (1) b.
13. The Regional Water Board, on 22 June 2007, held a hearing in Sacramento and considered all evidence concerning this matter;

**THEREFORE BE IT RESOLVED** that an exception to Specific Water Quality Objectives 5.A.(1)a, 5.A.(1)c , and 5.A.(2) of the *Water Quality Control Plan for the Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California* is granted for the California Department of General Services Central Plant Operations, Heating and Cooling Facility's non-contact cooling water discharge into the Sacramento River. This exception is conditional and may be terminated at any time.

I, Pamela C. Creedon, Executive Officer, do hereby certify that foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 22 June 2007.

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PAMELA C. CREEDON, Executive Officer