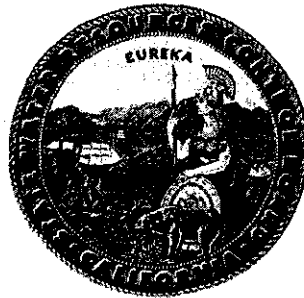


Draft

# Functional Equivalent Document

Appendix  
Draft Water Quality Control Policy



December 2003

*Complete document on CD.*

DIVISION OF WATER QUALITY  
STATE WATER RESOURCES CONTROL BOARD  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**STATE WATER RESOURCES  
CONTROL BOARD**  
P.O. 100  
Sacramento, CA 95812-0100

*To request copies of the draft FED  
and proposed Policy please call  
(916) 341-5566.*

*Documents are also available at:  
<http://www.swrcb.ca.gov>*

Draft

# Functional Equivalent Document

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



December 2003

DIVISION OF WATER QUALITY  
STATE WATER RESOURCES CONTROL BOARD  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

COV0117

**18013**

**STATE WATER RESOURCES  
CONTROL BOARD**  
P.O. 100  
Sacramento, CA 95812-0100

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STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER QUALITY

DRAFT FUNCTIONAL EQUIVALENT DOCUMENT

WATER QUALITY CONTROL POLICY FOR DEVELOPING  
CALIFORNIA'S CLEAN WATER ACT SECTION 303(d) LIST

DECEMBER 2003

18015

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**Notice of Filing**

**To:** Any Interested Person

**From:** State Water Resources Control Board  
P.O. Box 100  
Sacramento California 95812-0100

**Subject:** Notice of Filing submitted under section 21080.5 of the  
Public Resources Code

**Project Proponent:** State Water Resources Control Board (SWRCB)

**Project Title:** Water Quality Control Policy for Developing  
California's Clean Water Act Section 303(d) List

**Contact Person:** Craig J. Wilson (916) 341-5560

**Project Location:** State of California

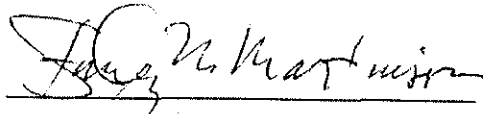
**Project Description:** California Water Code section 13191.3(a) requires the SWRCB to develop a Water Quality Control Policy describing the process by which the SWRCB and the Regional Water Quality Control Boards (RWQCBs) shall comply with the listing requirements of Clean Water Act section 303(d). The Policy will ultimately establish a standardized approach for developing California's section 303(d) list.

This notice is to advise that the SWRCB is considering adoption of a Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List. Action on this Policy will be taken in accordance with a regulatory program exemption under section 21080.5 of the Public Resources Code from the requirements to prepare an Environmental Impact Report Under California Environmental Quality Act, CEQA (Public Resources Code 21000 et seq.), and with other applicable laws and regulations.

Copies of the Functional Equivalent Document (which includes the draft Policy, reasonable alternatives, mitigation measures to minimize any significant adverse environmental impacts, and the Environmental Checklist Form) can be downloaded from the SWRCB web page. Compact disc copies can be obtained from the Contact Person named above.

Comments on the proposed Policy should be submitted by February 11, 2004.

Signed: \_\_\_\_\_



Date: December 2, 2003

## PREFACE

Section 303(d) of the federal Clean Water Act (CWA) and accompanying federal regulations require states to regularly identify water bodies that cannot achieve applicable water quality standards after technology-based controls have been implemented. In complying, California has developed successive lists of “impaired” water bodies biennially since 1976. After 1996, public attention increasingly focused on an important consequence of “section 303(d) listing” — the development and implementation of Total Maximum Daily Loads (TMDLs). Simultaneously, public demand for regional consistency and transparency in the section 303(d) listing process intensified.

In response, the California Water Code (CWC) was modified to require the State Water Resources Control Board (SWRCB) to prepare guidelines for listing or delisting water bodies on the section 303(d) list (CWC section 13191.3(a)). SWRCB regulations (Title 23 of the California Code of Regulations [CCR] section 3777(a)) independently require that an environmental review, equivalent to a CEQA document, accompany a Policy proposed for SWRCB adoption. Such a “functionally equivalent document” (FED) must contain (a) a brief description of, (b) reasonable alternatives to, and (c) mitigation measures for the proposed activity.

This document is a draft FED supporting a Policy for development of and revisions to a list of water quality limited segments, otherwise known as a section 303(d) list of water quality limited segments. This draft FED explores various alternatives, provides options and recommendations, and evaluates the environmental impacts of these guidelines.

The proposed “Water Quality Control Policy for Developing California’s CWA Section 303(d) List” (Policy) is intended to provide SWRCB and RWQCB staff with recommended procedures for evaluating information solicited in support of listing or delisting candidate water bodies for the section 303(d) list. The Policy does not develop new or revise existing water quality standards (i.e., beneficial uses, water quality objectives, or the State’s Non-degradation Policy). The Policy does address prioritization of listed water bodies for eventual development and implementation of TMDLs. The SWRCB will hold public hearings on January 28, 2004 and February 5, 2004 to hear public comment on the draft FED and Policy.



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PREFACE.....



**Terry Tamminen**  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board

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**Arnold Schwarzenegger**  
Governor

Arthur G. Baggett Jr., Chair  
1001 I Street • Sacramento, California 95814 • (916) 341-5566  
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100  
Fax (916) 341-5550 • <http://www.swrcb.ca.gov>

## NOTICE OF PUBLIC HEARING

### **DRAFT WATER QUALITY CONTROL POLICY FOR DEVELOPING CALIFORNIA'S CLEAN WATER ACT SECTION 303(d) LIST AND DRAFT FUNCTIONAL EQUIVALENT DOCUMENT**

Wednesday, January 28, 2004 – 10:00 a.m.

Coastal Hearing Room – Second Floor  
Joe Serna, Jr. Cal/EPA Headquarters Building  
1001 "I" Street, Sacramento, CA

and

Thursday, February 5, 2004 – 10:00 a.m.

Torrance Community Meeting Hall  
Torrance Cultural Arts Center  
3330 Civic Center Drive, Torrance, CA

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (SWRCB) will hold a public hearing to seek comments on the proposed Water Quality Control Policy for Developing California's Clean Water Act (CWA) section 303(d) List (Policy). As required by Water Code section 13191.3(a), the Policy contains guidelines to be used by SWRCB and the Regional Water Quality Control Boards (RWQCBs) in listing and delisting waters pursuant to section 303(d) of the federal CWA (33 U.S.C. section 1313[d]). SWRCB is requesting comments on the draft Functional Equivalent Document (FED) and the draft Policy.


SWRCB will not take final action at the hearing. The draft Policy will be considered for adoption and the draft FED will be considered for approval at a future Board Meeting.

#### **BACKGROUND**

Section 303(d) of CWA requires states to identify waters that do not meet applicable water quality standards with certain technology-based controls alone. Applicable standards include the designated beneficial uses, the adopted water quality objectives, and the State's antidegradation policy. The section 303(d) list must include the water quality limited segments, associated pollutants, and a priority ranking of the waters for purposes of developing Total Maximum Daily Loads (TMDLs) in the next two years. A TMDL is the maximum load of a pollutant that can be present in a water body without exceeding water quality standards. States are required to submit the section 303(d) list and TMDL priorities to the U.S. Environmental Protection Agency for approval in even numbered years.

*California Environmental Protection Agency*

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 Recycled Paper

**18020**



Compact Disk  
DRAFT  
FUNCTIONAL EQUIVALENT DOCUMENT  
APPENDIX  
VII/Q CB  
DEC 2003.

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