

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2005 – 0087

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE CENTRAL VALLEY REGION TO INCORPORATE A
TOTAL MAXIMUM DAILY LOAD (TMDL) FOR THE CONTROL OF
SALT AND BORON DISCHARGES INTO THE LOWER SAN JOAQUIN RIVER

WHEREAS:

1. The Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted a revised Water Quality Control Plan for the Central Valley Region (Basin Plan) on May 3, 1996, which was approved by the State Water Resources Control Board (State Water Board) on September 19, 1996 and by the Office of Administrative Law (OAL) on January 10, 1997.
2. On September 15, 2004, the Central Valley Water Board adopted Resolution No. R5-2004-0108 ([Attachment 1](#)) amending the Basin Plan to incorporate a TMDL to control the discharge of salt and boron into the lower San Joaquin River, that is, between the Mendota Dam and the Airport Way Bridge near Vernalis.
3. The State Water Board finds that provisions of the amendment as adopted warrant minor non-substantive clarification of the language.
4. Central Valley Water Board Resolution No. R5-2004-0108 delegated to the Regional Board Executive Officer authority to make minor, non-substantive clarifications to the adopted amendment, if needed, for clarity or consistency. By memorandum dated March 24, 2005, the Central Valley Water Board Executive Officer has made the necessary clarifications to the amendment ([Attachment 2](#)).
5. The State Water Board finds that when the Central Valley Water Board has developed information about the relative proportion of salt that returns directly to the streams, infiltrates to groundwater, or is consumptively used, the Central Valley Water Board should re-consider the appropriateness of the level of the supply water credit for irrigators in the Grassland and Northwest Side subareas, as defined in the Basin Plan, which receive water from the Delta-Mendota Canal.
6. The State Water Board finds that the Central Valley Water Board should consider incorporating into the TMDL any implementation provisions proposed by the San Joaquin River Water Quality Management Group after such proposals are finalized.
7. Central Valley Water Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act and other State laws and regulations.
8. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans, and section 13242, which requires a program of implementation of water quality objectives.

9. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. Additionally, the TMDL must be approved by the U.S. Environmental Protection Agency (USEPA).
10. The State Water Board recognizes that some of the point source dischargers (municipalities) may have difficulty meeting their electrical conductivity wasteload allocations. The State Water Board further recognizes that the water quality problems involving salt in the San Joaquin River are exceedingly complex and not merely related to salt inputs from traditional dischargers, but from pass-through of salt from supply water emanating from the Bureau of Reclamation and other water right holders, as well as the unique and altered hydrology of the Delta system. Furthermore, the extent to which this water body can assimilate salt pollutants is to a large degree dependent upon the amount of water that is released into the San Joaquin River. The State Water Board finds that a solution to this impairment should be accomplished by cooperative efforts of all players irrespective of whether their primary interests have been traditionally perceived as relating to water rights or water quality.
11. The Basin Plan amendment, including the TMDL, can be implemented in part through actions involving the regulation of flow and water supply operations. The State Water Board does not concede that it is required under the federal Clean Water Act to submit the parts of this Basin Plan amendment that involve the regulation of flow and water supply operations to the USEPA for approval. In the view of the State Water Board, any use of flow and modifications of water supply operations to implement the Basin Plan amendment is not subject to USEPA approval.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan to control the discharge of salt and boron into the lower San Joaquin River adopted under Central Valley Water Board Resolution No. R5-2004-0108 ([Attachment 1](#)), as corrected by the Executive Officer ([Attachment 2](#)).
2. Authorizes the Executive Director to transmit the amendment and administrative record for this action to OAL and the TMDL to USEPA for approval.

BE IT FURTHER RESOLVED THAT:

3. The Central Valley Water Board shall adopt water quality objectives for salinity and boron for the lower San Joaquin River from Mendota Dam to the Airport Way Bridge near Vernalis by September 2006.

CERTIFICATION

The undersigned, Acting Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 16, 2005.

AYE: Tam M. Doduc
Richard Katz
Gerald D. Secundy

OPPOSED: None.

ABSENT: Arthur G. Baggett, Jr.

ABSTAIN: None.

A handwritten signature in black ink, reading "Selica Potter". The signature is written in a cursive style with a large, looped initial "S".

Selica Potter
Acting Clerk to the Board