

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2006 – 0046**

**APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE NORTH COAST REGION TO INCORPORATE A
TOTAL MAXIMUM DAILY LOAD FOR SEDIMENT AND TEMPERATURE
IN THE SCOTT RIVER WATERSHED**

WHEREAS:

1. The North Coast Regional Water Quality Control Board (North Coast Water Board) adopted the revised Water Quality Control Plan for the North Coast Basin (Basin Plan) under Resolution No. 93-89 on December 9, 1993. The revised Basin Plan was approved by the State Water Resources Control Board (State Water Board) on March 21, 1994 and approved by the Office of Administrative Law (OAL) on August 18, 1994.
2. The State Water Board finds that the North Coast Water Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act and all other applicable State laws and regulations.
3. The North Coast Water Board found that the additions to this amendment would result in no adverse effect on wildlife, and the amendment would be consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16) and federal antidegradation requirements.
4. At the North Coast Water Board meeting in August, staff of the North Coast Water Board will propose a Conditional Waiver of Waste Discharge Requirements for dischargers who are not otherwise regulated in the Scott River watershed. An effective conditional waiver is an essential element of addressing sediment and temperature impairments in the Scott River watershed.
5. The State Water Board supports the North Coast Water Board's efforts to address sediment and temperature impairments through development of a region-wide sediment discharge control policy, a stream and wetlands system protection policy, and revision of temperature and dissolved oxygen objectives in the North Coast Basin Plan. The North Coast Water Board shall consider the Native American Culture Beneficial Use (CUL) in developing the policies. The State Water Board directs Division of Water Rights staff to provide technical assistance to the North Coast Water Board in developing its policies. The North Coast Water Board will report on progress in developing the above mentioned policies to the State Water Board in 6 months.

6. The State Water Board supports the inclusion of the North Coast Water Board as a participant in developing and conducting the ground water study required in the action plan with the county of Siskiyou.
7. The State Water Board finds that the amendment is in conformance with the requirements for Total Maximum Daily Load (TMDL) development specified in section 303(d) of the federal Clean Water Act.
8. The State Water Board finds that the Basin Plan amendment is in conformance with the requirements of Water Code section 13240, which specifies that Regional Water Quality Control Boards shall periodically review and may revise Basin Plans, and section 13242, which requires a program of implementation of water quality standards.
9. Basin Plan amendments do not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The TMDL must also be approved by the U.S. Environmental Protection Agency (USEPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the North Coast Water Board Basin Plan to incorporate a TMDL for Sediment and Temperature in the Scott River Watershed as adopted in North Coast Water Board Resolution No. R1-2005-0113.
2. Authorizes the Executive Director to transmit the amendment adopted under North Coast Water Board Resolution No. R1-2005-0113 as approved and the administrative record for this action to OAL and the TMDL to USEPA for approval.
3. If the North Coast Water Board fails to regulate dischargers in the Scott Creek watershed through a conditional waiver, as described in finding 4, the State Water Board staff is directed to consider the reasons for inaction and recommend whether the State Water Board should consider a waiver or take other appropriate action on its own motion.

4. State Water Board staff is directed to prepare for the board's consideration, as authorized by subdivision (a)(2) of Water Code section 1259.4, an extension of the Assembly Bill 2121 enforcement policy to be adopted pursuant to subdivision (a)(1) of Water Code section 1959.4. The extension should include, but not necessarily be limited to, the Klamath River and its tributaries.

CERTIFICATION

The undersigned 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 June 21, 2006.

AYE: Tam M. Doduc
 Gerald D. Secundy
 Charles R. Hoppin

NO:

ABSENT: Arthur G. Baggett, Jr.

ABSTAIN:



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Clerk to the Board