

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2008-0013**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE
SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS (BASIN PLAN) FOR THE
CONTROL OF DIAZINON AND CHLORPYRIFOS RUNOFF INTO
THE SACRAMENTO AND FEATHER RIVERS

WHEREAS:

1. On May 3, 2007, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted Resolution No. R5-2007-0034 ([Attachment](#)) amending the Basin Plan for the control of diazinon and chlorpyrifos runoff into the Sacramento and Feather Rivers.
2. The Central Valley Water Board found that the analysis contained in the total maximum daily load (TMDL) staff report, the California Environmental Quality Act (CEQA) checklist, notice of public hearing, and notice of filing prepared by Central Valley Water Board staff comply with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in the California Code of Regulations, Title 23, section 3775 et seq.
3. The Central Valley Water Board found that the proposed amendment is consistent with State Water Board [Resolution No. 68-16](#), in that the changes to water quality objectives (i) consider maximum benefit to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies, and the proposed amendment is consistent with the federal Antidegradation Policy (40 CFR part 131.12). The proposed amendment requires actions to be taken to implement management practices to ensure compliance with water quality objectives. Such actions are of maximum benefit to the people of the state. Control of discharges of diazinon and chlorpyrifos to the Sacramento and Feather Rivers is necessary to protect beneficial uses of the Sacramento and Feather Rivers. The proposed amendment will not unreasonably affect present and anticipated beneficial uses nor result in water quality less than described in applicable policies because the amendment are intended to result in compliance with water quality objectives. The actions to be taken are not expected to cause other impacts on water quality.
4. 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; section 13241, which authorizes Regional Water Quality Control Boards to establish water quality objectives; section 13242, which requires a program of implementation of water quality objectives; and section 13243 which authorizes Regional Water Quality Control Boards to specify certain conditions or areas where the discharges of certain types of waste will not be permitted. The State Water Board also finds that the two TMDLs, as reflected in the Basin Plan amendment, are consistent with the requirements of federal Clean Water Act section 303(d).
5. In an order, the Sacramento County Superior Court required the Central Valley Water Board to reconsider the diazinon objectives adopted by [Resolution No. R5-2003-0148](#) (October 16, 2003), no later than June 30, 2007 (*Makhteshim Agan of North America v. State Water Resources Control Board; Regional Water Quality Control Board-Central Valley Region, Sac. Cty. Sup. Ct. - Case No. 04CS00871*).

6. Based on the record as a whole, including draft Basin Plan amendment, the environmental document, accompanying written documentation, and public comments received, the Central Valley Water Board found that the amendment will not result in adverse effects on fish, wildlife, or the environment, and therefore no mitigation measures are proposed. The Central Valley Water Board found that the record as a whole and the procedures followed by staff comply with applicable CEQA requirements (23 California Code of Regulations [CCR] section 3775 et seq, Public Resources Code sections 21080.5, 21083.9, and 21159, 14 CCR section 15187).
7. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The TMDL and water quality objectives 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 Basin Plan as adopted under Central Valley Water Board [Resolution No. R5-2007-0034](#).
2. Authorizes the Executive Director or designee to submit the amendment adopted under Central Valley Water Board [Resolution No. R5-2007-0034](#), as approved, and the administrative record for this action to OAL and the TMDL and water quality objectives to USEPA for approval.

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 Board held on February 19, 2008.

AYE: Tam M. Doduc
Arthur G. Baggett, Jr.
Frances Spivy-Weber
Charles R. Hoppin

NO: None

ABSENT: Gary Wolff, P.E., Ph.D.

ABSTAIN: None



Jeanine Townsend
Clerk to the Board