

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2008-0015**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS (BASIN PLAN) TO DETERMINE THAT CERTAIN BENEFICIAL USES ARE NOT APPLICABLE AND ESTABLISH WATER QUALITY OBJECTIVES FOR MERCURY IN SULPHUR CREEK, COLUSA COUNTY

[Corrected Version]

WHEREAS:

1. On March 16, 2007, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted [Resolution No. R5-2007-0021](#) amending the Basin Plan to modify the beneficial uses of and establish water quality objectives for mercury in Sulphur Creek, Colusa County.
2. On October 21, 2005, the Central Valley Water Board adopted [Resolution No. R5-2005-0146](#) amending the Basin Plan to reduce the overall mercury and methylmercury loads to Cache Creek, Bear Creek, Sulphur Creek, and Harley Gulch. The amendment was approved July 19, 2006 by the State Water Resources Control Board (State Water Board), by the Office of Administrative Law (OAL) on October 19, 2006, and by the U.S. Environmental Protection Agency (U.S. EPA) on February 7, 2007.
3. Studies have been completed evaluating the attainability of the municipal and domestic supply beneficial use and the human consumption of aquatic organisms, which conclude that these beneficial uses are not existing and cannot be attained in Sulphur Creek from Schoolhouse Canyon to the mouth due to natural sources of dissolved solids and mercury.
4. The Central Valley Water Board found that the analysis contained in the 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.
5. 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 Code of Federal Regulations part 131.12). The proposed amendment determines that certain beneficial uses are not applicable and establishes water quality objectives for mercury in Sulphur Creek from Schoolhouse Canyon to the mouth. The proposed amendment is of maximum benefit to the people of the state and will not unreasonably affect present and anticipated beneficial uses nor result in water quality less than described in applicable policies because the amendment is intended to protect the existing and attainable beneficial uses. The actions to be taken are not expected to cause other impacts on water quality.
6. 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 13244 which requires Regional Water Quality Control Boards to provide a published, public notice to all interested persons

of any public hearing. The State Water Board also finds that the Basin Plan amendment is consistent with the requirements of federal Clean Water Act section 303(c).

7. The State Water Board finds that the analysis contained within the amendment adopted under [Resolution No. R5-2005-0146](#) (Basin Plan Amendment for the Control of Mercury in the Cache Creek Watershed), the Sulphur Creek TMDL for Mercury Staff Report, and the Staff Report that supports Basin Plan amendment [R5-2007-0021](#) (Basin Plan Amendment to Determine Certain Beneficial Uses Are Not Applicable in and Establish Water Quality Objectives for Sulphur Creek) constitutes a TMDL and is consistent with Clean Water Act section 303(d).
8. Based on the record as a whole, including draft Basin Plan amendments, the environmental document, accompanying written documentation, and public comments received, the Central Valley Water Board found that the amendments will not result in adverse effects on fish, wildlife, or the environment, and therefore no mitigation measures are proposed.
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. The water quality objectives, beneficial use changes, and TMDL must be approved by U.S. EPA.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under Central Valley Water Board [Resolution No. R5-2007-0021](#).
2. Authorizes the Executive Director or designee to submit the amendment adopted under Central Valley Water Board [Resolution No. R5-2007-0021](#), as approved, and the administrative record for this action to OAL and the water quality objectives, beneficial use changes, and TMDL to U.S. EPA for approval.

#### CERTIFICATION

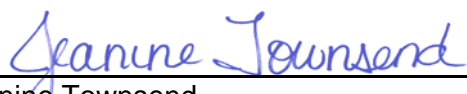
The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on March 18, 2008.

AYE: Chair Tam M. Doduc  
Vice Chair Gary Wolff, P.E., Ph.D  
Arthur G. Baggett, Jr.  
Charles R. Hoppin  
Frances Spivy-Weber

NAY: None

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
Jeanine Townsend  
Clerk to the Board