

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION--DIVISION OF WATER QUALITY
JANUARY 4, 2006

ITEM 4

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING A MODIFICATION TO AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS ESTABLISHING SITE-SPECIFIC TEMPERATURE OBJECTIVES FOR DEER CREEK IN EL DORADO AND SACRAMENTO COUNTIES

DISCUSSION

The latest edition of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan) was adopted by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) in 1994. The Basin Plan sets standards to protect all waters in the Sacramento and San Joaquin River Basins and prescribes programs to implement these standards. The standards consist of the designated beneficial uses of the waters, narrative and numeric objectives to protect these uses, and the State's Antidegradation Policy.

The Basin Plan is reviewed regularly and updated as needed. On January 31, 2003, the Central Valley Water Board adopted Resolution No. R5-2003-0006 that amended the Basin Plan by establishing site-specific objectives for temperature for Deer Creek, a small creek draining lower woodlands of the western Sierra Nevada foothills. This amendment was subsequently approved by the State Water Resources Control Board (State Water Board) on February 19, 2004 as Resolution No. 2004-0008 ([Attachment 1](#)). The Office of Administrative Law (OAL) approved the amendment on March 11, 2005 with minor non-substantive changes to the amendment as authorized by the Executive Officer of the Central Valley Water Board at the request of OAL staff ([Attachment 2](#)).

On March 15, 2005, the amendment was forwarded to the U.S. Environmental Protection Agency (USEPA) for approval. Upon review of the amendment, USEPA staff discovered that a minor change to the amendment language, which they had requested, had not been done. USEPA staff had requested that the word "discharges" be replaced with the words "controllable factors" in the following sentence: "*For Deer Creek, source to Cosumnes River, temperature changes due to **discharges** shall not cause creek temperatures to exceed the objectives specified in Table III-4A.*"

The Central Valley Water Board staff had fully intended to make this minor change to the language prior to adoption of the amendment but, due to an administrative oversight, failed to do so. To make this minor change, the Central Valley Water Board therefore modified Resolution No. R5-2003-0006 by adopting Resolution No. R5-2005-0119 ([Attachment 3](#)) on September 16, 2005.

POLICY ISSUE

Should the State Water Board approve the amendment in accordance with the Staff Recommendation below?

FISCAL IMPACT

Central Valley Water Board and State Water Board staff work associated with or resulting from this action can be accommodated within budgeted resources.

REGIONAL WATER BOARD IMPACT

Yes, Central Valley Water Board.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan as adopted under Central Valley Water Board Resolution No. R5-2005-0119.
2. Authorizes the Executive Director to submit the amendment and the administrative record for this action to OAL and USEPA for approval.

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2006-

APPROVING A MODIFICATION TO AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS ESTABLISHING SITE-SPECIFIC TEMPERATURE OBJECTIVES FOR DEER CREEK IN EL DORADO AND SACRAMENTO COUNTIES

WHEREAS:

1. The Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted a Water Quality Control Plan for the Central Valley Region, Sacramento River and San Joaquin River Basins (Basin Plan) under Resolution No. 94-380 on December 9, 1994 which was approved by the State Water Resources Control Board (State Water Board) on February 16, 1995, by the Office of Administrative Law (OAL) on May 9, 1995, and by the U.S. Environmental Protection Agency (USEPA) on May 26, 2000.
2. On January 31, 2003, the Central Valley Water Board adopted Resolution No. R5-2003-0006 amending Chapters 3 and 5 of the Basin Plan by establishing a site-specific objective for temperature for Deer Creek (located in El Dorado and Sacramento counties) and a special study of temperature, flow, and biological monitoring on Deer Creek. The State Water Board subsequently approved the amendment on February 19, 2004 as Resolution No. 2004-0008 (Attachment 1). OAL approved the amendment on March 11, 2005 with minor non-substantive changes to the amendment as authorized by the Executive Officer of the Central Valley Water Board at the request of OAL staff (Attachment 2).
3. On March 15, 2005, the amendment was forwarded to USEPA for approval. Upon review of the amendment, USEPA staff discovered that a minor change to the amendment language, which they had requested, had not been done. USEPA staff had requested that the word “discharges” be replaced with the words “controllable factors” in the following sentence: *“For Deer Creek, source to Cosumnes River, temperature changes due to discharges shall not cause creek temperatures to exceed the objectives specified in Table III-4A.”* The Central Valley Water Board staff had fully intended to make this minor change to the language prior to adoption of the amendment but, due to an administrative oversight, failed to do so. To make this minor change, the Central Valley Water Board therefore modified Resolution No. R5-2003-0006 by adopting Resolution No. R5-2005-0119 (Attachment 3) on September 16, 2005.
4. The State Water Board finds that this amendment is in conformance with the requirements of the federal Clean Water Act and State Water Board Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California).
5. The 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.

6. This Basin Plan amendment does not become effective until approved by the State Water Board, OAL, and 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. R5-2005-0119.
2. Authorizes the Executive Director to submit the amendment and the administrative record for this action to OAL and USEPA for approval.

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 January 4, 2006.

Selica Potter
Acting Clerk to the Board