

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
MARCH 20, 2007**

ITEM 7

SUBJECT

**WORKSHOP TO REVIEW IMPLEMENTATION OF THE WATER QUALITY CONTROL
POLICY FOR DEVELOPING CALIFORNIA'S CLEAN WATER ACT SECTION 303(d) LIST**

DISCUSSION

The purpose of this item is to solicit public comment on the implementation of the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy) during the development of the 2006 section 303(d) list, and to seek direction to staff regarding its use for the development of the 2008 section 303(d) list. On September 30, 2004, the State Water Resources Control Board (State Water Board) adopted the Listing Policy in accordance with California Water Code Section 13191.3(a). The Listing Policy identifies the process by which the State Water Board and Regional Water Quality Control Boards (Regional Water Boards) will comply with the listing requirements of section 303(d). The Listing Policy became effective in December 2004. The objective of the Listing Policy is to establish a standardized approach for developing California's section 303(d) list, with the overall goal of achieving water quality standards and maintaining beneficial uses in all of California's surface waters. The Listing Policy requires the State Water Board to hold a public workshop after the approval of the 2004 section 303(d) list [which is the 2006 section 303(d) list] to assess implementation of the Listing Policy.

The Listing Policy establishes the methodology used to develop the section 303(d) list, including listing and delisting factors; the process for gathering and evaluating data and information; and total maximum daily load scheduling. The Listing Policy outlines a "weight of evidence" approach that provides the rules for making decisions based upon different kinds of data; an approach for analyzing data statistically; and requirements for data quality, data quantity, and administration of the listing process. Decision rules for listing and delisting are provided in different sections of the Policy for: chemical-specific water quality standards; bacterial water quality standards; health advisories; bioaccumulation of chemicals in aquatic life tissues; nuisance such as trash, odor, and foam; nutrients; water and sediment toxicity; adverse biological response; and degradation of aquatic life populations and communities. The Listing Policy also requires that situation-specific weight of evidence listing or delisting factors be used if the other decision rules do not support listing or delisting.

On October 25, 2006, the State Water Board approved the 2006 Federal Clean Water Act Section 303(d) list of Water Quality Limited Segments for California (2006 303(d) list) as State Water Board Resolution No. 2006-0079. The 2006 303(d) list added 352 water quality limited segments (water body-pollutant combinations) and removed 203 water body-pollutant combinations from the 2002 303(d) list. The supporting weight of evidence for each of the listings and delistings is displayed in fact sheets as separate lines of evidence.

Fact sheets that summarize the data assessments were created to support the State Water Board staff recommendations for the 2006 303(d) list. These fact sheets document the sections

of the Listing Policy the State Water Board staff applied to these data assessments. During these assessments, the State Water Board staff applied and used nearly every section of the Listing Policy.

POLICY ISSUE

Should the State Water Board direct staff to continue to use the Listing Policy in the development of the 2008 section 303(d) list, or to pursue development of amendments to the Listing Policy?

FISCAL IMPACT

State Water Board staff work associated with or resulting from the Board's direction will be addressed with existing and future budgeted resources.

REGIONAL WATER BOARD IMPACT

Yes, all Regional Water Boards.

STAFF RECOMMENDATION

That the State Water Board direct staff to use the existing Listing Policy in developing the 2008 section 303(d) list.