

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
MARCH 3, 2015**

ITEM 6

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION TO APPROVE THE CLEAN WATER ACT SECTION 303(d) LIST PORTION OF THE PROPOSED 2012 CALIFORNIA INTEGRATED REPORT

DISCUSSION

The goal of the Clean Water Act (CWA) is "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters" (33 U.S.C § 1251(a)). Pursuant to Clean Water Act sections 303(d) and 305(b) (33 U.S.C. §§ 1313(d), 1315(b)), states are required to report to the U.S. Environmental Protection Agency (U.S. EPA) on the overall quality of the United States surface waters within their state. Under CWA section 303(d), states are required to submit to U.S. EPA a list identifying waters within its boundaries not meeting water quality standards (impaired waters) and the water quality parameter (i.e., pollutant) not being met (referred to as the 303(d) List). States are required to include a priority ranking of such waters, taking into account the severity of the pollution and the uses to be made of such waters, including waters targeted for the development of total maximum daily loads (TMDLs). Under CWA section 305(b), states are required to report to U.S. EPA on the overall water quality conditions of their surface waters, not just those that are impaired (referred to as the 305(b) Report). States are required to submit their 303(d) Lists and 305(b) Reports every two years (the listing cycle) (40 C.F.R. § 130.7(d) and 130.8(a)). The State Water Resources Control Board (State Water Board) administers this portion of the Clean Water Act for the State of California. The U.S. EPA issued guidance to states recommending that the 305(b) Report and the 303(d) List be compiled into a single report. For California, this report is called the "Integrated Report," and satisfies both the CWA section 303(d) and section 305(b) requirements.

For the current listing cycle, the State Water Board has combined its 303(d) List and the 305(b) Report into the proposed 2012 California Integrated Report. Only the 303(d) List portion of the proposed 2012 California Integrated Report requires approval by the State Water Board and U.S. EPA. The 303(d) List is a compilation of the 303(d) lists from the Regional Water Quality Control Boards (Regional Water Boards) for the North Coast, Lahontan, and Colorado River Basin regions. The 303(d) List also includes State Water Board staff recommendations for additions, deletions, or changes to the 303(d) Lists from those three regions. Prior to approval of their respective 303(d) Lists, each Regional Water Board held stakeholder meetings during 2014, provided advance notice and opportunity for public comment, and considered all testimony.

After approval of the 303(d) List portion of the California Integrated Report by the State Water Board, the complete California Integrated Report will be submitted to U.S. EPA. The U.S. EPA may make changes to the 303(d) List portion of the California Integrated Report before it approves the final statewide 303(d) List. The 303(d) List is not effective until approved by U.S. EPA. The 305(b) portion of the California Integrated Report requires no approval by the State Water Board or U.S. EPA.

Over 4,600 fact sheets containing over 8,300 lines of evidence assessing unique waterbody-pollutant combinations were developed for the North Coast, Lahontan, and Colorado River Basin Regional Water Boards during the 2012 listing cycle evaluation. The waterbody segments that were assessed were placed into one of the five Integrated Report [beneficial use support categories](#). The placement of a waterbody into the appropriate Integrated Report category was based on the assessment of the available water quality data. The most common core beneficial uses evaluated were aquatic life (WARM, COLD), drinking water supply (MUN), human consumption of fish (COMM), water contact recreation (REC-1), non-contact water recreation (REC-2), and shellfish harvesting (SHELL).

The 303(d) List consists of waterbodies placed into categories 4a, 4b, and 5. State Water Board staff recommends 107 additional listings and 30 delistings in the North Coast, Lahontan, and Colorado River Basin Regional Water Boards. Each listing and delisting is for a waterbody-pollutant combination. A total of 350 new waterbodies are proposed to be added to the 303(d) List for the first time for one or more pollutants resulting in a total of 3,583 listings statewide.

The proposed 2012 California Integrated Report, Staff Report, and all fact sheets can be found at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml

POLICY ISSUE

Should the State Water Board approve the proposed 303(d) List portion of the 2012 California Integrated Report and authorize the Executive Director or designee to transmit the proposed 2012 California Integrated Report and other supporting information to U.S. EPA for approval of the 303(d) List?

FISCAL IMPACT

State Water Board and Regional Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL BOARD IMPACT

Approval will affect the North Coast, Lahontan, and Colorado River Basin Regional Water Boards.

STAFF RECOMMENDATION

Staff recommend that the State Water Board approves the 303(d) List portion of the 2012 California Integrated Report and authorizes the Executive Director or designee to transmit the proposed 2012 California Integrated Report and other supporting information to U.S. EPA for approval of the 303(d) List.

State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the State Water Board's Strategic Plan Update: 2008-2012 in fulfilling Action 1 to prepare, adopt, and take steps to carry out TMDLs, designed to meet water quality standards, for all impaired water bodies with the 2010 Integrated Report 303(d) List.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2015-

APPROVING THE CLEAN WATER ACT SECTION 303(d) LIST PORTION OF THE PROPOSED 2012 CALIFORNIA INTEGRATED REPORT

WHEREAS:

1. Section 303(d)(1) of the Clean Water Act (CWA) (33 U.S.C. § 1313(d)) requires states to regularly identify surface waters that do not meet applicable water quality standards after technology-based controls have been implemented (referred to as the 303(d) List) and prioritize such surface waters for the purposes of developing total maximum daily loads (40 C.F.R. § 130.7(b)). The states are required to submit their section 303(d) List biennially to the United States Environmental Protection Agency (U.S. EPA) (40 C.F.R. § 130.7(d)).
2. The proposed 303(d) List is a compilation of the 303(d) Lists approved by the Regional Water Quality Control Boards (Regional Water Boards) for the North Coast, Lahontan, and Colorado River regions. Such approval occurred subsequent to advance notice to the public and opportunity for written comment, written responses provided to those comments, and after consideration of all testimony.
3. The State Water Board has made recommendations to add, remove, or change the list of waterbody-pollutant combinations on the proposed 303(d) List portion of the 2012 California Integrated Report.
4. The State Water Board and the Regional Water Boards complied with the Water Quality Control Policy for Developing California's CWA Section 303(d) List (Listing Policy) in developing the proposed 303(d) List.
5. In developing the proposed 303(d) List, the Regional Water Boards and the State Water Board considered all readily available data and information for the North Coast, Lahontan, and Colorado River Regional Water Boards.
6. On December 31, 2014, the State Water Board provided the public with requisite notice of its opportunity to comment on the proposed 303(d) List.
7. The State Water Board considered the written comments received on the proposed 303(d) List portion of the 2012 California Integrated Report and provided written responses to the written comments timely received.
8. On March 3, 2015, the State Water Board held a meeting to receive oral comments on the proposed 303(d) List.
9. In addition to the 303(d) List, the CWA requires states to report on the health of all its water, a report known as the 305(b) Report. The State Water Board combines its CWA sections 303(d) and 305(b) reporting requirements into an "Integrated Report."

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10. The 2012 California Integrated Report, which contains the proposed 303(d) List and 305(b) Report, is available on the State Water Board's website at:
http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml.
11. Only the 303(d) List portion of the 2012 Integrated Report requires approval by the State Water Board and U.S. EPA.
12. The State Water Board's approval of the 303(d) List is not a "project" subject to the California Environmental Quality Act because such action has no potential to result in a "direct physical change in the environment, or a reasonably foreseeable indirect physical change on the environment" (Pub. Res. Code § 21065). The 303(d) List satisfies reporting requirements of the CWA and provides information for setting priorities for future actions.

THEREFORE, BE IT RESOLVED THAT:

The State Water Board:

1. Approves the [303\(d\) List portion of the 2012 California Integrated Report](#).
2. Authorizes the Executive Director or designee to transmit the attached 2012 California Integrated Report and other supporting information to the U.S. EPA for approval of the 303(d) List portion of the 2012 California Integrated Report.

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 approved at a meeting of the State Water Resources Control Board held on March 3, 2015.

Jeanine Townsend
Clerk to the Board