

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION
RESOLUTION NO. R5-2016-0083

APPROVAL OF RECOMMENDATIONS FOR THE FEDERAL
CLEAN WATER ACT SECTION 303(d) LIST

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds that:

1. The California Integrated Report includes the requirements of Federal Clean Water Act (CWA) Section 305(b) and Section 303(d).
2. Section 305(b) of the CWA requires States to monitor, assess and submit biennially to the U.S. Environmental Protection Agency (USEPA) a report assessing statewide surface water quality.
3. Section 303(d) of the CWA and Title 40, Code of Federal Regulations - Section 130.7 require states to develop and submit to the USEPA for approval a list of water bodies for which water quality standards (beneficial uses and water quality objectives) are not attained, or are not expected to be attained, with the implementation of certain technology-based controls. This list is commonly referred to as the "303(d) List" or the "List of Impaired Waters."
4. The 303(d) List must include a description of the pollutants causing impairment and a completion date for ranking the development of a Total Maximum Daily Load (TMDL) for each pollutant.
5. Only the 303(d) List portion of the California Integrated Report requires approval by the State Water Resources Control Board (State Water Board) and the USEPA. Neither agency approves the 305(b) Report portion of the California Integrated Report.
6. The process for developing and approving the 303(d) List, including requests for review of specific listing recommendations by a Regional Water Quality Control Board (Regional Water Board), is outlined in the *Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy)*.
7. Upon approval, the Central Valley Water Board's recommended 303(d) List is submitted to the State Water Board and compiled into a statewide 303(d) List. The statewide 303(d) List is subject to the approval of the State Water Board and the USEPA. The Central Valley Water Board's 303(d) List was last substantively updated in 2010. The current statewide 303(d) List is the 2012 303(d) List that incorporated the Central Valley Water Board's 2010 303(d) List with no changes.

The statewide 2012 303(d) List was approved by the State Water Board and the USEPA in 2015.

8. By letter dated 15 July 2013, the State Water Board informed the USEPA of its strategy for a more efficient and successful CWA 303(d)/305(b) Integrated Report process for California, which divides California into thirds by Regional Water Quality Control Boards (Regional Water Boards). The State of California Integrated Report now occurs on a rotating basis for three Regional Water Boards at once. The Central Valley Water Board is in the 2014 listing cycle group.
9. On behalf of the Regional Water Boards, by letters dated 14 January 2010, the State Water Board solicited water quality information and data from the public for use in the next water quality assessment under Sections 303(d) and 305(b). The deadline of 30 August 2010 was specified for submittal of written comments, information, and water quality data for consideration for the Integrated Report.
10. The State Water Board directed that, due to the volume of data received during the 2010 data solicitation period, only water quality data received through 30 August 2010 were to be evaluated for the 2012, 2014, and 2016 listing cycles.
11. Because the data solicitation period for this Integrated Report closed in August 2010 (over six years ago), the assessment of conditions may not entirely reflect the status of each surface water body at this time.
12. The State Water Board supports the Regional Water Boards in conducting CWA Section 305(b) and/or 303(d) List update(s) "off-cycle", before their next regularly scheduled Integrated Report periods. To be efficient, off-cycle updates should be limited to priority waterbodies, pollutants, or combinations thereof as identified by the Regional Water Boards, with reallocation of resources as appropriate.
13. Central Valley Water Board staff considered all data received in response to the data solicitation notice distributed by the State Water Board. Staff also considered readily available data from internal Water Board sources including data collected through the State's Surface Water Ambient Monitoring Program (SWAMP) and the Region 5 Irrigated Lands Regulatory Program.
14. In developing the Central Valley Water Board's recommended 2014 Integrated Report, Central Valley Water Board staff relied on the State Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy), as well as applicable federal guidelines and regulations.
15. Central Valley Water Board staff provided advanced notice and opportunity for public comment on the draft recommendations for changes to the 303(d) List and

on the draft 2014 Integrated Report for the Central Valley Region during a 31-day public comment period commencing on 19 September 2016 and ending on 20 October 2016.

16. Central Valley Water Board staff recommendations for update of the 303(d) List were posted on the Central Valley Water Board's internet web page on 19 September 2016.
17. Central Valley Water Board staff held a Public Workshop in Redding, California on 14 October 2016, to receive comments on the draft recommendations.
18. Central Valley Water Board staff responded in writing to the oral and written comments received during the public comment period and revised staff's recommendations for addition, deletions, and changes to the 303(d) List, the supporting Integrated Report, and water body fact sheets as appropriate.
19. After reviewing all relevant evidence submitted before or during the comment period for the Central Valley Water Board's 2014 Integrated Report, Central Valley Water Board staff has:
 - For CWA Section 305(b), made overall beneficial use support ratings for the water bodies that have been assessed for this 2014 assessment cycle. Categories 1, 2, 3, 4, and 5 of the Central Valley Water Board's 2014 Integrated Report reflect the outcome of the overall use support ratings.
 - For CWA Section 303(d), made recommendations to add, remove or change the 2012 CWA Section 303(d) List of Impaired Waters for the Central Valley Water Board's 2014 Integrated Report. The 303(d) List includes Categories 4 and 5 of the Integrated Report.
20. The Central Valley Water Board released a draft final recommended 2014 Integrated Report for the Central Valley Region on 17 November 2016, which included written responses to comments received by the 20 October 2016 deadline.
21. No action is required by the Central Valley Water Board for staff's assessment of non-impaired water bodies under Section 305(b).
22. On 5 December 2016, the Central Valley Water Board held a Public Hearing to consider and approve the recommendations for the 303(d) List. The Central Valley Water Board considered all evidence provided by Central Valley Water Board staff and the public.

23. The 2014 California Integrated Report is a State Water Board report. In 2017, the State Water Board will consider for approval the 303(d) List portion of the Integrated Report and then transmit it to USEPA Region IX for approval. The State Water Board will consider the Central Valley Water Board's direction and recommendations provided in the transmittal of the Central Valley Water Board's proposed 303(d) List.

THEREFORE BE IT RESOLVED THAT:

1. The Central Valley Water Board hereby approves the recommendations for the 2014 303(d) List for the Central Valley Region.
2. The Executive Officer is to transmit the Central Valley Water Board's proposed recommendations for the 2014 Integrated Report with its supporting information and evidence including approved revisions, to the State Water Board for its consideration and incorporation into the final 2014 California Integrated Report.
3. Upon approval of the 2014 California Integrated Report by the State Water Board and the USEPA, staff will implement the approved Integrated Report for Central Valley water bodies, including the approved 303(d) List.
4. The August 2010 solicitation deadline results in consideration of data that may not be fully representative of the most current conditions for Central Valley surface waters. The Central Valley Water Board directs staff to include comments to the State Water Board regarding its concern with only considering data prior to 2010, and how newer data, if considered, could impact assessments and priorities.
5. The Central Valley Water Board directs staff to evaluate options for assessing new information off cycle.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 5 December 2016.

Original signed by

PAMELA C. CREEDON, Executive Officer