

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2002-0127

AMENDING THE WATER QUALITY CONTROL PLAN
FOR
THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS
TO ADOPT SITE SPECIFIC pH AND TURBIDITY OBJECTIVES FOR DEER
CREEK IN EL DORADO AND SACRAMENTO COUNTIES

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region, (hereafter Board) finds that the amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan) was developed in accordance with California Water Code Section 13240, et seq.; and

WHEREAS, the Federal Clean Water Act (CWA) requires the Board to develop water quality objectives which are sufficient to protect beneficial uses designated for each water body found within its region; and

WHEREAS, the current Basin Plan contains pH objectives that are based on a limited change from background conditions when the pH is within a safe range (6.5 to 8.5) and

WHEREAS, the natural pH of Deer Creek fluctuates widely making compliance with the current objective infeasible and

WHEREAS, site specific data for Deer Creek show that the resident aquatic life is fully protected by pH fluctuations within the safe range of 6.5 to 8.5 and,

WHEREAS, the 1986 USEPA Quality Criteria for Water do not limit the amount of change when the pH ranges from 6.5 to 9 which is generally considered a safe range for freshwater aquatic life, and

WHEREAS, the current general objective for waters with 0-5 NTU turbidity limits the change to One turbidity unit and

WHEREAS, there is no known aquatic life impacts when turbidity is below 5 NTU in small flowing waters, and

WHEREAS, the most sensitive beneficial use at very low turbidities is recreation (aesthetics), and

WHEREAS, there is no aesthetic difference in small flowing streams between 0 and 5 NTU, and

WHEREAS, the proposed amendments are based on site specific data and current science on the effects of pH and turbidity on the beneficial uses of Deer Creek; and

WHEREAS, the amendment proposed for adoption into the Basin Plan will revise Chapter 3 "Water Quality Objectives" of the Basin Plan to adopt site specific pH and turbidity objectives for Deer Creek in El Dorado and Sacramento counties; and

WHEREAS, the amendment will resolve a compliance problem for discharges of highly treated wastewater into Deer Creek; and

WHEREAS, there is no impact on downstream waters within the range of proposed objectives; and

WHEREAS, the Board has considered the costs of implementing the amendment, and finds these costs to be a reasonable burden relative to the environmental benefits; and

WHEREAS, The basin planning process has been certified as "functionally equivalent" to the California Environmental Quality Act requirements for preparing environmental documents and is, therefore, exempt from those requirements (Public Resources Code, Section 21000 et seq.); and

WHEREAS, Board staff has prepared a draft amendment and staff report dated February 2002; and

WHEREAS, Board staff have prepared a Notice of Filing and an environmental checklist that indicates that the proposed amendment results in no potential for adverse effect, either individually or cumulatively, on wildlife; and

WHEREAS, Board staff has prepared and circulated the draft amendment, staff report, Notice of Filing, environmental checklist to interested individuals and public agencies for review and comment in accordance with state and federal environmental regulations (23 CCR Section 3775, 40 CFR 25, and 40 CFR 131); and

WHEREAS, the Regional Board held a public hearing on 19 July 2002, for the purpose of receiving testimony on the proposed Basin Plan amendment. Notice of the public hearing was sent to all interested persons and published in accordance with California Water Code, Section 13244; and

WHEREAS, a Basin Plan amendment must be approved by the SWRCB, Office of Administrative Law (OAL), and USEPA before becoming effective; and

WHEREAS, the amendment is consistent with the State Antidegradation Policy (State Water Resources Control Board (SWRCB) Resolution No. 68-16), in that the changes to water quality objectives (i) consider maximum benefits 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. Likewise, the amendment is consistent with the federal Antidegradation Policy (40 CFR 131.12); and

WHEREAS, the regulatory action proposed meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b):
Therefore be it

RESOLVED, pursuant to Section 13240, et seq. of the California Water Code, the Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to the Basin Plan as set forth in the attachment; and be it further

RESOLVED, that the Acting Executive Officer is directed to forward copies of the Basin Plan amendment to the SWRCB in accordance with the requirements of Section 13245 of the California Water Code; and be it further

RESOLVED, that the Regional Board requests that the SWRCB approve the Basin Plan amendment in accordance with the requirements of Sections 13245 and 13246 of the California Water Code and forward it to OAL and the USEPA; and be it further

RESOLVED, if during its approval process the SWRCB or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes; and be it further

RESOLVED, the Executive Officer is authorized to sign a Certificate of Fee Exemption and following approval of the Basin Plan amendment by the USEPA submit this Certificate in lieu of payment of the Department of Fish and Game filing fee to the Secretary for Resources; and be it further

RESOLVED, the environmental documents prepared by Board staff pursuant to Public Resources Code Section 21080.5 is hereby certified and, following approval of the Basin Plan amendment by the SWRCB, the Executive Officer shall file a Notice of Decision with the State Clearinghouse.

I, THOMAS R. PINKOS, Acting 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 19 July 2002.

THOMAS R. PINKOS, Acting Executive Officer

ATTACHMENT
RESOLUTION NO. 5-2002-XXX
AMENDMENT TO BASIN PLAN
TO ADOPT SITE SPECIFIC pH AND TURBIDITY OBJECTIVES FOR
DEER CREEK IN EL DORADO AND SACRAMENTO COUNTIES

Revise Basin Plan sections as follows:

CHAPTER III. – WATER QUALITY OBJECTIVES

Add the following sentence to the end of the “pH section” on page II-6.00:

For Deer Creek, source to Cosumnes River, pH shall not be depressed below 6.5 nor raised above 8.5.

Add the following to the end of the “Turbidity section” on page III-9.00:

For Deer Creek, source to Cosumnes River:

- .When the dilution ratio for discharges is less than 20:1 and where natural turbidity is less than 1 Nephelometric Turbidity Unit (NTU), discharges shall not cause the receiving water daily average turbidity to exceed 2 NTUs or daily maximum turbidity to exceed 5 NTUs. Where natural turbidity is between 1 and 5 NTUs, dischargers shall not cause receiving water daily average turbidity to increase more than 1 NTU or daily maximum turbidity to exceed 5 NTUs
- .Where discharge dilution ratio is 20:1 or greater, or where natural turbidity is greater than 5 NTUs, the general turbidity objectives shall apply..