

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 94-115

APPROVAL OF AN AMENDMENT TO THE WATER QUALITY
CONTROL PLAN FOR THE CENTRAL COAST REGION

WHEREAS:

1. The Regional Water Quality Control Board, Central Coast Region (RWQCB), adopted a revised Water Quality Control Plan for the Central Coast Region (Basin Plan) on February 11, 1994, and the State Water Resources Control Board (SWRCB) approved the revised Basin Plan on May 18, 1994 under Resolution No. 94-44.
2. Section 303(c) of the Federal Clean Water Act requires that water quality standards be reviewed and revised, if appropriate, at least every three years, and Section 13240 of the California Water Code provides that Basin Plans be periodically reviewed and may be revised.
3. On September 8, 1994, the RWQCB adopted Resolution No. 94-06 (Attachment) revising Basin Plan Table 2-1, Identified Uses of Inland Surface Waters, in the following areas:
 - a. Added eight beneficial use categories not previously listed in Table 2-1 for inland surface waters, and assigned the uses to appropriate water bodies.
 - b. Added 29 water bodies not previously listed in Table 2-1, and assigned appropriate beneficial uses to them.
 - c. Revised several beneficial use definitions.
 - d. Revised two beneficial use designations for Struve Slough which were assigned in error when the Basin Plan was revised on February 11, 1994.
 - e. Replaced existing "E" and intermittent "I" listings with an "X" to indicate that a beneficial use is present in the water body.
4. The RWQCB prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.).
5. The SWRCB will work with the Department of Fish and Game to ensure that threatened or endangered species are protected, pursuant to Fish and Game Code Section 2055.
6. The RWQCB Resolution No. 94-06 was adopted in accordance with State laws and regulations.

7. Basin Plan amendments do not become effective until approved by the SWRCB and until regulatory provisions are approved by the Office of Administrative Law (OAL).

THEREFORE BE IT RESOLVED THAT:

The SWRCB:

1. Approves the Basin Plan amendment adopted by RWQCB Resolution No. 94-06 on September 8, 1994 with the understanding that:
 - a. The RWQCB shall continue to implement provisions of existing State and federal laws regarding the discharge of toxic pollutants. In particular, the RWQCB shall issue National Pollutant Discharge Elimination System permits in compliance with the Porter-Cologne Water Quality Control Act and applicable State and federal regulations, including, but not limited to, 40 CFR, Section 122.44(d).
 - b. Within three years after the Department of Fish and Game (DFG) notifies the RWQCB that specific water bodies support threatened or endangered species and that scientific evidence indicates that certain existing water quality objectives for these water bodies do not adequately protect such species, the RWQCB shall determine, in consultation with DFG, whether these objectives are adequately protective. In cases where such existing objectives do not provide adequate protection for threatened and endangered species, the RWQCB shall develop and adopt adequately protective site-specific objectives for these constituents.
2. Authorizes staff to forward the Basin Plan amendment to the U.S. Environmental Protection Agency and the regulatory provisions of the Basin Plan amendment to OAL for approval.

CERTIFICATION

The undersigned, Administrative Assistant 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 November 17, 1994.


Maureen Marché
Administrative Assistant to the Board

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

RESOLUTION NO. 94-06

ADOPTING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
AND REQUESTING APPROVAL FROM
THE STATE WATER RESOURCES CONTROL BOARD

WHEREAS:

1. The California Water Code directs the Regional Water Quality Control Boards (Regional Boards) to adopt Water Quality Control Plans (Basin Plans) and to revise them as necessary.
2. This Regional Board, at the February 11, 1994 Board Meeting, directed staff to include the latest Beneficial Use categories approved by the State Water Resources Control Board in Table 2-1 of the Basin Plan.
3. The Regional Board, and others, proposed waters not previously listed in Table 2-1 for designation of beneficial uses.
4. Regional Board staff proposes that the Existing "E" and Intermittent "I" designations are confusing; and that all water body designations in Table 2-1 be identified with an "X" indicating that the beneficial use occurs, at least part of the year and/or in some segment of the water body.
5. Regional Board staff was advised of at least one error in the current Table 2-1 which should be corrected.
6. Drafts of the proposed revisions have been prepared and distributed to interested persons and agencies for review and comment.
7. The specific amendment proposed is shown in Attachment "A - Appendix One and Two".
8. Regional Board staff has followed appropriate procedures to satisfy the environmental documentation requirements of both the California Environmental Quality Act, under Public Resources Code Section 21080.5 (Functional Equivalent) and the Federal Clean Water Act of 1977 (PL 92-500 and PL 95-217). The Regional Board finds adoption of this amendment will not have a significant adverse effect on the environment.
9. Amendment of the Administrative Procedure Act, Government Code Section 11340, requires Basin Plan amendments be submitted to the California Office of Administrative Law.
10. Regional Board staff consulted with the Department of Fish and Game regarding potential impacts of proposed Basin Plan revisions on fish and wildlife resources, and on threatened and endangered plant and animal species. The draft amendment has been revised in response to comments by Department of Fish and Game staff. The Department of Fish and Game has made a conditional finding of "no jeopardy" pursuant to the California Endangered Species Act.
11. The Department of Fish and Game conditions their approval with the understanding that: "Within three years after the Department notifies the California Regional Water Quality Control Board that specific water bodies support threatened or endangered species, and that scientific evidence indicates that certain water quality objectives for these water bodies protect such species, the Board shall determine, in consultation with the Department, whether these objectives are adequately protective. In cases where such objective do not provide adequate protection for listed species, the Board shall develop and adopt adequately protective site-specific objectives for those constituents."

12. Due notice of public hearing was given by advertising in eight newspapers of general circulation within the Region.
13. On September 8, 1994, the Regional Board held a public hearing and heard and considered all public testimony.

THEREFORE BE IT RESOLVED:

1. Based on the draft Basin Plan amendment, the environmental checklist, accompanying written documentation, and public comments received, the Regional Board finds that there is no substantial evidence in the record that adoption of the proposed Basin Plan amendment will have a significant effect on the environment.
2. The environmental document prepared by Regional Board staff pursuant to Public Resources Code Section 21080.5 is hereby certified. Following approval of this amendment by the State Board, the Executive Officer shall file a Notice of Decision with the State Clearinghouse.
3. Within three years after the Department notifies the California Regional Water Quality Control Board that specific water bodies support threatened or endangered species, and that scientific evidence indicates that certain water quality objectives for these water bodies protect such species, the Board shall determine, in consultation with the Department, whether these objectives are adequately protective. In cases where such objective do not provide adequate protection for listed species, the Board shall develop and adopt adequately protective site-specific objectives for those constituents.
4. The Basin Plan amendment shown on Attachment "A - Appendix One and Two" is approved. The amendment will not take effect until approved by the State Board and the Office of Administrative Law.
5. Upon approval, the State Board is requested to transmit the amendment to the California Office of Administrative Law and the Environmental Protection Agency for approval.

I, ROGER W, BRIGGS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of the resolution adopted by the California Regional Water Quality Control Board, Central Coastal Region, on September 8, 1994.


Executive Officer