

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2005 – 0086

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS TO
CONTROL FACTORS CONTRIBUTING TO DISSOLVED OXYGEN IMPAIRMENT
IN THE STOCKTON DEEP WATER SHIP CHANNEL

WHEREAS:

1. The Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted a Water Quality Control Plan for the Central Valley Region, Sacramento River and San Joaquin River Basins (Basin Plan) under Resolution No. 94-380 on December 9, 1994 which was approved by the State Water Resources Control Board (State Water Board) on February 16, 1995, by the Office of Administrative Law (OAL) on May 9, 1995, and by the U.S. Environmental Protection Agency (USEPA) on May 26, 2000.
2. On January 27, 2005, the Central Valley Water Board adopted Resolution No. R5-2005-0005 ([Attachment 1](#)) amending the Basin Plan by establishing a control program for factors contributing to the dissolved oxygen impairment in the Stockton Deep Water Ship Channel (Control Program for DO, Stockton DWSC). The Control Program for DO, Stockton DWSC includes, as part of its implementation requirements, a Total Maximum Daily Load (TMDL) directed to the point and nonpoint source discharge of pollutants that contribute to the DO impairment.
3. Resolution No. R5-2005-005 authorizes the Central Valley Regional Board Executive Officer to make minor, non-substantive corrections to the language of the amendment, if needed, for clarity or consistency. State Water Board staff's review of the proposed amendment identified items in the amendment that needed clarification. The Central Valley Water Board Executive Officer has made the non-substantive clarifications to the amendment ([Attachment 2](#)).
4. The State Water Board finds that the Control Program for DO, Stockton DWSC conforms to the requirements of section 13242 of the California Water Code and State Water Board Resolution No. 68-16 and that the TMDL conforms with the requirements of section 303(d) of the federal Clean Water Act.
5. The Central Valley Water Board staff prepared documents and followed procedures satisfying all environmental documentation requirements in accordance with the California Environmental Quality Act and other State laws and regulations.
6. This Basin Plan amendment establishing the control program does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The USEPA must also approve the TMDL.

7. The Basin Plan amendment, including the TMDL, can be implemented in part through actions involving the regulation of flow and water supply operations. The State Water Board does not concede that it is required under the federal Clean Water Act to submit the parts of this Basin Plan amendment that involve the regulation of flow and water supply operations to the USEPA for approval. In the view of the State Water Board, any use of flow and modifications of water supply operations to implement the Basin Plan amendment is not subject to USEPA approval.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan as adopted under Central Valley Water Board Resolution No. R5-2005-0005, and as corrected by the Regional Board Executive Officer ([Attachment 2](#)).
2. Authorizes the Executive Director to submit the amendment, as approved, and the administrative record for this action to OAL and the TMDL to USEPA for approval.

CERTIFICATION

The undersigned, Acting Clerk 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 16, 2005.

AYE: Tam M. Doduc
Richard Katz
Gerald D. Secundy

OPPOSED: None.

ABSENT: Arthur G. Baggett, Jr.

ABSTAIN: None.



Selica Potter
Acting Clerk to the Board