

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2006 – 0054**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE CENTRAL VALLEY REGION INCORPORATING A PLAN FOR CONTROL OF
MERCURY IN CACHE CREEK, BEAR CREEK, SULPHUR CREEK, AND HARLEY GULCH

WHEREAS:

1. On October 21, 2005, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted Resolution No. R5-2005-0146 ([Attachment](#)) amending the Water Quality Control Plan (Basin Plan) for the Central Valley Region to incorporate a plan for control of mercury in Cache Creek, Bear Creek, Sulphur Creek, and Harley Gulch.
2. The Central Valley Water Board prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act.
3. The Central Valley Water Board found that the additions of this amendment would result in no adverse effect on wildlife, and the amendment would be consistent with the State Antidegradation Policy (State Water Resources Control Board [State Water Board] Resolution No. 68-16) and federal antidegradation requirements.
4. Cache Creek, Bear Creek, Sulphur Creek, and Harley Gulch have been identified under the federal Clean Water Act section 303(d) because they do not meet water quality standards due to elevated concentrations of mercury in water and sediment, methylmercury in fish tissue, or the existence of a fish consumption advisory.
5. The proposed amendment establishes site-specific numeric objectives for methylmercury in fish in Cache Creek, Bear Creek, and Harley Gulch.
6. The proposed amendment establishes an implementation program to reduce mercury and methylmercury loads into the Cache Creek watershed including the loading capacity and allocation requirements of a Total Maximum Daily Load (TMDL).
7. The proposed amendment includes a water, sediment, and fish tissue monitoring program that allows the Central Valley Water Board to assess progress in reducing mercury and methylmercury concentrations.
8. The proposed amendment requires the owners of inactive mines to develop and implement plans to reduce mercury discharges from the mines, and it requires federal, State, and local agencies to develop and implement plans to reduce mercury and methylmercury loads from areas with mercury-contaminated sediments or methylmercury sources.
9. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans; section 13241, which specifies the requirement to adopt water quality

objectives; and section 13242, which requires a program of implementation of water quality standards. The State Water Board also finds that the TMDL as reflected in the Basin Plan amendment is consistent with the requirements of federal Clean Water Act section 303(d).

10. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The U.S. Environmental Protection Agency (USEPA) must also approve the amendment.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Central Valley Water Board Basin Plan to incorporate a plan for control of mercury in Cache Creek, Bear Creek, Sulphur Creek, and Harley Gulch as adopted in Central Valley Water Board Resolution No. R5-2005-0146.
2. Authorizes the Executive Director, or designee, to transmit the amendment and administrative record for this action to OAL and to USEPA for approval.
3. By January 31, 2007, the Central Valley Water Board shall report to the State Water Board's Executive Officer, for her approval, the methods it will use to verify the 10-year floodplain. The Central Valley Water Board shall make these methods available to the public.

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 adopted at a meeting of the State Water Board held on July 19, 2006.

AYE: Tam M. Doduc
Gerald D. Secundy
Arthur G. Baggett, Jr.
Charles R. Hoppin
Gary Wolff, P.E., Ph.D.

NO:

ABSENT:

ABSTAIN:



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Clerk to the Board