

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2007- 0012**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN  
FOR THE CENTRAL VALLEY REGION TO ESTABLISH A  
TOTAL MAXIMUM DAILY LOAD (TMDL) FOR NUTRIENTS IN CLEAR LAKE

WHEREAS:

1. The Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted a Water Quality Control Plan for the Sacramento 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 June 23, 2006, the Central Valley Water Board adopted Resolution No. R5-2006-0060 ([Attachment](#)) amending the Basin Plan to establish a TMDL for nutrients in Clear Lake.
3. The Central Valley Water Board found that the environmental documents of the draft amendment language, staff report, and environmental checklist prepared by Central Valley Water Board staff complies with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in the California Code of Regulations, Title 23, section 3775 et seq.
4. The Central Valley Water Board found that adoption of this amendment would result in no adverse effect on wildlife, and the amendment would be consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16) and federal antidegradation requirements.
5. 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, and section 13242, which requires a program of implementation of water quality objectives. 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).
6. The Central Valley Board established the loading capacity of Clear Lake as an average annual phosphorus load of 87, 100 kilograms (kg) equaling an average TMDL of approximately 239 kg. Compliance with the phosphorus load will be based on a five year rolling average as established in the TMDL.
7. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The TMDL must also be approved by USEPA.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under Central Valley Water Board Resolution No. R5-2006-0060.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Central Valley Water Board Resolution No. R5-2006-0060, as approved, and the administrative record for this action to OAL and the TMDL to USEPA for approval.

### 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 Resources Control Board held on April 3, 2007.

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

NO: None

ABSENT: Frances Spivy-Weber

ABSTAIN: None



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Clerk to the Board