

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION--DIVISION OF WATER QUALITY
November 16, 2005

ITEM 12

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL VALLEY REGION TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR THE CONTROL OF SALT AND BORON DISCHARGES INTO THE LOWER SAN JOAQUIN RIVER

DISCUSSION

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted an updated Water Quality Control Plan for the Central Valley Region (Basin Plan) on May 3, 1996. The adopted Basin Plan was approved by the State Water Resources Control Board (State Water Board) on September 19, 1996 and by the Office of Administrative Law (OAL) on January 10, 1997.

Water quality objectives for salinity (electrical conductivity, total dissolved solids and chloride) in the San Joaquin River near Vernalis were adopted in May 1991 by the State Water Board in the Water Quality Control Plan for Salinity. In 1998, the State Water Board placed the San Joaquin River on the federal Clean Water Act (CWA) section 303(d) list as impaired by salinity, based on a Central Valley Water Board recommendation.

CWA section 303(d)(1)(C) requires states to establish TMDLs for the pollutants causing the impairments at levels necessary to protect the beneficial uses and attain applicable water quality objectives. A TMDL is a numerical calculation and allocation of the total loading capacity that a water body can assimilate, considering seasonal variations and a margin of safety, and still attain water quality standards. A TMDL includes one or more numerical targets that represent attainment of the standards. A numerical target may equal the applicable numerical water quality objective.

On September 10, 2004, the Central Valley Water Board adopted Resolution No. R5-2004-0108 (Attachment 1), which would amend the Basin Plan to incorporate a TMDL to control the discharge of salt and boron into the lower San Joaquin River. The proposed TMDL is a phased program that specifies that the Central Valley Water Board will use waste discharge requirements (WDRs) or waivers of WDRs to apportion load allocations to nonpoint source discharges based on geographic area. The waiver program will include conditions for participating in a real-time salt load management implementation program. The real-time program would allow dischargers to store

discharges that do not meet salinity targets until there is adequate dilution capacity in the receiving water.

Waste load allocations for point source dischargers will equal the water quality objective and be implemented through National Pollutant Discharge Elimination System (NPDES) permits. The TMDL specifies that if the Central Valley Water Board is unable to enter into a Management Agency Agreement with the U.S. Bureau of Reclamation (Bureau) to address salt imports into the basin from the Delta-Mendota Canal and the lower San Joaquin River watershed, it will request the Bureau to submit a report of waste discharge. Other implementation provisions include: dilution allocations (offset credits) for entities releasing dilution flows; and the Central Valley Water Board will review and update load allocations and waste load allocations every six years, develop and consider water quality objectives for salt and boron in the lower San Joaquin River between the Mendota Dam and the Airport Way Bridge near Vernalis, and develop a program to control salt discharges to groundwater.

Control actions that are effective in reducing salt loads will also be effective in controlling boron concentrations.

Central Valley Water Board Resolution No. R5-2004-0108 authorized the Central Valley Water 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 review of the proposed amendment identified items in the amendment that required clarification. By memorandum dated March 24, 2005, the Central Valley Water Board Executive Officer made non-substantive clarifications to the amendment (Attachment 2).

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan in accordance with the Staff Recommendation below?

FISCAL IMPACT

California Water Board staff work associated with or resulting from this action can be accomplished within budgeted resources.

CALIFORNIA WATER BOARD IMPACT

Yes, Central Valley Water Board.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan to control the discharge of salt and boron into the lower San Joaquin River adopted under Central Valley Water Board

Resolution No. R5-2004-0108 (Attachment 1), as corrected by the Executive Officer (Attachment 2).

2. Authorizes the Executive Director to transmit the amendment and administrative record for this action to OAL and the TMDL to the U.S. Environmental Protection Agency for approval.

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2005 -APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE CENTRAL VALLEY REGION TO INCORPORATE A
TOTAL MAXIMUM DAILY LOAD (TMDL) FOR THE CONTROL OF
SALT AND BORON DISCHARGES INTO THE LOWER SAN JOAQUIN RIVER

WHEREAS:

1. The Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted a revised Water Quality Control Plan for the Central Valley Region (Basin Plan) on May 3, 1996, which was approved by the State Water Resources Control Board (State Water Board) on September 19, 1996 and by the Office of Administrative Law (OAL) on January 10, 1997.
2. On September 15, 2004, the Central Valley Water Board adopted Resolution No. R5-2004-0108 (Attachment 1) amending the Basin Plan to incorporate a TMDL to control the discharge of salt and boron into the lower San Joaquin River.
3. The State Water Board finds that provisions of the amendment as adopted warrant minor non-substantive clarification of the language.
4. Central Valley Water Board Resolution No. R5-2004-0108 delegated to the Regional Board Executive Officer authority to make minor, non-substantive clarifications to the adopted amendment, if needed, for clarity or consistency. By memorandum dated March 24, 2005, the Central Valley Water Board Executive Officer has made the necessary clarifications to the amendment (Attachment 2).
5. The State Water Board finds that when the Central Valley Water Board has developed information about the relative proportion of salt that returns directly to the streams, infiltrates to groundwater, or- is consumptively used, the Central Valley Water Board should re-consider the appropriateness of the level of the supply water credit for irrigators in the Grassland and Northwest Side subareas, as defined in the Basin Plan, which receive water from the Delta-Mendota Canal.
6. The State Water Board finds that the Central Valley Water Board should consider incorporating into the TMDL any implementation provisions proposed by the San Joaquin River Water Quality Management Group- after such proposals are finalized.
- ~~5.7.~~ Central Valley Water Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act and other State laws and regulations.
- ~~6.8.~~ 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.

DRAFT

~~September 13, 2005~~

~~Revised October 11, 2005-~~

~~Revised November 7, 2005~~

9. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. Additionally, the TMDL must be approved by the U.S. Environmental Protection Agency (USEPA).
10. The State Water Board recognizes that some of the point source dischargers (municipalities) may have difficulty meeting their electrical conductivity wasteload allocations. The State Water Board further recognizes that the water quality problems involving salt in the San Joaquin River are exceedingly complex and not merely related to salt inputs from traditional dischargers, but from pass-through of salt from supply water emanating from the Bureau of Reclamation and other water right holders, as well as the unique and altered hydrology of the Delta system. Furthermore, the extent to which this water body can assimilate salt pollutants is to a large degree dependent upon the amount of water that is released into the San Joaquin River. The State Water Board finds that a solution to this impairment should be accomplished by cooperative efforts of all players irrespective of whether their primary interests have been traditionally perceived as relating to water rights or water quality.
11. 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 to control the discharge of salt and boron into the lower San Joaquin River adopted under Central Valley Water Board Resolution No. R5-2004-0108 ([Attachment 1](#)), as corrected by the Executive Officer ([Attachment 2](#)).
2. Authorizes the Executive Director to transmit the amendment and 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 ~~October 20, 2005-~~[November 16, 2005](#).

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~~Debbie Irving~~

~~Clerk to the Board~~

~~Selica Potter~~

~~Acting Clerk to the Board~~