



**Linda S. Adams**  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair

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11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114  
Phone (916) 464-3291 • FAX (916) 464-4645  
<http://www.waterboards.ca.gov/centralvalley>



**Arnold  
Schwarzenegger**  
Governor

## **Solicitation of information for the 2009 Triennial Review of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins**

To meet requirements of Section 303(c) of the Federal Clean Water Act and Section 13240 of the California Water Code, the Central Valley Regional Water Quality Control Board (Regional Water Board) reviews the water quality standards contained in the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan) every three years. The Basin Plan is the foundation for the Regional Water Board's water quality regulatory programs. The Basin Plan designates beneficial uses for water bodies in the Sacramento River and San Joaquin River Basins, establishes water quality objectives to protect those beneficial uses, contains implementation plans that describe the actions necessary to achieve water quality objectives, and describes the surveillance and monitoring activities needed to determine regulatory compliance and assess the health of the Basins' water resources. While the triennial review is used to direct the Regional Water Board's basin planning activities, it is not the venue to amend the basin plan.

The Triennial Review consists of conducting a public workshop to receive comments on water quality issues in the two Basins and preparing a work plan which describes the actions the Regional Water Board may take over the next three years to investigate and respond to the issues. The triennial review process includes a public solicitation and identification of issues that may need to be addressed through Basin Plan amendments. After public input is received, the Regional Water Board develops and adopts by resolution a priority list of potential issues that may result in Basin Plan amendments. The priority list is used to direct basin planning efforts over the next three years. Implementation of the work plan depends upon the Regional Water Board's program priorities, resources, and other mandates and commitments. Crucial to successful implementation of the actions is adequate support of the Regional Water Board's Basin Plan activities.

The list of issues far exceeds the staff resources allocated to planning activities. Existing resources only allow a small portion of the highest priority issues to be addressed. By prioritizing the activities, the Regional Water Board identifies unfunded issues that the Regional Water Board will actively seek funding and will accept funding to accomplish. Attachment 1 summarizes the status of the high priority issues from the last Triennial Review.

One of the primary goals of the federal Clean Water Act is that navigable waterbodies should have sufficient water quality to provide for the protection and propagation of fish, shellfish, and wildlife, and to provide for recreation in and on the water. Pursuant to 40 CFR 131.20, waterbodies that do not meet this goal must be evaluated as part of a periodic review process to determine whether those uses are attainable. Therefore, for any waterbody which is not

designated with these uses, the Board invites new information that indicates that these uses are attainable.

The public is encouraged to submit written comments by **22 July 2009** on Basin Planning issues the Regional Water Board should consider in this triennial review. Comments should be submitted to Betty Yee, Regional Water Quality Control Board, Central Valley Region, 11020 Sun Center Drive, #200, Rancho Cordova, CA 95670. In the comments, please provide a detailed description of the issue, a brief statement of reasons for the addition or deletion of an issue, and recommendation on the priority that should be given to that particular issue. Attachment 2 contains an outline of the information submittal. At the workshop, staff will summarize the written comments and interested persons will be provided the opportunity to present oral comments to the Regional Water Board.

The Regional Water Board will hold a public workshop, conducted during the August 2009 Central Valley Water Board meeting, to receive comments on basin plan elements that may need amendment. The public workshop is tentatively scheduled as follows:

Date: 13 to 14 August 2009 (please contact the Regional Water Board office two weeks prior to the meeting for the exact date)  
Time: 8:30 am  
Place: Regional Water Quality Control Board office  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670

Following the workshop, staff will review oral and written comments and prepare final recommendations in a workplan for Regional Water Board consideration at a future public hearing. Staff will identify which issues are expected to be addressed in the next three years with existing resources and which require additional resources. The workplan will be available for comments prior to the hearing.

Questions regarding this review should be directed to Betty Yee at (916) 464-4643 or [byee@waterboards.ca.gov](mailto:byee@waterboards.ca.gov). To continue receiving notifications regarding the Triennial Review, you must sign up for the electronic mailing list or send your contact information to Betty Yee, Regional Water Quality Control Board, Central Valley Region, 11020 Sun Center Drive, #200, Rancho Cordova, CA 95670. Persons wishing to subscribe to the electronic mailing list related to the Triennial Review can do so through our website by clicking on the "Subscribe" button on the right side of our webpage at:

[http://www.waterboards.ca.gov/resources/email\\_subscriptions/reg5\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/reg5_subscribe.shtml)

[Note: Check the box titled "Basin Plan Triennial Review for the Sacramento & San Joaquin River Basins."]

## ATTACHMENT 1

The following is the status of the high priority issues identified in the last Triennial Review (Resolution No. R5-2006-0027):

### **Issue:** Beneficial Use Designations

**Description:** Where the Regional Water Board has evidence that a use neither exists nor likely can be feasibly attained, the Regional Water Board must initiate appropriate basin plan amendments to consider dedesignating the use.

**Status:** During this last Triennial Review period, the amendment dedesignating MUN, COLD, SPWN and MIGR beneficial uses for Old Alamo Creek was approved and is now in effect. In addition, an amendment dedesignating the MUN and consumption of organisms beneficial uses for Sulphur Creek was adopted and is currently waiting for final approval at EPA.

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### **Issue:** Effluent Dominated Water bodies

**Description:** Effluent dominated water bodies are either ephemeral or low-flowing streams that are predominately made up of municipal and/or industrial wastewater for all or part of a year. Since such water bodies have limited dilution available, permit requirements are typically more stringent for discharges to such water bodies in order to protect beneficial uses and comply with objectives. Issues include the determination of appropriate beneficial uses and water quality objectives for these water bodies and costs of compliance.

**Status:** During this last Triennial Review period, the amendment dedesignating MUN, COLD, SPWN and MIGR beneficial uses for Old Alamo Creek was approved and is now in effect. In addition, an amendment revising the pH and turbidity objectives was adopted and is currently waiting for final approval at EPA. Staff has started working on evaluations for New Alamo and Ulatis Creeks, receiving waters for the City of Colusa (unnamed ditch and Powell Slough), and Atwater Drain.

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### **Issue:** Agricultural Dominated Water bodies

**Description:** In agricultural environments, a complex network of modified natural and constructed channels convey irrigation supplies to farms and export agricultural drainage water to natural streams. Stakeholders have commented that fully protecting the designated beneficial uses would result in loss of the agricultural functionality of the water body. Strategies and policies are needed to provide appropriate protection for these water bodies.

**Status:** During this Triennial Review period, staff met with stakeholders but there has been no commitment of assistance to develop any information to support a potential basin plan amendment.

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**Issue:** Salinity and Boron in the San Joaquin River

**Description:** The Regional Water Board has listed the lower San Joaquin River, from Mendota Pool to the Delta along with its tributaries Mud Slough (north) and Salt Slough, on the Clean Water Act Section 303(d) list as impaired due to boron and salts. The Clean Water Act requires that states establish total maximum daily load limits (TMDL) for Section 303(d) listed water bodies.

**Status:** During this last Triennial Review period, the control program to achieve salt and boron objectives in the San Joaquin River at Vernalis was approved and is now in effect. Staff is now working on salt and boron issues in the San Joaquin River upstream of Vernalis.

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**Issue:** Dissolved Oxygen Problems in the San Joaquin River near Stockton

**Description:** Low dissolved oxygen concentrations in the San Joaquin River in the vicinity of Stockton annually impact or threaten to impact beneficial uses. Low dissolved oxygen levels can kill or stress salmon and other species present in this portion of the Delta. The San Joaquin River is on the Clean Water Act Section 303(d) list of impaired water bodies due to low dissolved oxygen. In addition, this part of the Delta was listed as a Toxic Hot Spot under the Bay Protection and Toxic Cleanup Program and a Cleanup Plan was adopted to address this issue.

**Status:** During this last Triennial Review period, the control program to achieve dissolved oxygen objectives in the Stockton Deep Water Ship Channel was approved and is now in effect.

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**Issue:** Pesticide Control Efforts

**Description:** The organophosphorus (OP) pesticides diazinon and chlorpyrifos have been documented at toxic levels in numerous surface water bodies. These water bodies have been listed on the Clean Water Act Section 303(d) list of impaired water bodies. The Clean Water Act requires that states establish total maximum daily load limits (TMDL) for Section 303(d) listed water bodies.

**Status:** During this last Triennial Review period, a diazinon and chlorpyrifos control program for the San Joaquin River was approved and is now in effect. In addition, a diazinon and chlorpyrifos control program for the Sacramento-San Joaquin Delta Waterways was adopted and approved. The diazinon control program for the Sacramento and Feather Rivers was reviewed and a revised diazinon control program along with a new chlorpyrifos control program

was adopted for the Sacramento and Feather Rivers. Staff is currently working on a pesticide control program for the Sacramento River and San Joaquin River Basins.

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**Issue:** Mercury Load Reduction Program

**Description:** Mercury is a problem in waterways because it accumulates in aquatic organisms to levels that pose a threat to predator species and people that eat fish. Elevated mercury levels can be expected in areas where mercury was mined (Coast Range), where mercury was used to extract gold (Sierra Nevada and Cascade Range), and in downstream water bodies. Because of elevated mercury levels in fish tissue, numerous water bodies, including the Delta, have been included on the Clean Water Act Section 303(d) list of impaired water bodies. The Clean Water Act requires that states establish total maximum daily load limits (TMDL) for Section 303(d) listed water bodies. Health advisories have been issued for the Delta, the Lower American River, Lake Natoma, and other water bodies in the Central Valley due to the mercury levels in fish.

**Status:** During this last Triennial Review period, a mercury control program for the Cache Creek watershed was approved and is now in effect. Staff is working on a basin plan amendment to control methylmercury in the Sacramento-San Joaquin Delta waterways.

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**Issue:** Drinking Water Policy

**Description:** The Central Valley waters provide drinking water supplies to more than 65 percent of California's population so there is a need to develop a drinking water policy to assure the reasonable protection of Central Valley source water. In 2004, the Regional Water Board resolved to develop a drinking water policy based on the best available science that is cost-effective and feasible to implement.

**Status:** During this Triennial Review period, staff continued to work with stakeholders to generate and compile data to support a policy.

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**Issue:** Temperature to Protect Salmon and Steelhead

**Description:** The general water quality objective for temperature requires that temperature increases be limited to 5 degrees Fahrenheit above natural receiving water temperature. These objectives may not be consistent with current science to protect migration, spawning and rearing salmon and steelhead.

**Status:** During this Triennial Review period, staff met with stakeholders but there has been no commitment of assistance to develop any information to support a potential basin plan amendment.

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**Issue:** Salt Management Policy

**Description:** Over the years, the Regional Water Board has been aware of the growing problem of increasing salinity in the Central Valley, but many of the key decisions that must be made in order to control salt require cooperation by a number of local, state and federal agencies. The Regional Water Board has gathered stakeholders to form a salinity policy group to work on solutions to this problem. These solutions will go beyond the Board's jurisdiction. Solutions within the Board's jurisdiction will need to be incorporated into the Board's Basin Plans. Basin plan amendments that the Board could consider might result in more restrictive discharge limits, requirements to conduct costly studies, implementation of treatment measures or projects to manage salt, and potentially prohibition of certain discharges.

**Status:** During this Triennial Review period, staff started working with stakeholders to compile existing data and identify study needs to support this policy.

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## ATTACHMENT 2

Comments should include the following information:

1. Submitting Organization: This section should include the name of the organization, entity or person submitting the data, information, documents or evidence for consideration.
2. Contact Person: This section should include the name, address, phone number(s), and e-mail address for the contact person that can answer questions about the information provided.
3. Affected Waterbody(ies) and Watershed(s): This section should identify the specific waterbody(ies) and watershed(s) affected by the data, information or evidence.
4. Affected section of the Basin Plan:
  - a. Affected Beneficial Use: If applicable, this section should identify the beneficial use(s) listed in the Basin Plan that is addressed by the data, information or evidence. Alternatively, if the information relates to a beneficial use not currently designated in the Basin Plan, this section should identify the waterbody(ies) to which the beneficial use(s) should apply.
  - b. Affected Water Quality Objective: This section should include, if applicable, the water quality objective for which the data, information, or evidence is being submitted. If the data, information, or evidence relates to more than one water quality objective, please list all water quality objectives to which the information pertains.
  - c. Affected Implementation Program: This section should include, if applicable, the existing implementation program that needs modification or a description of a new implementation program that should be developed. Implementation programs include any necessary monitoring and surveillance to determine the effectiveness of the implementation program.
5. Concise Summary of Suggested Revisions: This section should clearly and specifically describe the suggested basin plan amendments based upon the data, information or evidence submitted.
6. Supporting Data, Information or Evidence: For each comment, list any existing documents, data, information, and/or specific evidence (with references to particular pages as appropriate) that the Regional Water Board should consider and provide copies of the documents, data, information, and/or evidence referenced (electronically, where possible).
7. Concise Summary of Data, Information or Evidence: This section should describe in one or two sentences the essence of the data, information, or evidence submitted to support the suggested revisions to the Basin Plan.

8. Stakeholder Support for Suggested Revisions to the Basin Plan: If applicable, please explain any widespread stakeholder support for the suggested revisions. Also, if available, please list supportive stakeholder(s) with phone or email contact(s).
9. Financial Support for Suggested Revisions to the Basin Plan: If applicable, please describe any substantial resources that have been invested in developing technical information to support the requested revisions. Also, if applicable, please describe any substantial resources that are likely to augment Regional Water Board resources to develop the requested revisions.