

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2003-0069

GRANTING AN EXCEPTION TO THE WATER QUALITY CONTROL PLAN
FOR THE CONTROL OF TEMPERATURE
IN THE COASTAL AND INTERSTATE WATERS
AND ENCLOSED BAYS AND ESTUARIES OF CALIFORNIA
FOR THE GAYLORD CONTAINER CORPORATION
ANTIOCH PAPER AND PULP MILL (DISCHARGER)
WASTEWATER DISCHARGE INTO THE SAN JOAQUIN RIVER

WHEREAS, Thermal water quality objectives for the San Joaquin River are outlined in the *Water Quality Control Plan for Control of Temperature in Coastal Interstate Waters and Enclosed Bays and Estuaries of California* (Thermal Plan); and

WHEREAS, for existing thermal waste discharges to estuaries Specific Water Quality Objective 5.A. of the Thermal Plan provides that:

- (1)a. *the maximum temperature shall not exceed the natural receiving water temperature by more than 20°F; and*
- (2) *the maximum temperature of thermal waste discharges shall not exceed 86°F.”; and*

WHEREAS, the Discharger has an existing discharge of thermal waste into the San Joaquin River at a location in the San Francisco Bay-Delta Estuary; and

WHEREAS, Section 316(a) of the Clean Water Act (CWA) and 40 CFR Section 125.73 provide that thermal discharge effluent limitations or standards established in permits may be less stringent than those required by applicable standards and limitations if the discharger demonstrates to the satisfaction of the permitting authority that such effluent limitations are more stringent than necessary to assure the protection and propagation of a balanced, indigenous community of shellfish, fish, and wildlife in and on the body of water into which the discharge is made; and

WHEREAS, an exception of the Thermal Plan is available under General Water Quality Provision No. 4, in accordance with Section 316(a) of the CWA, and subsequent federal regulations; and

WHEREAS, the previous owner/operator, Crown Zellerbach Corporation, requested an exception to the Thermal Plan for the discharge from the Antioch Pulp and Paper Mill and submitted a study in 1976 intended to comply with Section 316(a) of the CWA; and

WHEREAS, the Discharger requested exception to specific Water Quality Objectives 5.A.(1)a and 5.A.(2) of the Thermal Plan; and

WHEREAS, the Regional Board last granted exceptions to Objectives 5.A.(1)a and 5.A.(2) of the Thermal Plan in 1976; and

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WHEREAS, the Thermal Plan states that Regional Boards may, in accordance with Section 316(a) of the Federal Water Pollution Control Act of 1972, and subsequent federal regulations including 40 CFR 122, grant an exception to Specific Water Quality Objectives in the plan; and

WHEREAS, the Discharger conducted a study in 1976 supplying biological and engineering information that concluded that temperature distributions studies in the receiving waters for maximum temperatures differences of 45 °F (25 °C) during winter months November through May, 35 °F (19 °C) during June and October, and 30 °F (16.7 °C) during July through September will not adversely affect beneficial uses and the propagation of a typical community of fish and macroinvertebrates in the receiving waters, and

WHEREAS, the 1976 study also concluded that Thermal Plan Specific Water Quality Objectives 5.A.(1)b and 5.A.1(c) that require, respectively, that thermal waste discharges not create a zone defined by water temperatures of more than 1 °F across twenty-five (25) percent of the main river channel and not elevate the surface water temperature more than 4 °F above natural receiving water temperatures, could be met for any foreseeable tidal and river condition; and

WHEREAS, the 1976 study also concluded that Specific Water Quality Objective 5.A.(1)a and 5.A.(2) of the Thermal Plan were more stringent than necessary to assure the protection and propagation of a balanced, indigenous community of shellfish, fish, and wildlife in and on the body of water into which the discharge is made; and

WHEREAS, the study conclusions were discussed among the Regional Board, the Environmental Protection Agency, the California Department of Fish and Game, and other federal and state agencies, and the general concurrence was that an exemption should be granted, and

WHEREAS, the alternatives to ensure compliance by the Discharger with Specific Water Quality Objectives 5.A.(1)a and 5.A.(2) would require modifications not commensurate with benefit to the aquatic environment; and

WHEREAS, the Discharger shall comply with Specific Water Quality Objective 5.A.(1)b; and 5.A.(1)c; and

WHEREAS, the Regional Board, on 25 April 2003, held a hearing in Sacramento and considered all evidence concerning this matter: Therefore be it

RESOLVED, that the California Regional Water Quality Control Board, Central Valley Region, grants an exception to Specific Water Quality Objectives 5.A.(1)a and 5.A.(2) of the Water Quality Control Plan for the Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California for the Discharger's industrial wastewater discharge into the San Joaquin River; and be it further

RESOLVED, that this exception is conditional and may be terminated at any time.

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I, THOMAS R. PINKOS, Executive Officer, do hereby certify that foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 25 April 2003.

Original signature on file

THOMAS R. PINKOS, Executive Officer

RDJ: