

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD BOARD MEETING SESSION--DIVISION OF WATER QUALITY OCTOBER 25, 2006

### ITEM 10

#### SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING THE PROPOSED 2006 FEDERAL CLEAN WATER ACT SECTION 303(d) LIST OF WATER QUALITY LIMITED SEGMENTS FOR CALIFORNIA (PROPOSED 2006 SECTION 303(d) LIST)

#### DISCUSSION

Section 303(d) of the federal Clean Water Act (CWA) requires the states to identify waters that do not meet applicable water quality standards even after the application of the technology-based effluent limitations required by sections 301(b) and 306 of the CWA. The section 303(d) list must include the water quality limited segments (waters not meeting water quality standards), associated pollutants, and a priority ranking of the waters for the purposes of developing total maximum daily loads (TMDLs). A TMDL is the maximum load of a pollutant that can be discharged from point and nonpoint sources without exceeding water quality standards in the water body. Each state is required to review its existing section 303(d) list, make changes as necessary, and submit its section 303(d) list and TMDL priorities to the U.S. Environmental Protection Agency (USEPA) for approval every two years.

The process of developing the proposed 2006 section 303(d) list consisted of the review and analysis of solicited data and information, and release of a draft of the proposed 2006 section 303(d) list for public review and comment. Beginning in April 2004, the State Water Resources Control Board (State Water Board) solicited State and federal agencies, and the public for all readily available data and information that could be used in drafting the proposed 2006 section 303(d) list. The solicitation period was closed in June 2004. The public comment period on draft revisions to the proposed 2006 section 303(d) list took place from September 30, 2005 to January 31, 2006 and included two State Water Board workshops that were conducted on December 6, 2005 (Sacramento) and January 5, 2006 (Pasadena).

In assessing listing status, State Water Board staff followed the Water Quality Control Policy for Developing California's Clean Water Act section 303(d) List, Resolution No. 2004-0063 (Listing Policy). The Listing Policy identifies the process, listing and delisting factors, by which the State Water Board and the Regional Water Quality Control Boards (Regional Water Boards) comply with the listing requirements of CWA, section 303(d). State Water Board staff developed 2,259 fact sheets documenting development of the proposed 2006 section 303(d) list. Based on the comments received, 708 fact sheets were either revised or are new. In addition, 370 water body-pollutant combinations were identified that have a TMDL or remedial program currently in place. To establish priorities, schedules have been set for listed water quality limited segments that require a TMDL and identify water targeted for TMDL development in the next two years. All fact sheets, as well as the responses to comments, can be found in the Staff Reports at ([http://www.waterboards.ca.gov/tmdl/303d\\_lists2006.html](http://www.waterboards.ca.gov/tmdl/303d_lists2006.html)) or can be received by mail (CD-R) by contacting Dorena Goding at (916) 341-5596.



# DRAFT

## **POLICY ISSUE**

Should the State Water Board:

1. Approve the proposed 2006 section 303(d) List of Water Quality Limited Segments?
2. Authorize the Executive Director or designee to transmit the proposed 2006 section 303(d) list and other supporting information to USEPA for approval?

## **FISCAL IMPACT**

The development of the proposed 2006 section 303(d) list is a budgeted task. State Water Board and Regional Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

## **REGIONAL WATER BOARD IMPACT**

Yes. All Regional Water Boards.

## **STAFF RECOMMENDATION**

That the State Water Board:

1. Approves the 2006 section 303(d) list of water quality limited segments which can be viewed at:

<http://www.waterboards.ca.gov/tmdl/docs/303dlists2006/proposed303d.pdf>

[http://www.waterboards.ca.gov/tmdl/docs/303dlists2006/statetcj\\_draft303d.pdf](http://www.waterboards.ca.gov/tmdl/docs/303dlists2006/statetcj_draft303d.pdf)

[http://www.waterboards.ca.gov/tmdl/docs/303dlists2006/stateepi\\_draft303d.pdf](http://www.waterboards.ca.gov/tmdl/docs/303dlists2006/stateepi_draft303d.pdf)

2. Authorizes the Executive Director or designee to transmit the attached 2006 section 303(d) list and other supporting information to USEPA for approval.

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2006 -

### APPROVING THE PROPOSED 2006 FEDERAL CLEAN WATER ACT SECTION 303(d) LIST OF WATER QUALITY LIMITED SEGMENTS FOR CALIFORNIA [PROPOSED 2006 SECTION 303(d) LIST]

#### WHEREAS:

1. Section 303(d) of the federal Clean Water Act (CWA) requires the state to identify surface waters that do not meet applicable water quality standards even after the applications of the technology-based effluent limitations required by sections 301(b) and 306 of CWA.
2. The list of water quality limited segments identified according to CWA section 303(d) must include a description of the pollutants not meeting standards and shall include a priority ranking for all listed water quality limited segments still requiring Total Maximum Daily Loads (TMDLs), specifically identifying waters targeted for TMDL development in the next two years.
3. State Water Resources Control Board (State Water Board) staff used the Water Quality Control Policy for Developing California's CWA Section 303(d) List (Resolution No. 2004-0063) as a guide in developing the changes to the list.
4. In developing the proposed 2006 section 303(d) list, State Water Board staff has considered all readily available data and information.
5. State Water Board staff conducted two public workshops during the development of the proposed 2006 section 303(d) list.
6. State Water Board staff received many comments during development of the proposed 2006 section 303(d) list, responded to all comments received, and made several changes in response to the comments.
7. State Water Board staff has made recommendations to add, remove, or change the list of water body-pollutant combinations on the proposed 2006 section 303(d) list.

#### THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the 2006 section 303(d) list of water quality limited segments, which can be viewed at:  
<http://www.waterboards.ca.gov/tmdl/docs/303dlists2006/proposed303d.pdf>  
[http://www.waterboards.ca.gov/tmdl/docs/303dlists2006/statetcl\\_draft303d.pdf](http://www.waterboards.ca.gov/tmdl/docs/303dlists2006/statetcl_draft303d.pdf)  
[http://www.waterboards.ca.gov/tmdl/docs/303dlists2006/stateepl\\_draft303d.pdf](http://www.waterboards.ca.gov/tmdl/docs/303dlists2006/stateepl_draft303d.pdf)
2. Authorizes the Executive Director or designee to transmit the attached 2006 section 303(d) list and other supporting information to the U.S. Environmental Protection Agency 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 October 25, 2006.

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Song Her  
Clerk to the Board

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2006 – 0079**

APPROVING THE PROPOSED 2006 FEDERAL CLEAN WATER ACT SECTION 303(d) LIST  
OF WATER QUALITY LIMITED SEGMENTS FOR CALIFORNIA  
[PROPOSED 2006 SECTION 303(d) LIST]

**WHEREAS:**

1. Section 303(d) of the federal Clean Water Act (CWA) requires the state to identify surface waters that do not meet applicable water quality standards even after the applications of the technology-based effluent limitations required by sections 301(b) and 306 of CWA.
2. The list of water quality limited segments identified according to CWA section 303(d) must include a description of the pollutants not meeting standards and shall include a priority ranking for all listed water quality limited segments still requiring Total Maximum Daily Loads (TMDLs), specifically identifying waters targeted for TMDL development in the next two years.
3. State Water Resources Control Board (State Water Board) staff used the Water Quality Control Policy for Developing California's CWA Section 303(d) List (Resolution No. 2004-0063) as a guide in developing the changes to the list.
4. In developing the proposed 2006 section 303(d) list, State Water Board staff has considered all readily available data and information.
5. State Water Board staff conducted two public workshops during the development of the proposed 2006 section 303(d) list.
6. State Water Board staff received many comments during development of the proposed 2006 section 303(d) list, responded to all comments received, and made several changes in response to the comments.
7. State Water Board staff has made recommendations to add, remove, or change the list of water body-pollutant combinations on the proposed 2006 section 303(d) list.
8. The State Water Board received comments on October 25, 2006 that bacteria data at coastal beaches and toxicity measurements in Walnut Creek (Los Angeles Region) should be more fully analyzed and new listings or delistings considered.

**THEREFORE BE IT RESOLVED THAT:**

The State Water Board:

1. Approves the 2006 section 303(d) list of water quality limited segments, attached as Attachment A. The lists are also available on the State Water Board's website at:

[http://www.waterboards.ca.gov/tmdl/docs/303dlists2006/final/state\\_final303dlist.pdf](http://www.waterboards.ca.gov/tmdl/docs/303dlists2006/final/state_final303dlist.pdf)

[http://www.waterboards.ca.gov/tmdl/docs/303dlists2006/final/statetcl\\_final303d.pdf](http://www.waterboards.ca.gov/tmdl/docs/303dlists2006/final/statetcl_final303d.pdf)

[http://www.waterboards.ca.gov/tmdl/docs/303dlists2006/final/stateepl\\_final303d.pdf](http://www.waterboards.ca.gov/tmdl/docs/303dlists2006/final/stateepl_final303d.pdf)

2. Authorizes the Executive Director or designee to transmit the attached 2006 section 303(d) list and other supporting information to the U.S. Environmental Protection Agency for approval.
3. During review by the U.S. Environmental Protection Agency, the State Water Board encourages the U.S. Environmental Protection Agency, with the assistance of State Water Board staff, to carefully review additional data supporting the listing of several California coastal beaches and delisting Walnut Creek for toxicity, and to consider modifying the 2006 section 303(d) list accordingly.

### 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 October 25, 2006.

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

NO:             None

ABSENT:       Gerald D. Secundy

ABSTAIN:      None



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Song Her  
Clerk to the Board