Response to Comments
Non-Regulatory Amendments to
the Water Quality Control Plan for the
Sacramento and San Joaquin River Basins
to Correct Editing Errors and Update Language

Written Comments were received from:

1. Ms. Debbie Webster, Central Valley Clean Water Association (Comments 1-3)

Following are the responses to the comments received regarding the subject basin plan amendment:

Ms. Debbie Webster, Central Valley Clean Water Association

1. *The Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, as revised in 2006 (2006 Bay-Delta Plan), have not yet been approved by the U.S. Environmental Protection Agency. Until such time that that the water quality objectives expressed in the 2006 Bay-Delta Plan are approved by U.S EPA, such objectives are not applicable. (See 40 C.F.R. § 131.21.) Thus, all references to the 2006 Bay-Delta Plan are inappropriate and need to be removed from the list of proposed amendments.*

   In accordance with California Water Code section 13170, water quality control plans adopted by the State Water Board supercede Regional Water Board basin plans for the same geographic area. EPA formally approved the Bay-Delta Plan standards on 26 September 1995. The 2006 Bay Delta Plan was adopted by the State Water Board in Resolution No. 2006-0098, in which the State Water Board found that there were no substantive amendments to any water quality standards. Therefore, USEPA approval of the 2006 Bay Delta Plan was not required. The 2006 Bay Delta Plan went into effect upon approval by the Office of Administrative Law which occurred on 27 June 2007.

2. *The description of the State Water Board's "Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits" is incorrect and should be changed as follows:*

   The State Water Board's Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits authorizes the Regional Water Board to adopt ~~C~~compliance schedules in NPDES permits ~~are a discretionary regulatory tool to help companies and public waste water treatment systems that discharge waste into state and federal waters~~ to assist NPDES permit holders to meet changes and/or new interpretations in pollution control standards. ~~The state issues National Pollutant Discharge Elimination System (NPDES) permits to each of these regulated entities.~~ A compliance schedule in the permit allows a discharger additional time to implement actions to comply with revised permit

limitations based on changes and/or new interpretations in water quality standards. A discharger's action may include, but are not limited to, designing and constructing facilities or implementing new or significantly expanded programs and securing financing, if necessary. ~~*change procedures or operations, as well as finance and construct facilities to meet changes in water quality standards. This policy provides guidance on the appropriate use of compliance schedules in NPDES permits.*~~

Staff proposes to revise the description of the State Water Board's policy to the following:

"The Policy authorizes the Regional Water Board to include a compliance schedule in a permit for an existing discharger to implement a new, revised, or newly interpreted water quality objective or criterion in a water quality standard that results in a permit limitation more stringent than the limitation previously imposed."

3. *The proposed removal of language that allows the Regional Water Board to adopt short-term variances from the Basin Plan is more than a non-regulatory edit and should be considered as part of a full Basin Plan amendment process that complies with all relevant statutory and regulatory requirements.*

This language was inadvertently included in the deletion of language relevant to waivers. The justification for deleting the existing language on waivers is not adequate justification to remove the language on the variances. Staff will not propose deleting this paragraph.