

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2002-0177

AMENDING THE WATER QUALITY CONTROL PLAN
FOR
THE TULARE LAKE BASIN
TO CLARIFY AND UPDATE LANGUAGE

WHEREAS, in 1975 the California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board) adopted the Water Quality Control Plan for the Tulare Lake Basin (Basin Plan), which has been amended occasionally; and

WHEREAS, the Federal Clean Water Act (CWA) Section 303 requires the Regional Board to develop water quality objectives which are sufficient to protect beneficial uses designated for each water body found within its region; and

WHEREAS, the Basin Plan contains the Tulare Lake Basin's water quality standards and implementation plans; and

WHEREAS, the CWA Section 303(c) requires the Regional Board to review the Basin Plan at least every three years and where appropriate modify water quality objectives or beneficial uses in the Basin Plan; and

WHEREAS, the Regional Board has prepared draft amendments which revise outdated portions of the Basin Plan, corrects language in the Basin Plan for consistency with the California Water Code and the remainder of the Basin Plan, and provides consistency with the Water Quality Control Plan for the Sacramento and San Joaquin Rivers Basin; and

WHEREAS, the proposed amendment will revise Chapter V "Policies and Plans" to remove the description of the federal antidegradation policy, and Chapter IV "Implementation" will also be revised to update the water quality limited segments section, include new State Water Resource Control Board (State Board) policies; and all chapters to update outdated references to regulations; and

WHEREAS, the proposed amendment is consistent with State Board Resolution No. 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Waters in California*), the State's "Antidegradation Policy," in that the changes to water quality objectives (i) consider maximum benefits to people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in a water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Antidegradation Policy (Title 40 Code of Federal Regulations (40 CFR) Section 131.12); and

RESOLUTION NO. R5-2002-0177
AMENDMENT TO UPDATE THE BASIN PLAN TO
CLARIFY AND UPDATE LANGUAGE

-2-

WHEREAS, the regulatory action proposed meets the “Necessity” standard of the Administration Procedures Act, Government Code, Section 11353, subdivision (b); and

WHEREAS, the basin planning process has been certified as “functionally equivalent” to the California Environmental Quality Act requirements for preparing environmental documents as specified in Title 23 California Code of Regulations (23 CCR) Section 3782 and is, therefore, exempt from those requirements (Public Resources Code, Section 21000 et seq.); and

WHEREAS, Regional Board staff has prepared a draft amendment and a staff report dated August 2002; and

WHEREAS, the Notice of Filing and environmental checklist indicates that the amendment results in no potential for adverse effect, either individually or cumulatively, on the environment because the draft amendment includes only Non-Regulatory changes; and

WHEREAS, the draft amendment, staff report, Notice of Filing and environmental checklist have been prepared, noticed, and circulated to interested individuals and public agencies for review and comment in accordance with state and federal environmental regulations (23 CCR Section 3775, 40 CFR 25, and 40 CFR 131); and

WHEREAS, the Regional Board held a public hearing on 17 October 2002, for the purpose of receiving testimony on the draft Basin Plan amendment. Notice of the public hearing was sent to all interested persons and published in accordance with California Water Code, Section 13244; and

WHEREAS, A Basin Plan amendment that does not adopt or revise or otherwise affect a water quality standard applicable to surface waters must be approved by the State Board and the Office of Administrative Law (OAL) before becoming effective; and

WHEREAS, the Regional Board finds that the proposed amendment to the Basin Plan was developed in accordance with California Water Code, Section 13240, et seq.:

THEREFORE BE IT RESOLVED, pursuant to Section 13240, et seq. of the California Water Code, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby approves the staff report and adopts the amendment to the Basin Plan as set forth in Attachment 1; and be it further

RESOLVED, that the Executive Officer is directed to forward copies of the Basin Plan amendment to the State Board in accordance with the requirements of Section 13245 of the California Water Code; and be it further

RESOLVED, that the Regional Board requests that the State Board approve the Basin Plan amendment in accordance with the requirements of Sections 13245 and 13246 of the California Water Code and forward it to OAL; and be it further

RESOLUTION NO. R5-2002-0177
AMENDMENT TO UPDATE THE BASIN PLAN TO
CLARIFY AND UPDATE LANGUAGE

-3-

RESOLVED, if during its approval process the State Board or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Regional Board of any such changes; and be it further

RESOLVED, the Executive Officer is authorized to sign a Certificate of Fee Exemption and following final approval of the Basin Plan amendment submit this Certificate in lieu of payment of the Department of Fish and Game filing fee to the Secretary of Resources, if required.

I, THOMAS R. PINKOS, Acting Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 17 October 2002.

_____/s/_____
THOMAS R. PINKOS, Acting Executive Officer