

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2010-0058**

ADOPTING REGULATIONS IMPLEMENTING THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970,
CALIFORNIA CODE OF REGULATIONS, TITLE 23, DIVISION 3, CHAPTER 27

WHEREAS:

1. Under Public Resources Code section 21080.5 of the California Environmental Quality Act of 1970 (CEQA), the Secretary of the Natural Resources Agency is authorized to certify that certain state regulatory programs that meet specific environmental standards are exempt from certain provisions of CEQA.
2. The Secretary of the Natural Resources Agency has certified the following regulatory program of the State Water Resources Control Board (State Water Board) and regional water quality control boards: The Water Quality Control (Basin)/208 Planning Program, which includes all water quality control plans, state policies for water quality control, and all components of California's water quality management plan as defined in Code of Federal Regulations, title 40, sections 130.2(k) and 130.6.
3. As required by CEQA, the State Water Board adopted regulations setting forth the rules and procedures that apply to environmental review and public comment for actions taken by the State and Regional Water Boards for their certified regulatory programs.
4. The State Water Board has determined that it is appropriate to amend its existing CEQA regulations, including those that concern certified regulatory programs. The State Water Board has proposed to adopt, amend, and repeal regulations commencing with Section 3720 of Title 23, Division 3, Chapter 27 of the California Code of Regulations.
5. On January 1, 2010, the State Water Board published and distributed a Notice of Proposed Rulemaking, Initial Statement of Reasons, and the text of the proposed regulations.
6. The 45-day public comment period ended on February 17, 2010. During the 45-day period, the State Water Board received seven written comments. A public hearing was also held on February 17, 2010, where one person made oral comments. Responses to all timely comments received on the proposed regulations are contained in the [Final Statement of Reasons](#).
7. After the 45-day comment period ended, the State Water Board made modifications to the proposed regulations. Because the modifications were not major, a new 15-day comment period was noticed on August 24, 2010, where the State Water Board distributed a Notice of Proposed Modifications, and the text of the proposed modifications, for public review and comment. During the 15-day comment period, which ended on September 8, 2010, the State Water Board received five written comments. Responses to all timely comments received on the proposed modifications are contained in the Final Statement of Reasons.

8. After the 15-day comment period ended, the State Water Board made three minor changes to [subsection 3779\(d\)](#) of the proposed regulations. These changes do not require any additional notice or public comment period, and are addressed in the Final Statement of Reasons.

THEREFORE, BE IT RESOLVED THAT:

The State Water Board:

1. Adopts the [proposed regulations](#) for inclusion in Title 23, Division 3, Chapter 27 of the California Code of Regulations;
2. Repeals existing sections 3760, 3761, 3764, and 3782 of Title 23, Division 3, Chapter 27 of the California Code of Regulations; and
3. Authorizes the Executive Director or designee to submit the proposed regulations, as approved, and the administrative record for this action to the Office of Administrative Law (OAL) for filing with the Secretary of State.
4. Directs the Executive Director or designee to make minor, non-substantive modifications to the regulations, if during the OAL approval process, OAL determines that such changes are needed for clarity or consistency, and inform the Board of any such changes.

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 November 16, 2010.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Arthur G. Baggett, Jr.
Board Member Tam M. Doduch

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board