

**State of California  
Office of Administrative Law**

**In re:**  
**State Water Resources Control Board**

**Regulatory Action:**

**Title 23, California Code of Regulations**

**Adopt sections: 3949.11**

**Amend sections:**

**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11353**

**OAL Matter Number: 2015-0507-02**

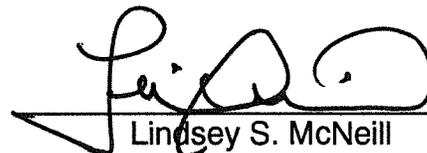
**OAL Matter Type: Regular (S)**

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This rulemaking action by the State Water Resources Control Board (State Board) amends the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins and the Water Quality Control Plan for the Tulare Lake Basin (Basin Plans). These amendments, which are summarized in section 3949.11 of title 23 of the California Code of Regulations, add policies authorizing the Central Valley Regional Water Quality Control Board (Regional Board) to grant variances from water quality based effluent limitations for point source dischargers, salinity variances for municipal and domestic wastewater treatment facilities, and exceptions from salinity limitations for dischargers subject to waste discharge requirements. This basin plan amendment was adopted by the Regional Board pursuant to Resolution No. R5-2014-0074 on June 6, 2014, and approved by the State Board on March 17, 2015 pursuant to Resolution No. 2015-0010.

OAL approves this regulatory action pursuant to section 11353 of the Government Code.

Date: June 19, 2015

  
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Lindsey S. McNeill  
Attorney

For: DEBRA M. CORNEZ  
Director

Original: Thomas Howard  
Copy: Betty Yee

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

**11993 REGULAR**

<b>OAL FILE NUMBERS</b>	<b>NOTICE FILE NUMBER</b> Z-	<b>REGULATORY ACTION NUMBER</b> 2015-0507025	<b>EMERGENCY NUMBER</b>
For use by Office of Administrative Law (OAL) only		<p>2015 MAY -7 PM 1:04</p> <p>OFFICE OF ADMINISTRATIVE LAW</p>	
NOTICE		REGULATIONS	

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

JUN 19 2015

1:48 PM

**AGENCY WITH RULEMAKING AUTHORITY**  
State Water Resources Control Board (SWRCB)

**AGENCY FILE NUMBER (if any)**  
2015-0010

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Policies for Variances and Exceptions for the Central Valley Region	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ADOPT 3949.11
	AMEND
TITLE(S) 23	REPEAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) Gov't Code § 11353 (basin plan amend)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) Upon Approval (Gov't Code § 11353(b)(5))

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Betty Yee	TELEPHONE NUMBER (916) 464-4643	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) betty.yee@waterboards.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 4/29/2015
TYPED NAME AND TITLE OF SIGNATORY Pamela C CREEDON, EXECUTIVE OFFICER	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

JUN 19 2015

Office of Administrative Law

CONCISE SUMMARY OF REGULATORY PROVISIONS  
RESOLUTION R5-2014-0074  
POLICIES FOR VARIANCES FROM WATER QUALITY STANDARDS FOR POINT  
SOURCE DISCHARGERS, VARIANCE PROGRAM FOR SALINITY, AND EXCEPTION  
FROM IMPLEMENTATION OF WATER QUALITY OBJECTIVES FOR SALINITY

TITLE 23. Waters

Division 4. Regional Water Quality Control Boards

Chapter 1. Water Quality Control Plans, Policies, and Guidelines

Article 5. Central Valley Region

Adopt as follows:

§3949.11. Amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and for the Tulare Lake Basin to add Policies for Variances from Surface Water Quality Standards for Point Source Dischargers, Variance Program for Salinity, and Exception from Implementation of Water Quality Objectives for Salinity.

The amendments are to both Central Valley Basin Plans to add policies for variances from surface water quality standards for point source dischargers, a multiple discharger variance program for salinity, and an exception from implementation of water quality objectives for salinity. The *Variance Policy* allows the Central Valley Water Board the authority to grant short-term variances from meeting water quality based effluent limitations to dischargers subject to National Pollutant Discharge Elimination System (NPDES) permits. The *Variance Policy* applies to non-priority pollutants. The *Salinity Variance Program* is a multiple discharger variance that allows the Central Valley Water Board the authority to grant variances from meeting water quality based effluent limitations for salinity constituents (electrical conductivity, total dissolved solids, chloride, sulfate and sodium) to publicly owned treatment works in NPDES permits. The *Salinity Exception Program* establishes procedures for dischargers that are subject to waste discharge requirements and conditional waivers to obtain a short-term exception from meeting effluent or groundwater limitations for salinity constituents (electrical conductivity, total dissolved solids, chloride, sulfate and sodium).