

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2015-0010**

APPROVING AMENDMENTS TO 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 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

WHEREAS:

1. On June 6, 2014, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted [Resolution R5-2014-0074](#) amending the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and the Tulare Lake Basin (Basin Plans) 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.
2. The Central Valley Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) “Substitute Environmental Documents” for the proposed Basin Plan amendment, including the CEQA Checklist, the final staff report, and the responses to comments complies with the State Water Board’s regulations for the implementation of CEQA, as set forth in the California Code of Regulations, Title 23, sections 3775 through 3781. The State Water Board has reviewed the Substitute Environmental Documents for the Basin Plan amendment and concurs with the Central Valley Water Board’s findings that the amendments will result in no effect on fish, wildlife or the environment and that no mitigation measures are needed.
3. The Central Valley Water Board also adopted the Basin Plan amendment pursuant to the “Necessity” standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
4. The Central Valley Water Board found the Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining High Quality of Waters in California (State Water Board [Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 C.F.R. § 131.12), in that the amendments (i) consider maximum benefit to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. The amendments delay implementation of advanced treatment technology while planning processes are in progress which may revise the water quality standards underlying the effluent limitations. Water quality improvements that would result from implementation of

advanced treatment technology are expected to be very small. The potential increased greenhouse gas emissions of implementing advanced treatment technology coupled with the lack of water quality improvement are not consistent with the best interest of the people of the State. The amendment does not unreasonably affect present and anticipated beneficial uses nor result in water quality less than described in applicable policies because the amendments include requirements to maintain existing quality of water and implement pollution prevention plans, Salinity Reduction Study Work Plans or salinity-based watershed management plans that are expected to result in water quality improvement. In addition, applicants for variances or exceptions from water quality standards for salinity will be required to participate in Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) to develop and implement comprehensive salinity and nutrient management plan(s) (SNMPs) for the Central Valley. The SNMPs are expected to include regulatory approaches that result in requirements which are commensurate with the water quality benefits that can be achieved through reasonable management actions by Central Valley communities and others. The amendments allow setting an interim effluent limitation at a level higher than the current level of the constituent in the effluent to account for drought, water conservation or water recycling efforts. Such efforts are of maximum benefit to the people of the state.

5. The State Water Board finds that the Basin Plan amendments are in conformance with Water Code section 13240, which specifies that the Regional Water Quality Control Board may revise basin plans, and section 13242, which requires a program of implementation for achieving water quality objectives. The State Water Board also finds that the variance policy as reflected in the Basin Plan amendment is consistent with the requirements of section 303(c) of the federal Clean Water Act.
6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The water quality standards must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).
7. Central Valley Water Board staff determined that minor, non-substantive changes to the language of the Basin Plan amendment support documentation were necessary to correct minor clerical errors or to improve clarity and consistency. The Central Valley Water Board's Executive Officer made these minor non-substantive changes in a memorandum dated February 13, 2015 ([Attachment II](#)). The memorandum adds information to the Staff Report to explain the Central Valley Water Board's findings on changing effluent disposal method from surface water discharge to land disposal.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendments to the Basin Plans as adopted under Central Valley Water Board Resolution R5-2014-0074.
2. Authorizes the Executive Director or designee to submit the amendments adopted under Central Valley Water Board Resolution R5-2014-0074 to OAL for approval of the regulatory provisions and to U. S. Environmental Protection Agency for approval of the water quality standards.

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 March 17, 2015.

AYE: Chair Felicia Marcus
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Steven Moore
Board Member Dorene D'Adamo

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board