

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – COLORADO RIVER BASIN REGIONAL BOARD
DECEMBER 6, 2011**

ITEM 13

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE COLORADO RIVER BASIN REGION TO CORRECT OR UPDATE LANGUAGE, TABLES AND FIGURES

DISCUSSION

On January 20, 2011, the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) adopted [Resolution No. R7-2011-0015](#) amending the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) to update outdated information and water quality objective tables; correct typographical errors; clarify ambiguities; and make the Basin Plan consistent with laws and regulations adopted subsequent to 1994 when the last Basin Plan update was formally approved by the State Water Board and the Office of Administrative Law.

The Colorado River Basin Water Board is obligated to keep the Basin Plan current and accurate. This amendment proposes to revise those parts of the Basin Plan that are obsolete or incorrect due to new or revised laws, policies, technologies, water quality conditions, or Regional Water Board priorities. Both state and federal laws mandate the periodic review, and if necessary, the update of Basin Plans. CWA Section 303(c)(1) requires states to review their water quality standards at least once every three years – a process known as “triennial review.”

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan to Correct or Update Language, Tables and Figures?

FISCAL IMPACT

There are no fiscal impacts expected to result from this amendment.

REGIONAL BOARD IMPACT

Yes, approval of this resolution will amend the Colorado River Basin Water Quality Control Plan (Basin Plan).

STAFF RECOMMENDATION

That the State Water Board:

1. Approve the proposed amendment to the Basin Plan adopted under Colorado River Basin Water Board Resolution No. R7-2011-0015.

2. Authorize the Executive Officer or designee to submit the amendment adopted under Colorado River Basin Water Board Resolution No. R7-2011-0015, as approved, and the administrative record for this action to the Office of Administrative Law for approval

State Water Board action on this item will assist the Water Boards in reaching Goal 6 of the Strategic Plan Update: 2008-2012 which states: Enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2011-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE COLORADO RIVER BASIN REGION TO CORRECT OR UPDATE LANGUAGE, TABLES AND FIGURES

WHEREAS:

1. On January 20, 2011, the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) adopted [Resolution No. R7-2011-0015](#) and [Attachment 2](#) amending its Basin Plan to correct or update language, tables and figures.
2. The Basin Plan identifies the Region's ground and surface waters, designates beneficial uses for those waters, specifies water quality objectives for the protection of those uses, prescribes implementation plans, and establishes monitoring and surveillance programs to assess implementation efforts.
3. The Colorado River Basin Water Board found that the analysis contained in the Staff Report, the California Environmental Quality Act (CEQA) substitute environmental documentation for the proposed Basin Plan amendment, including the CEQA Checklist and the responses to comments prepared by Colorado River Basin Water Board staff, complies with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in the California Code of Regulations, Title 23, section 3775 et seq.
4. The Colorado River Basin Water Board found the Basin Plan amendment would not have a significant adverse effect on the environment and is consistent with the Antidegradation Policy ([State Water Board Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 CFR 131.12).
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans.
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.
7. The regulatory action meets the "Necessity" standard of the Administrative Procedure Act, Government Code section 11353, subd. (b)(2)(C) because Regional Water Boards are obligated to keep their Basin Plans current and accurate so that the regulated community is correctly informed about the regulatory requirements that may apply to their activities.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under Colorado River Basin Water Board Resolution No. R7-2011-0015.

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2. Authorizes the Executive Officer or designee to submit the amendment adopted under Colorado River Basin Water Board Resolution No. R7-2011-0015, as approved, and the administrative record for this action to the Office of Administrative Law for approval of the regulatory provisions.

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 December 6, 2011.

Jeanine Townsend
Clerk to the Board