



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

**895 Aerovista Place, Suite 101
San Luis Obispo, California 93401**

**RESOLUTION NO. R3-2022-0001
ADOPTING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN
FOR THE CENTRAL COASTAL BASIN
TO IMPROVE AND CLARIFY WASTE DISCHARGE PROHIBITION LANGUAGE**



WHEREAS, the California Regional Water Quality Control Board, Central Coast Region (hereafter Central Coast Water Board), finds:

1. The Water Quality Control Plan for the Central Coastal Basin (Basin Plan) is the Central Coast Water Board's master water quality control planning document and was first adopted in 1975. The Basin Plan designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwaters. It also includes programs of implementation to achieve water quality objectives. The Basin Plan was adopted by the Central Coast Water Board and approved by the State Water Resources Control Board (State Water Board), the Office of Administrative Law (OAL), and the United States Environmental Protection Agency (USEPA), where required.
2. The Basin Plan may be amended in accordance with California Water Code (Water Code) section 13240, *et seq.* The current Basin Plan is the [June 2019 Edition](#)¹.
3. Water Code section 13243 grants authority for regional water boards to specify discharge prohibitions in their basin plans.
4. These Basin Plan amendments (amendments) improve and clarify Basin Plan waste discharge prohibition language by establishing additional prohibitions on specific unauthorized discharges² in all waters of the State within the geographic boundaries of the Central Coast Region and by revising the existing land disturbance prohibition.
5. These amendments also remove existing Basin Plan exemptions for specific agricultural soil disturbance activities that are found to cause severe erosion that cause or threatens to cause a condition of pollution or nuisance. The Central Coast Water Board has taken separate permitting actions to regulate these types of soil disturbance activities.
6. In addition, these amendments make non-substantive editorial changes to existing Basin Plan prohibition language by adding a list of all sections of the Basin Plan that contain prohibitions, adding reference to specific sections of the Basin Plan when a prohibition is mentioned by name elsewhere in the Basin Plan, adding a Monterey Bay prohibition zone map, revising typos in the sections on the same page in the Basin Plan as the prohibitions that are being amended, and by consolidating existing domestic animal waste prohibitions. These non-substantive changes will not have a regulatory effect.

¹ https://www.waterboards.ca.gov/centralcoast/publications_forms/publications/basin_plan/docs/2019_basin_plan_r3_complete_webaccess.pdf

² A discharger complying with a Regional Water Quality Control Board, or State Water Board order regulating the discharge or a discharge that is exempt from obtaining waste discharge requirements pursuant to the California Water Code or the Basin Plan is not subject to the prohibition.

7. The non-substantive Basin Plan amendments include revisions to its structure, grammar, and organization (California Code of Regulations, title 1, section 100, subdivision (a)). Those portions of the proposed amendments are not a “project” within the meaning of the California Environmental Quality Act (CEQA) because it will neither cause a direct physical change in the environment, or a reasonably foreseeable indirect change. (See California Public Resources Code section 21065 [defining “project”]; California Code of Regulations, title 14, section 15378 [defining “project”]). As a result, the non-substantive portions of the amendments are not subject to CEQA and, therefore, not subject to the Central Coast Water Board’s certified regulatory program regulations for implementing CEQA (California Code of Regulations, title 23, section 3720, subdivisions (b) and (c)(2)).
8. These amendments, including specifications on the physical placement in the Basin Plan for each amendment, are set forth in Attachment A to this Resolution.
9. On November 15, 2018, staff conducted a CEQA stakeholder scoping meeting in San Luis Obispo, pursuant to the early consultation requirements of California Code of Regulations, title 23, section 3775.5.
10. Two public comment periods were provided. On January 16, 2020, the Central Coast Water Board publicly noticed the draft amendments and distributed the draft amendments along with a draft supporting Project Report and Environmental Checklist for a 60-day public written comment period in accordance with applicable state and federal environmental regulations (California Water Code section 13244, California Code of Regulations, title 23, section 3775 *et seq.*, and 40 Code Federal Regulations Part 25). This written comment period was from January 16, 2020 to March 16, 2020. During the written public comment period, no public comment letters were received. However, a comment letter was received after the comment period ended (on July 9, 2020). On September 24, 2021, the Central Coast Water Board publicly noticed the draft amendments and distributed the draft amendments along with a draft supporting Project Report and Environmental Checklist for a 45-day public written comment period in accordance with applicable state and federal environmental regulations noted above. This written comment period was from September 24, 2021 to November 15, 2021. During the written public comment period, no public comment letters were received.
11. On February 17-18, 2022, the Central Coast Water Board held a public hearing to receive oral comments on the proposed Basin Plan amendments. Notice of the public hearing was given to all interested persons and published in accordance with California Water Code section 13244. Notice of updated public hearing information was given to all interested persons in accordance with Government Code section 11125.
12. The basin planning process has been certified by the Secretary for Natural Resources as “functionally equivalent” to the process of interdisciplinary environmental review prescribed by the CEQA (California Public Resources Code

section 21000 *et seq.*) and is therefore exempt from CEQA's requirements to prepare an Environmental Impact Report or Negative Declaration.

13. The supporting documentation for this project includes a Project Report, which includes an Environmental Checklist, and an assessment of the potential environmental impacts of the amendments. The amendments, Project Report, Environmental Checklist, and supporting documentation serve as the substitute environmental documentation (SED) under the Central Coast Water Board's certified regulatory program.
14. The Central Coast Water Board has duly considered the Project Report, Environmental Checklist, and supporting documentation with respect to environmental impacts and finds that the amendment will not have a significant or potentially significant effect on the environment, and, therefore, no alternatives or mitigation measures are proposed to avoid or reduce any significant effects on the environment. The Central Coast Water Board further finds, based on consideration of the record, that there is no potential for adverse effects, either individually or cumulatively, on wildlife as a result of the Basin Plan amendments.
15. The Central Coast Water Board has carefully considered all comments and testimony received, including responses thereto, on the Basin Plan amendments, as well as all the evidence in the administrative record.
16. The Basin Plan amendments do not include a "scientific portion," and, thus, does not require an external scientific peer review under California Health and Safety Code section 57004(d).
17. The Basin Plan amendments must be submitted for approval by the State Water Board and OAL. The Basin Plan amendments will become effective upon approval by OAL. After approved by OAL, the amendments will be submitted to USEPA for review and approval.

THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to Water Code section 13240, the Central Coast Water Board, after considering the record, including oral testimony at the hearing, hereby adopts the Basin Plan amendments as set forth in Attachment A to this Resolution No. R3-2022-0001.
2. The Executive Officer is directed to forward copies of the Basin Plan amendments to the State Water Board in accordance with the requirement of Water Code section 13245.5. The Central Coast Water Board requests that the State Water Board approve the Basin Plan amendments in accordance with the requirements of Water Code sections 13245 and 13246 and forward the Basin Plan amendments to OAL and to USEPA for approval.
3. Since the Basin Plan amendments will involve no potential for adverse effect, either

individually or cumulatively, on the environment, the Executive Officer is directed to sign a CEQA Filing Fee - No Effect Determination Form and to submit the exemption in lieu of payment of the California Department of Fish and Wildlife CEQA filing fee.

4. If, during the approval process, Central Coast Water Board staff, the State Water Board, or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer or their designee may make such changes, and shall inform the Central Coast Water Board of any such changes.

I, Matthew T. Keeling, 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 Coast Region, on February 18, 2022.

Matthew T. Keeling
Executive Officer

Attachment A: Revised Basin Plan (strikeout/underline version)