



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

Amendments to Reformat 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

Final Staff Report

20 October 2017



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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DISCLAIMER

This publication is a report by staff of the California Regional Water Quality Control Board, Central Valley Region. This staff report provides supporting information for the adoption of Basin Plan Amendments to reformat 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 (Resolution No. R5-2017-0106).

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Executive Summary

Staff of the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) proposes for Central Valley Water Board consideration several amendments to reformat 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 Plan). These amendments include changing the number of columns from two to one, adding numbering to the headers, creating a placeholder for a glossary, correcting typographical errors, and replacing the statewide policies in the appendices with links to the State Water Resources Control Board's website. The formatting revisions will facilitate web-based access and simplify incorporation of future amendments.

The proposed amendments are for formatting only and do not result in any regulatory changes. The revised documents are available at the following links.

Proposed reformatted Water Quality Control Plan for the Sacramento River and San Joaquin River Basins:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/changes.shtml

Proposed reformatted Water Quality Control Plan for the Tulare Lake Basin:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/tularelakebasin_changes.shtml

Hard-copies are available by request at each of the three Central Valley Water Board offices:

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List of Acronyms

CEQA	California Environmental Quality Act
OAL	Office of Administrative Law
TMDL	Total Maximum Daily Load
USC	United States Code
USEPA	United States Environmental Protection Agency

1 INTRODUCTION

Water quality control plans (basin plans) form the basis for regulatory actions by Regional Water Boards taken to protect waters of the state and to assure compliance with the Water Code. The preparation and adoption of a Basin Plan is required by Water Code section 13240, which implements provisions of the federal Clean Water Act (33 United States Code (USC) § 1251 et seq.). Section 303 of the Clean Water Act requires that states adopt water quality standards, which consist of the designated uses of navigable waters covered by the Clean Water Act and water quality criteria (referred to as “water quality objectives” in California) designed to protect the designated uses. Pursuant to state law, Basin Plans must consist of all of the following (Wat. Code, § 13240-13244):

- a) Beneficial uses to be protected;
- b) Water quality objectives;
- c) A program of implementation needed for achieving water quality objectives; and
- d) Surveillance and monitoring to evaluate the effectiveness of the program.

Basin Plans are adopted and amended by the Regional Water Boards using a structured process involving independent scientific peer review, full public participation, state environmental review, and state and federal agency review and approval. Each of the nine Regional Water Boards in California has adopted Basin Plans for its geographic region. The Central Valley Regional Water Quality Control Board (Central Valley Water Board) has adopted two Basin Plans, one for the Sacramento River and San Joaquin River Basins and one for the Tulare Lake Basin.

The authority for the Regional Water Boards to formulate and adopt Basin Plans and to periodically review these plans is derived from Water Code section 13240. However, a Basin Plan does not become effective until approved by the State Water Resources Control Board (State Water Board) (Wat. Code, § 13245), and the Office of Administrative Law (OAL). The United States Environmental Protection Agency (USEPA) also must review and approve amendments that add or modify water quality standards for waters of the United States.

1.1 Mandates for Basin Plan Amendments

The Regional Water Boards must comply with the requirements of the California Environmental Quality Act (CEQA) (Pub. Res. Code, § 21000 et seq.) when amending Basin Plans. The Secretary for Natural Resources has certified the basin planning process as exempt from the CEQA requirement to prepare an environmental impact report or other appropriate environmental document. (Pub. Res. Code, § 21080.5.; Cal. Code Regs., tit. 14, § 15251, subd. (g).) Rather, State Water Board regulations require that basin plan amendments be accompanied by substitute environmental documentation that consists of, at a minimum, a written report and an Environmental Checklist and Determination with respect to Significant or Potentially Significant Environmental Impacts. (Cal. Code Regs., tit 23, § 3775 et seq.)

In this case, the proposed amendments are non-regulatory changes to the format of the Basin Plans. The proposed change to the format of the Basin Plans does not constitute an activity which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Therefore, the proposed amendments are not a “project”¹ for purposes of CEQA compliance, and are therefore legally exempt from CEQA requirements.² Likewise, the proposed amendments are exempt from the State Water Board’s certified regulatory program requirements because those requirements do not apply if the Board determines that the activity is exempt from CEQA. Despite the exemption from certified regulatory program requirements, Board staff has implemented procedures for public participation (30 day notice of public hearing and 30 day comment period for review of the resolution, staff report and proposed amendments).

1.2 Central Valley Water Quality Control Plans

The Central Valley Water Board adopted two Basin Plans, one for the Sacramento River and San Joaquin River Basins and one for the Tulare Lake Basin, to cover the Central Valley Region. Both plans were first adopted in 1975 and have been revised and updated as needed. The current edition of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins is the Fourth Edition, July 2016 (Sacramento/San Joaquin Rivers Basin Plan). The current edition of the Water Quality Control Plan for the Tulare Lake Basin is the Second Edition, July 2016 (Tulare Lake Basin Plan). Both plans incorporate all amendments that have been adopted by the Board and approved by the State Water Board, the OAL, and, if affecting water quality standards for waters of the United States, the USEPA, as of July 2016.

2 PROPOSED AMENDMENTS

Staff is proposing non-regulatory amendments to reformat both Basin Plans to facilitate on-line access and simplify future amendments. The proposed amendments are for formatting only and do not result in regulatory changes. The revised documents are available at the following links:

Proposed reformatted Water Quality Control Plan for the Sacramento River and San Joaquin River Basins:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/changes.shtml

¹ “Project” is defined by CEQA as a governmental activity “which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment...” Pub. Resources Code § 21065.

² Pub. Resources Code § 21080, subd. (a) (defining CEQA to apply only to discretionary “projects”); see also, Cal. Code Regs., tit.14, § 15060, subd. (c)(3) (clarifying that an activity is not subject to CEQA if it is not a project.)

Proposed reformatted Water Quality Control Plan for the Tulare Lake Basin:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/tularelakebasin_changes.shtml

2.1 Single Column

The hardcopy and electronic versions of both Basin Plans are currently in a double column format. Double column format documents are difficult to maintain and they are difficult to read online. Staff proposes to amend both Basin Plans to reformat the hardcopy and electronic versions to a single column format.

2.2 Numbered Section Headings

The Basin Plans do not have consistent heading styles between each other or even within each Basin Plan. Heading styles can help users navigate the document efficiently. Staff proposes to remove the inconsistent heading formats from both basin plans and replace with a numbered heading style.

In addition, staff proposes to change the chapter numbers from Roman numerals to Arabic numerals for consistency with the proposed section numbering format. Corresponding references to the chapter numbers will also be changed from Roman numerals to Arabic numerals.

2.3 Glossary

The Basin Plans do not have a glossary. Staff proposes to add a glossary as a new chapter to house terms that the Board may adopt in future Basin Plan amendments. At this time, staff proposes adding the following terms to the new proposed Glossary:

Regional Water Board: California Regional Water Quality Control Board, Central Valley Region (Wat. Code, § 13203)

State Water Board: State Water Resources Control Board

2.4 Statewide Plans and Policies

The Basin Plans references all the applicable statewide plans and policies in the body and includes some of the policies as appendices to the Basin Plans. Since the statewide plans and policies are available on the State Water Board's internet site, staff proposes to replace the statewide plans and policies in the appendices with a list of hyperlinks to the internet locations where the plans and policies are located. This will provide interested entities ready access to all the documentation that the State Water Board has made available to the public for each plan or policy.

2.5 Editions and Versions of the Basin Plan

Currently, when Basin Plans are amended, a new version of the Basin Plan is released where only the affected pages are revised with the date of the amendment. All other pages retain their last amendment dates and the text on the unamended pages must stay in the unamended position which results in the need to add empty space to the pages. When the entire Basin Plan is updated, a new edition of the Basin Plan is

released where all the pages are revised with the date of the Basin Plan was updated. In a new edition of the Basin Plan, all text is continuous and the empty spaces are removed.

This method of having versions and editions of the Basin Plan was established when the Basin Plan was only available in a paper form and had to be printed by a commercial print shop. Using this method, the Board could keep a supply of Basin Plans on hand to distribute to interested parties. When amendments were approved, the Board only needed to replace the obsolete pages with the revised pages to maintain updated paper copies of the Basin Plan.

Since the Basin Plan is now available electronically and interested parties can print any pages of interest, there is no longer a need to have versions. Therefore, staff proposes to revise the process of incorporating amendments into the Basin Plan by releasing a new edition of the Basin Plan when adding approved amendment language. The Central Valley Water Board will continue to maintain an informational note to the Basin Plan that lists all amendments to the Basin Plan with the dates that the amendments were approved.

Upon approval of these proposed amendments, the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins will be the fifth edition and the Water Quality Control Plan for the Tulare Lake Basin will be the third edition.

2.6 Renumbering Footnotes and Guidelines

In Resolution R5-2014-0037, the Central Valley Water Board deleted Footnote 5 of Table 2-1. Staff now propose renumbering Footnotes 6 through 10 so that there is no break in the numbering of the footnotes.

In Resolution R5-2014-0036, the Central Valley Water Board deleted Item 4 from the Guidelines section in the Implementation Chapter. Staff now propose renumbering Guideline 5 so that there is no break in the numbering of the guidelines.

2.7 Correction of Typographical Errors

Staff has identified the following typographical errors and proposes the following corrections. The location of the error will be identified with the proposed Numbered Headings described in section 2.2. of this staff report.

<i>Location of Error</i>	<i>Proposed Amendment</i>
Tulare Lake Basin Plan, section 1.1, thirteenth paragraph, third sentence	A ground water basin is defined d as a hydrogeologic unit containing one large aquifer or several connected and interrelated aquifers {Todd, Groundwater Hydrology, 1980}.
Tulare Lake Basin Plan section 4.1,	Early federal and state control efforts focussed s on the most understood and visible problems, such as discharge of raw

Location of Error	Proposed Amendment
second paragraph, second sentence	sewage to rivers and streams.
Tulare Lake Basin Plan section 4.1.1.1, tenth paragraph, first sentence	The EIRs focused on impacts to wildlife and found all basins pose a risk to birds due to salinity and avian disease.
Tulare Lake Basin Plan section 4.1.10.2, first paragraph, third sentence	Small sewage treatment plants that may be in a rural area of septic tank users are reluctant to accept pumpings from individual waste disposal systems and vault toilets because of the extremely variable nature of the waste and its potential adverse effect on the plant's operation.
Tulare Lake Basin Plan section 4.1.11, tenth paragraph, Item 5	Limit the increase in EC of a point source discharge to surface water or land to to a maximum of 500 µmhos/cm. A lower limit may be required to assure compliance with water quality objectives.
Tulare Lake Basin Plan section 4.2, fifth paragraph, second sentence	The Regional Water Board considers existing quality of receiving waters; historical, present, and future beneficial uses and the rates of use; nature and character of the discharge and possible effect on beneficial uses and receiving water quality; particular impact on beneficial uses within the immediate area of the discharge; and water quality objectives.
Tulare Lake Basin Plan section 4.2.10, fifth paragraph, third sentence	Waiver conditions must include monitroing monitoring requirements unless the Regional Water Board determines that the discharge does not pose a significant threat to water quality.
Tulare Lake Basin Plan section 4.2.10, fifth paragraph, fifth sentence	At the hearing, the Regional Water Board shall determine whether the discharge for which the waiver policy was eestablished should be subject to general or individual waste discharge discharge requirements (California Water Code, Section 13269).
Tulare Lake Basin Plan section 5.1, Item 4, last sentence	See is Appendix 4
Tulare Lake Basin Plan section 5.2,	In January 1992, the State Water Board signed a MOU with the U. S. Bureau of Reclamation, the U. S. Fish and Wildlife Service,

Location of Error	Proposed Amendment
Item 10, first sentence	the U. S. Soil Conservation Service (now the Natural Resources Conservation Service), the U. S. Geological Survey, the Department of Water Resources, the Department of Fish and Game (now the California Department of Fish and Wildlife), and the Department of Food and Agriculture.
Sacramento/San Joaquin Rivers Basin Plan, Chapter 1, second sentence of second paragraph	From here, the boundary follows the northern edge of the Westlands Water District until its intersection with the Firebaugh Canal Company's Main Lift Canal.
Sacramento/San Joaquin Rivers Basin Plan, Chapter 3, seventh sentence in the paragraph describing the sixth point. This sentence describes a table deleted in Resolution R5-2009-0089.	The Water Quality Control Plan for Salinity water quality objectives are listed as Table III-5.
Sacramento/San Joaquin Rivers Basin Plan section 3.1, third sentence	<i>The legal boundary of the Delta is contained in Section 12220 of the Water Code and identified in Figure 32-1.</i>
Sacramento/San Joaquin Rivers Basin Plan section 4.2.2.4.7, first sentence	Beginning August 11, 2008, the direct or indirect discharge of diazinon or chlorpyrifos into the Sacramento and Feather Rivers is prohibited if, in the previous year (July-June), any exceedance of the diazinon or chlorpyrifos water quality objectives, or dia z inon and chlorpyrifos loading capacity occurred.
Sacramento/San Joaquin Rivers Basin Plan section 4.5.9, under Item 3 of Regional Water Board required items	<p>3. The Regional Water Board will require any project that requires a Clean Water Act Section 401 Water Quality Certification from the Regional Water Board, and that has the potential to impact dissolved oxygen conditions in the DWSC, to evaluate and fully mitigate those impacts. This includes, but is not limited to:</p> <p>a) Future projects that increase the cross-sectional area of the</p>

Location of Error	Proposed Amendment
	DWSC eb) Future water resources facilities projects that reduce flow through the DWSC

2.8 Amendments that are not yet fully approved

The Central Valley Water Board has adopted four basin plan amendments that have not been fully approved. These amendments must be reformatted to match the formatting proposed in the Reformat Amendments if the Reformat Amendments are adopted by the Central Valley Water Board and are approved by the State Water Board and the Office of Administrative Law. The following is a description of reformatting that is proposed for each of the four amendments should the amendment and these Reformat Amendments be adopted by the Central Valley Water Board and subsequently approved by the State Water Board, Office of Administrative Law and, as appropriate, the United States Environmental Protection Agency.

2.8.1 Resolution R5-2017-0032.

In Resolution R5-2017-0032, the Central Valley Water Board adopted an *Amendment to the Water Quality Control Plan for the Tulare Lake Basin to Remove the Municipal and Domestic Supply (MUN) and Agricultural Supply (AGR) Beneficial Uses from Groundwater Within a Designated Horizontal and Vertical Portion of the Tulare Lake Bed*. The Central Valley Water Board adopted language that included a new Table II-3 and Figure II-3. To be consistent with the proposed reformat amendments, the table and figure reference will be reformatted to Table 2-3 and Figure 2-3.

2.8.2 Resolution R5-2017-0057

In Resolution R5-2017-0057, the Central Valley Water Board adopted an *Amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control of Pyrethroid Pesticide Discharges*. The Central Valley Water Board adopted language that included new Tables IV-W, IV-X, IV-Y and IV-Z, where the “W,” “X,” “Y” and “Z” are placeholders for appropriate numbering when the amendment is fully approved and the language is added to the Basin Plan. The Central Valley Water Board also adopted language that references other parts of the Basin Plan by page numbers. The adopted language includes paragraphs that are numbered. To be consistent with the proposed reformat amendments, the tables will be reformatted to reference the chapter by Arabic numbering as follows: Table 4-W, 4-X, 4-Y and 4-Z. The page number references will be reformatted to reference the section by numbered heading since section headings will be numbered (see Section 2.2 of this Staff Report). The numbered paragraphs will be reformatted so that the first level subsection will be Arabic numbers enclosed in parentheses, the second level subsection will be lower case letters enclosed in parentheses and the third level subsection will be lower case Roman numerals enclosed in parentheses.

2.8.3 Resolution R5-2017-0062

In Resolution R5-2017-0062, the Central Valley Water Board adopted an *Amendment to the Water Quality Control Plan for the Sacramento River Basin and San Joaquin River Basin to Add Electrical Conductivity Water Quality Objectives in the San Joaquin River Between the Mouth of the Merced River and the Airport Way Bridge near Vernalis*. The Central Valley Water Board adopted language referencing other parts of the Basin Plan by page number. The Central Valley Water Board also adopted language referencing Table IV-4.1 and a new Footnote 2 in Chapter 4. To be consistent with the proposed reformat amendments, the page number references to other parts of the Basin Plan will be reformatted to reference the section by numbered heading since section headings will be numbered (see Section 2.2 of this Staff Report). The reference to Table IV-4.1 will be reformatted to reference Table 4-5. The new Footnote will be renumbered to 3 since there is already a Footnote 2 in Chapter 4. The adopted language also had numbered paragraphs. For consistency with the proposed reformat amendments, the paragraph numbers will be enclosed in parentheses.

2.8.4 Resolution R5-2017-0088

In Resolution R5-2017-0088, the Central Valley Water Board adopted *Amendments to the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and Tulare Lake Basin to Establish a Region-Wide Municipal and Domestic Supply (MUN) Beneficial Use Evaluation Process in Agriculturally Dominated Surface Water Bodies and to Remove the MUN Beneficial Use from 231 Constructed or Modified Ag Drains in the San Luis Canal Company District*. The Central Valley Water Board adopted language that included references to Section IV and Table II-1. To be consistent with the proposed reformat amendment, the language will be reformatted to reference Chapter 4 and Table 2-1.

3 CONSIDERATIONS

3.1 Environmental Considerations

The proposed amendments are non-regulatory and non-substantive. They consist entirely of formatting revisions. These proposed formatting revisions to the Basin Plans do not constitute an activity which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Therefore, the proposed amendments are not a “project” for purposes of CEQA compliance.

3.2 Necessity

The purpose of these amendments is to make the Basin Plan format easier to utilize now and amend in the future.

3.3 Consistency with Federal and other State laws and regulations

The proposed amendments are non-regulatory and non-substantive and do not affect and are not affected by existing federal or other state laws and regulations.

4 RECOMMENDATION

Staff recommends that the Central Valley Water Board adopt the proposed Basin Plan amendments.