

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2018-0031**

**APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE SACRAMENTO AND SAN JOAQUIN RIVER BASINS FOR THE CONTROL OF
PYRETHROID PESTICIDE DISCHARGES**

WHEREAS:

1. On June 8, 2017, the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) adopted [Resolution No. R5-2017-0057](#), an amendment to the Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan amendment) for the control of pyrethroid pesticide discharges. The Basin Plan Amendment would establish a control program for pyrethroid pesticide discharges to water bodies in the Sacramento and San Joaquin River Basins with WARM and/or COLD aquatic life beneficial uses. The control program addresses fourteen water bodies that are listed as impaired by pyrethroid pesticides on the Clean Water Act Section 303(d) list as well as potential future impairments. The amendment includes TMDLs for nine urban water bodies already listed as impaired, demonstrations for five listed water bodies receiving agricultural discharges that the Board's existing regulatory programs adequately address impairments in agricultural water bodies, and a conditional prohibition of discharges that would apply basin-wide.
2. The Central Valley Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) "Substitute Environmental Documentation" for the proposed Basin Plan amendment, including the CEQA Checklist, the final staff report entitled "Proposed Amendments to the Water Quality Control Plan for the Sacramento and San Joaquin River Basins for the Control Of Pyrethroid Pesticide Discharges Final Staff Report, June 2017 " 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 Documentation for the Basin Plan amendment and concurs with the Central Valley Water Board's findings and determinations, including the Statement of Overriding Considerations.
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 State Water Board [Resolution No. 68-16](#), the Statement of Policy with Respect to Maintaining High Quality of Waters in California, and Water Code and Water Code section 106.3, which establishes the state policy that "every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes."
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, and section 13242, which requires a program of implementation for achieving water quality objectives, and section 13141, which requires an estimate of the

total cost of the implementation of an agricultural water quality control program, along with an identification of potential sources of financing, and section 13243, which authorizes regional water quality control boards to specify certain conditions or areas where the discharges of certain types of waste will not be permitted. With adoption of the Proposed Amendment, the Central Valley Water Board will have established pollution control requirements and TMDLs that will address all pyrethroid impairments for fourteen water body segments impaired by pyrethroids consistent with the requirements of section 303(d) 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 TMDLs must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Central Valley Water Board Resolution No. R5-2017-0057.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Central Valley Water Board Resolution No. R5-2017-0057 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDLs.

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 July 10, 2018.

AYE: Chair Felicia Marcus
Vice Chair Steven Moore
Board Member Dorene D'Adamo
Board Member E. Joaquin Esquivel

NAY: None

ABSENT: Board Member Tam M. Doduc

ABSTAIN: None



Jeanine Townsend
Clerk to the Board