

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

Draft RESOLUTION NO. R3-2020-xxxx

**AMENDING 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 (Central Coast Water Board), finds that:

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. It 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 duly 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 (CWC) section 13240, *et seq.*
3. CWC section 13243 grants authority for regional water boards to specify discharge prohibitions in their basin plans.
4. This Basin Plan amendment (amendment) improves and clarifies Basin Plan waste discharge prohibition language by establishing prohibitions on unauthorized discharges to all waters of the state, and by revising the existing land disturbance prohibition.
5. In addition, this amendment makes non-substantive editorial changes to Basin Plan prohibition language by adding a Monterey Bay prohibition zone map and by consolidating existing domestic animal waste prohibitions. These non-substantive changes will not have a regulatory effect.
6. The non-substantive portions of this Basin Plan amendment include revisions to its structure, grammar, and organization (California Code of Regulations (CCR), title 1, section 100, subdivision (a)). Those portions of the proposed amendment 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 Public Resources Code section 21065 [defining "project"]; CCR, title 14, section 15378 [defining "project"]). As a result, the non-substantive portions of the amendment are not subject to CEQA and, therefore, not subject to the Central Coast Water Board's certified regulatory program regulations for implementing CEQA (CCR, title 23,

section 3720, subdivisions (b) and (c)(2)).

7. This amendment, including specifications on its physical placement in the Basin Plan, is set forth in Attachment A to this Resolution.
8. On November 15, 2018, staff conducted a CEQA stakeholder scoping meeting in San Luis Obispo.
9. On January 16, 2020, the Central Coast Water Board publicly noticed the amendment and distributed it 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 (CWC section 13244, CCR, title 23, section 3775 *et seq.*, and 40 Code Federal Regulations Part 25). The written comment period was from January 16, 2020 to March 16, 2020.
10. On [July 16-17, 2020], the Central Coast Water Board held a public hearing to receive oral comments on the proposed amendment. Notice of the public meeting was given to all interested persons and published in accordance with CWC section 13244.
11. The process of basin planning has been certified by the Secretary for Resources as “functionally equivalent” to the process of interdisciplinary environmental review prescribed by the CEQA (Public Resources Code section 21000 *et seq.*) and is therefore exempt from CEQA’s requirements to prepare an Environmental Impact Report or Negative Declaration.
12. The Basin Plan amendment package includes a Project Report, which includes an Environmental Checklist, and an assessment of the potential environmental impacts of the amendment. The amendment, Project Report, Environmental Checklist and supporting documentation serve as a substitute environmental documentation under the Central Coast Water Board’s certified regulatory program.
13. The Central Coast Water Board has duly considered the Environmental Checklist, Project Report 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 as a whole, that there is no potential for adverse effect, either individually or cumulatively, on wildlife as a result of the Basin Plan amendment.
14. The Central Coast Water Board has carefully considered all comments and testimony received, including responses thereto, on the Basin Plan amendment, as well as all the evidence in the administrative record.
15. The Basin Plan amendment does not include a “scientific portion,” and does not require an external scientific peer review under California Health and Safety Code section 57004(d).
16. The Basin Plan amendment must be submitted for approval by the State Water Board and OAL. The Basin Plan amendment will become effective upon approval by OAL. Once approved by OAL, the amendment will be submitted to USEPA for review.

THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to CWC section 13240, the Central Coast Water Board, after considering the record, including oral testimony at the hearing, hereby adopts the Basin Plan amendment as set forth in Attachment A to this Resolution.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Water Board in accordance with the requirement of CWC section 13245.5. The Central Coast Water Board requests that the State Water Board approve the Basin Plan amendment in accordance with the requirements of CWC sections 13245 and 13246 and forward it to OAL and USEPA for approval.
3. Since the Basin Plan amendment will involve no potential for adverse effect, either individually or cumulatively, on wildlife, 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 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 [July 16-17, 2020].

Matthew T. Keeling
Executive Officer

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