

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2011-0075

NON-REGULATORY AMENDMENTS TO THE WATER QUALITY CONTROL PLANS
FOR
THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS AND THE TULARE LAKE
BASIN TO PROVIDE A COST ESTIMATE AND POTENTIAL SOURCES OF FINANCING
FOR A LONG-TERM IRRIGATED LANDS PROGRAM

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

1. In 1975 the Central Valley Water Board adopted the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Sacramento River and San Joaquin River Basin Plan), which has been amended occasionally.
2. Also in 1975, the Central Valley Water Board adopted the Water Quality Control Plan for the Tulare Lake Basin (Tulare Lake Basin Plan), which has been amended occasionally.
3. The Sacramento River and San Joaquin River Basin Plan and the Tulare Lake Basin Plan (collectively, the Basin Plans) may be amended in accordance with the California Water Code Section 13240, et seq.
4. On 7 April 2011, the Central Valley Water Board certified a program environmental impact report (Program EIR), which described a range of alternatives for implementing a Long-Term Irrigated Lands Regulatory Program (Long-Term Program). In the course of preparing the Program EIR, the Central Valley Water Board commissioned an analysis of the potential economic impacts of the alternatives, which included an analysis of the costs of the alternatives and identification of potential sources of financing.
5. California Water Code section 13141 addresses the relationship between the water boards' water quality control plans and the California Water Plan and also states, in part, that, "... prior to implementation of any agricultural water quality control program, an estimate of the total cost of such a program, together with an identification of potential sources of financing, shall be indicated in any regional water quality control plan." Although the context of 13141 may limit its applicability to the establishment of agricultural water quality control programs in the Basin Plans, the cost estimates for the Long-Term Irrigated Lands Program have already been prepared and are consistent with the provisions of Water Code section 13141. Further, the inclusion of the cost estimates is necessary to supplement and update existing estimates of cost for agricultural water quality control programs already included in the Sacramento River and San Joaquin River Basin Plan. Since the Long-term Irrigated Lands Program will affect the entire Central Valley, amendments are needed for both the Sacramento River and San Joaquin River Basin Plan, and the Tulare Lake Basin Plan.

6. The Central Valley Water Board finds that the amendments merely provide information and will not require a change in discharge conditions or the nature of any discharge.
7. The action proposed meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).
8. Central Valley Water Board staff has prepared a draft staff report dated July 2011, which was revised in response to comments. The draft staff report and revised staff report (dated September 2011) include a description of the proposed amendments. No potential environmental impacts were identified because the proposed amendments merely provide information on cost estimates and potential sources of financing for an agricultural water quality control program. Accordingly, these amendments are exempt from the California Environmental Quality Act (CEQA) because they will not affect the environment and are not a "project." (Pub. Res. Code §§ 21065, 21080, subd. (a); Cal. Code of Regs., tit. 14, § 15060, subd. (c)(3).)
9. The basin planning process has been certified by the Resources Agency as a certified regulatory program because its process adequately fulfills the purposes of CEQA. However, the proposed amendments are exempt from the certified regulatory program requirements because those requirements do not apply if the proposed amendments are exempt from CEQA. (Cal. Code of Regs., tit. 23, § 3720, subd. (b).)
10. Central Valley Water Board staff has circulated a Notice of Public Hearing, a written staff report, and draft proposed amendments to interested individuals and public agencies, for review and comment in accordance with state law (Wat. Code § 13245).
11. Responses to all comments have been prepared and the draft amendments and staff report have been revised as appropriate in response to comments.
12. Based on the record as a whole, including the draft Basin Plan amendments, the accompanying written documentation, and public comments received, the Central Valley Water Board concurs with staff's conclusion that the amendments will result in no effect on the environment.
13. These Basin Plan amendments must be approved by the State Water Board, Office of Administrative Law (OAL). (Wat. Code § 13245; Gov. Code § 13353). The proposed amendments become effective under State law after OAL approval.
14. The Central Valley Water Board finds that the amendments to the Basin Plans as described herein were developed in accordance with California Water Code section 13240, et seq.

THEREFORE BE IT RESOLVED:

1. Pursuant to California Water Code section 13240, et seq., the Central Valley Water Board, after considering the entire record, including oral testimony at the hearing,

hereby approves the staff report and adopts the amendments to the Sacramento River and San Joaquin River Basin Plan and the Tulare Lake Basin Plan as set forth in Attachments 1 and 2.

2. The Executive Officer is directed to forward copies of these Basin Plan amendments to the State Water Board in accordance with the requirements of California Water Code section 13245.
3. The Central Valley Water Board requests that the State Water Board approve the Basin Plan amendment in accordance with the requirements of California Water Code sections 13245 and 13246 and forward it to OAL.
4. If during its approval process the Central Valley Water Board staff, State Water Board or OAL determines that minor, non-substantive corrections to the language of the amendment are needed, the Executive Officer may make such changes, and shall inform the Central Valley Water Board of any such changes.

I, PAMELA C. CREEDON, 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 Valley Region, on 13 October 2011.

original signed by
PAMELA C. CREEDON, Executive Officer

Attachment 1: Non-Regulatory Amendments to the Sacramento and San Joaquin River Basin Plan

Attachment 2: Non-Regulatory Amendments to the Tulare Lake Basin Plan

ATTACHMENT 1
RESOLUTION NO. R5-2011-0075
NON-REGULATORY AMENDMENTS TO THE
SACRAMENTO AND SAN JOAQUIN RIVER BASIN PLAN

Revise Basin Plan sections as follows:

The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins has a section titled *Estimated Costs of Agricultural Water Quality Control Programs and Potential Sources of Financing*. This section begins on Page IV-38. The amendments presented below will appear at the end of this section.

Long-Term Irrigated Lands Regulatory Program

The Central Valley Water Board intends on establishing a long-term irrigated lands regulatory program (Long-Term Program) by adopting one or more general waste discharge requirements and/or conditional waivers of WDRs to regulate the discharge of waste to ground and surface waters from irrigated agricultural operations. The Long-Term Program will be based, in whole or in part, on six alternatives described in the *Irrigated Lands Regulatory Program Final Environmental Impact Report* (Final PEIR; ICF International 2011) certified by resolution R5-2011-0017. The cost estimate below is based upon and encompasses the full range of those alternatives.

The cost estimate for the Long-Term Program accounts for program administration (e.g., Board oversight and third-party activities), monitoring for groundwater and surface water quality, and implementation of management practices throughout the Central Valley. The estimated cost for the annual capital and operational costs to comply with the Long-Term Program range from \$216 million to \$1,321 million (2007 dollars). This cost estimate is a cumulative total that includes costs from the Sacramento River and San Joaquin River Basins, and the Tulare Lake Basin.

Potential financing sources include:

1. The Federal Farm Bill, which authorizes funding for conservation programs such as the Environmental Quality Incentives Program (EQIP) and the Conservation Stewardship Program.
2. Grant and loan programs administered by the State Water Resources Control Board and Department of Water Resources, which are targeted for agricultural drainage management, water use efficiency, and water quality improvement. These programs include:
 - a. Agricultural Drainage Management Program (State Water Resources Control Board)
 - b. Agricultural Drainage Loan Program (State Water Resources Control Board)
 - c. Clean Water Act funds (State Water Resources Control Board)
 - d. Agricultural Water Quality Grant Program (State Water Resources Control Board)

- e. Clean Water State Revolving Fund (State Water Resources Control Board)
 - f. Integrated Regional Water Management grants (State Water Resources Control Board, Department of Water Resources)
3. Those identified in the San Joaquin River Subsurface Agricultural Drainage Control Program.

ATTACHMENT 2
RESOLUTION NO. R5-2011-0075
NON-REGULATORY AMENDMENTS TO THE
TULARE LAKE BASIN PLAN

Revise Basin Plan sections as follows:

The Water Quality Control Plan for the Tulare Lake Basin currently does not include a section titled *Estimated Costs of Agricultural Water Quality Control Programs and Potential Sources of Financing*. The proposed amendments will add this section on Page IV-30, after the section titled *Continuous Planning for Implementation of Water Quality Control*. The amendments presented below will appear in this new section.

Estimated Costs of Agricultural Water Quality Control Programs

Long-Term Irrigated Lands Regulatory Program

The Central Valley Water Board intends on establishing a long-term irrigated lands regulatory program (Long-Term Program) by adopting one or more general waste discharge requirements and/or conditional waivers of WDRs to regulate the discharge of waste to ground and surface waters from irrigated agricultural operations. While the Central Valley Water Board has not established the Long-Term Program yet, it will be based, in whole or in part, on six alternatives described in the *Irrigated Lands Regulatory Program Final Environmental Impact Report* (Final PEIR; ICF International 2011) certified by resolution R5-2011-0017. The cost estimate below is based upon and encompasses the full range of those alternatives.

The cost estimate for the Long-Term Program accounts for program administration (e.g., Board oversight and third-party activities), monitoring for groundwater and surface water quality, and implementation of management practices throughout the Central Valley. The estimated cost for the annual capital and operational costs to comply with the Long-Term Program range from \$216 million to \$1,321 million (2007 dollars). This cost estimate is a cumulative total that includes costs from the Sacramento River and San Joaquin River Basin, and the Tulare Lake Basin.

Potential financing sources include:

1. The Federal Farm Bill, which authorizes funding for conservation programs such as the Environmental Quality Incentives Program (EQIP) and the Conservation Stewardship Program.
2. Grant and loan programs administered by the State Water Resources Control Board and Department of Water Resources, which are targeted for agricultural drainage management, water use efficiency, and water quality improvement. These programs include:
 - a. Agricultural Drainage Management Program (State Water Resources Control Board)
 - b. Agricultural Drainage Loan Program (State Water Resources Control Board)

- c. Clean Water Act funds (State Water Resources Control Board)
 - d. Agricultural Water Quality Grant Program (State Water Resources Control Board)
 - e. Clean Water State Revolving Fund (State Water Resources Control Board)
 - f. Integrated Regional Water Management grants (State Water Resources Control Board, Department of Water Resources)
3. Those identified in the San Joaquin River Subsurface Agricultural Drainage Control Program (see Water Quality Control Plan for the Sacramento River and San Joaquin River Basins), which are listed below:
- a. Private financing by individual sources.
 - b. Bonded indebtedness or loans from governmental institutions.
 - c. Surcharge on water deliveries to lands contributing to the drainage problem.
 - d. Ad Valorem tax on lands contributing to the drainage problem.
 - e. Taxes and fees levied by a district created for the purpose of drainage management.
 - f. State or federal grants or low-interest loan programs.
 - g. Single-purpose appropriations from federal or State legislative bodies (including land retirement programs).