STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2009-0011

ADOPTION OF A POLICY FOR
WATER QUALITY CONTROL FOR RECYCLED WATER

WHEREAS:

1. The Strategic Plan Update 2008-2012 for the Water Boards includes a priority to increase sustainable local water supplies available for meeting existing and future beneficial uses by 1,725,000 acre-feet per year, in excess of 2002 levels, by 2015, and ensure adequate water flows for fish and wildlife habitat. This Recycled Water Policy (Policy) is intended to support the Strategic Plan priority to Promote Sustainable Local Water Supplies. Increasing the acceptance and promoting the use of recycled water is a means towards achieving sustainable local water supplies and can result in reduction in greenhouse gases, a significant driver of climate change. The Policy is also intended to encourage beneficial use of, rather than solely disposal of, recycled water.

2. California Water Code section 13140 authorizes the State Water Resources Control Board (State Water Board) to adopt state policy for water quality control.

3. On March 20, 2007, the State Water Board conducted a public workshop on recycled water.

4. On September 28, 2007, staff circulated a draft Recycled Water Policy and a draft staff report/certified regulatory program environmental analysis/California Environmental Quality Act (CEQA) checklist for public comment.

5. On October 2, 2007, the State Water Board conducted a public workshop on the draft Recycled Water Policy.

6. On February 15, 2008, the State Water Board circulated an updated version of the draft Policy and the draft staff report/certified regulatory program environmental analysis/CEQA checklist.

7. On November 21, 2008, the State Water Board circulated another updated version of the draft Policy and the draft staff report/certified regulatory program environmental analysis/ CEQA checklist.

8. Staff has responded to significant verbal and written comments received from the public and made revisions to the draft Policy in response to the comments.

9. On January 6, 2009, the State Water Board conducted a public hearing on the draft Policy. In response, staff has revised the draft Policy, which is available at http://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/docs/draft_recycled_water_policy_011609.pdf. Staff has also revised the draft staff report, which is available at http://www.swrcb.ca.gov/water_issues/programs/water_recycling_policy/docs/020309_draftstaffreport_checklist_01162009.pdf.

10. The Policy includes findings, including findings related to compliance with State Water Board Resolution No. 68-16, that are hereby incorporated by reference.

11. The State Water Board received a letter from statewide water and wastewater entities dated December 19, 2008, strongly urging their member agencies to commit funding and in-kind resources to facilitate development of salt/nutrient management plans within the five-year timeframe established by the State Water Board in the Policy.

12. The Resources Agency has approved the State Water Board's and the Regional Water Quality Control Boards' water quality control planning process as a "certified regulatory program" that adequately satisfies the CEQA requirements for preparing environmental documents. State Water Board staff has prepared a "substitute environmental document" for this project that contains the required environmental documentation under the State Water Board's CEQA regulations. (California Code of Regulations, title 23, section 3777.) The substitute environmental documents include the "Draft Staff Report and Certified Regulatory Program Environmental Analysis Recycled Water Policy," which includes an environmental checklist, the comments and responses to comments, the Policy itself, and this resolution. The project is the adoption of a Recycled Water Policy.

13. In preparing the substitute environmental documents, the State Water Board has considered the requirements of Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187, and intends these documents to serve as a Tier 1 environmental review. The State Water Board has considered the reasonably foreseeable consequences of adoption of the draft Policy; however, potential site-specific recycled water project impacts may need to be considered in any subsequent environmental analysis performed by lead agencies, pursuant to Public Resources Code section 21159.1.

14. Consistent with CEQA, the substitute environmental documents do not engage in speculation or conjecture but, rather, analyze the reasonably foreseeable environmental impacts related to methods of compliance with the draft Policy, reasonably foreseeable mitigation measures to reduce those impacts, and reasonably feasible alternative means of compliance that would avoid or reduce the identified impacts.

15. The draft Policy incorporates mitigation that reduces to a level that is insignificant any adverse effects on the environment. From a program-level perspective, incorporation of the mitigation measures described in the substitute environmental document will foreseeably reduce impacts to less than significant levels.

16. A policy for water quality control does not become effective until adopted by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL).

17. If, during the OAL approval process, OAL determines that minor, non-substantive modifications to the language of the Policy are needed for clarity or consistency, the Executive Director or designee may make such changes consistent with the State Water Board's intent in adopting this Policy, and shall inform the State Water Board of any such changes.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves and adopts the CEQA substitute environmental documentation, which includes the staff report/certified regulatory program environmental analysis/CEQA checklist, and the response to comments, which was prepared in accordance with the requirements of the State Water Board's certified regulatory CEQA process (as set forth in California Code of Regulations, title 23, section 3775, et seq.), Public Resources Code section 21159, and California Code of Regulations, title 14, section 15187, and directs the Executive Director or designee to sign the environmental checklist.

2. After considering the entire record, including oral testimony at the public hearing, adopts the Recycled Water Policy.

3. Authorizes the Executive Director or designee to submit the Recycled Water Policy to OAL for review and approval.

4. If, during the OAL approval process, OAL determines that minor, non-substantive modifications to the language of the Policy are needed for clarity or consistency, directs the Executive Director or designee to make such changes and inform the State Water Board of any such changes.

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 February 3, 2009.

AYE:	Chair Tam M. Doduc Charles R. Hoppin Frances Spivy-Weber
NAY:	None
ABSENT:	Arthur G. Baggett, Jr.
ABSTAIN:	None

Jeanine Townsend
Clerk to the Board