

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – CENTRAL VALLEY REGIONAL WATER BOARD
SEPTEMBER 9, 2014**

ITEM 3

SUBJECT

CONSIDERATION OF A RESOLUTION TO APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLANS FOR THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS AND THE TULARE LAKE BASIN REGARDING ONSITE WASTEWATER SYSTEM IMPLEMENTATION PROGRAM.

DISCUSSION

On June 19, 2012, the State Water Resources Control Board (State Water Board) adopted the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). The OWTS Policy designates regional boards with principal responsibility for overseeing its implementation and calls for incorporation of the OWTS Policy requirements into regions' basin plans within a year of the policy's effective date. The Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted [Resolution R5-2014-0036](#) on March 27, 2014 to align both its Basin Plans with the OWTS Policy.

The OWTS Policy conditionally waives requirements to submit a report of waste discharge and associated application fees, and waives waste discharge requirements for onsite systems that comply with the Policy (OWTS Policy Section 12). The OWTS Policy does not limit the Central Valley Water Board's authority to require reports of waste discharge and to issue individual or general waste discharge requirements when such actions are needed to protect water quality. The OWTS Policy upholds, and does not waive, any Basin Plan prohibitions and/or local agency requirements.

The Central Valley Water Board incorporated the OWTS Policy into its Basin Plans with no changes and deleted the guidelines for waste disposal from land developments, as the guidelines are redundant with the OWTS Policy.

POLICY ISSUE

Should the State Water Board approve amendments to the Central Valley Water Board's Basin Plans to incorporate by reference the OWTS Policy?

FISCAL IMPACT

Central Valley Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL BOARD IMPACT

Yes, approval of this resolution will amend both the Central Valley Water Board's basin plans.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendments to the Basin Plans adopted under Central Valley Water Board Resolution R5-2014-0036.
2. Authorizes the Executive Director, or designee, to transmit the amendment adopted under Central Valley Water Board Resolution R5-2014-0036 to the Office of Administrative Law.

State Water Board action on this item will assist the Water Boards in reaching Goals 2, 4, and 6 of the Strategic Plan Update: 2008-2012. In particular, approval of this item will assist in fulfilling Objective 2.1 to implement an integrated groundwater protection approach by 2012 to improve and protect groundwater in high-use basins that (a) evaluates and regulates activities that impact or have the potential to impact beneficial uses, (b) recognizes the effects of groundwater and surface water interactions on groundwater quality and quantity, and (c) encourages and facilitates local management of groundwater resources. This action also assists in fulfilling Objective 4.2 which envisions basin plans that are updated by 2015 and that fully integrate other statewide plans and policies and Objective 6.1 to target consistency improvements in process and policy for Water Board enforcement activities to promote compliance.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2014-

APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS AND THE TULARE LAKE BASIN REGARDING ONSITE WASTEWATER SYSTEM IMPLEMENTATION PROGRAM

WHEREAS:

1. On June 19, 2012, the State Water Resources Control Board (State Water Board) adopted the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). The OWTS Policy was approved by the Office of Administrative Law (OAL) on November 13, 2012, and became effective on May 13, 2013.
2. The OWTS Policy designates regional boards with principal responsibility for overseeing its implementation and calls for incorporation of the OWTS Policy requirements into regions' basin plans within a year of the Policy's effective date.
3. On March 27, 2014, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted [Resolution R5-2014-0036](#) amending 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 to incorporate by reference the State Water Board's Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy).
4. The adoption of these Basin Plan amendments meet the "Necessity" standard of the California Administrative Procedure Act, specified in Government Code section 11353, subdivision (b)(2)(C), because the OWTS Policy requires all regional water boards to incorporate the policy into their respective basin plans within one year of the effective date of the policy, Water Code section 13291, subdivision (e) imposes the same incorporation requirement, and Water Code section 13240 requires each regional water board's water quality control plan to conform with any state policy for water quality control.
5. Substitute Environmental Documentation (SED) was prepared by the State Water Board for the OWTS Policy in accordance with the Water Board's certified regulatory program (Cal. Code Regs., tit. 23 §§3775-3781). The State Water Board approved the OWTS Policy and the SED on June 19, 2012. The Basin Plan amendments remove existing Basin Plan provisions regulating onsite systems and incorporates by reference the OWTS Policy. No substantive changes or modifications to the previously approved OWTS Policy are proposed, no substantial changes with respect to circumstances under which the project will be undertaken have occurred, and no new information triggers the need for supplemental or subsequent CEQA analysis.
6. The Basin Plan amendments are completely within the scope of the OWTS Policy as analyzed by the State Water Board in the SED. As such, the recommended actions do not require further environmental review pursuant to the certified regulatory program or CEQA (Pub. Res. Code §21166; Cal. Code Regs. tit. 14, §§15162, 15163).

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7. The State Water Board finds that the Basin Plan amendments are in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise basin plans; section 13242, which requires a program of implementation to achieve water quality objectives; 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.
8. A Basin Plan amendments do not become effective until approved by the State Water Board and until the regulatory provisions are approved by the OAL.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendments to the Basin Plan as adopted under Central Valley Water Board Resolution R5-2014-0036.
2. Authorizes the Executive Director or designee to submit the amendments adopted under Central Valley Water Board Resolution R5-2014-0036 and the administrative record for this action to OAL for approval of the regulatory provisions.

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 September 9, 2014.

Jeanine Townsend
Clerk to the Board