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## STATE WATER RESOURCES CONTROL BOARD BOARD MEETING SESSION - DIVISION OF WATER QUALITY [DATE] – TBD

### ITEM

#### SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS INCORPORATING NON-REGULATORY REVISIONS

#### BACKGROUND

On August 13, 2009 the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted Resolution No. R5-2009-0069 ([Attachment](#)) amending the Basin Plan to incorporate non-regulatory revisions. The amendment imposes no new regulatory requirements. The amendment updates the Basin Plan language to be consistent with other State laws and regulations currently in effect and improves the clarity and convenience of the Basin Plan for public use.

The amendment corrects an error in the beneficial uses of the Marsh Creek and Marsh Creek Reservoir that was introduced during the drafting of the third edition of the Basin Plan, in which a table footnote was inadvertently changed by removing potential uses during the update. The amendment also corrects an editing error in the water quality objectives for boron that was introduced during the drafting of the fourth edition of the Basin Plan. During the same update of the basin plan, the water quality objective for boron in Salt Slough, Mud Slough and the San Joaquin River from Sack Dam to the mouth of Merced River were inadvertently deleted. This amendment re-inserts that language.

This amendment updates references in the Basin Plan to the State Water Board's Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. This amendment also integrates the following into the Basin Plan: the State Water Board's Water Quality Enforcement Policy, the Nonpoint Source Implementation and Enforcement Policy, and the Compliance Schedule Policy. This amendment also revises the waiver portion of the Basin Plan to be consistent with the current Water Code, and makes other editorial and language updates.

#### POLICY ISSUE

Should the State Water Board approve the amendments to the Basin Plan to incorporate non-regulatory changes?

#### 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.

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## REGIONAL WATER BOARD IMPACT

Yes, approval of this resolution will amend the Central Valley Water Board's Basin Plan.

## STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan adopted under Central Valley Water Board Resolution R5-2009-0069.
2. Authorizes the Executive Director, or designee, to transmit the amendment adopted under Central Valley Water Board Resolution R5-2009-0069 to the Office of Administrative Law.

State Water Board action on this item will assist the Water Boards in reaching Goal 4 of the Strategic Plan Update: 2008-2012 to comprehensively address water quality protection and restoration. In particular, approval of this item will assist in fulfilling Objective 4.2 which envisions basin plans that are updated by 2015 and that fully integrate other statewide plans and policies.

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## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2010-

### APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS INCORPORATING NON-REGULATORY REVISIONS

#### WHEREAS:

1. On August 13, 2009, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted [Resolution R5-2009-0069](#) amending the Basin Plan to incorporate non-regulatory changes. The amendment imposes no new regulatory requirements. The changes are intended solely to improve the clarity and convenience of the Basin Plan for public use.
2. Resolution No. R5-2009-0069 delegated to the Central Valley Water Board Executive Officer the authority to make minor, non-substantive corrections to the adopted amendment, if State Water Board staff finds that they are needed for clarity or consistency. State Water Board staff found that such changes were necessary. The Central Valley Water Board Executive Officer has made non-substantive clarifications to the amendment as requested and as specified in the attached memorandum ([Attachment 1](#)).
3. Central Valley Water Board staff prepared documents and followed procedures satisfying State laws and regulations.
4. The State Water Board finds that this amendment will not result in direct or reasonably foreseeable indirect physical change in the environment, and is thus not subject to the California Environmental Quality Act. Tit 14, Cal. Code Regs. section 15050(c)(2). In addition, this amendment is not a "project" within the meaning of CEQA because it is an "organizational or administrative activit[y] of government that will not result in direct or indirect physical changes in the environment. Tit 14, Cal. Code Regs. section 15378(b)(5). Finally, if this amendment is determined to be subject to CEQA, it is exempt therefrom because it can be seen with certainty that there is no possibility that this amendment will have a significant effect on the environment. Tit 14, Cal. Code Regs. section 15051(b)(3).
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 Board may revise basin plans.
6. A non-regulatory Basin Plan amendment does not become effective until approved by the State Water Board and until the Office of Administrative Law (OAL) has concurred on its non-regulatory status.

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THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan as adopted under Central Valley Water Board Resolution No. R5-2009-0069.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Central Valley Water Board Resolution No. R5-2009-0069 to OAL for concurrence on its non-regulatory status and to U.S. EPA for informational purposes.

## 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 (TBD).

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Jeanine Townsend  
Clerk to the Board