

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2012-0038**

**APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLANS FOR THE  
SACRAMENTO RIVER AND THE 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:

1. On October 13, 2011, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted [Resolution R5-2011-0075](#) amending the Water Quality Control Plans for the Sacramento River and the San Joaquin River Basins and the Tulare Lake Basin (Basin Plans) to make non-regulatory changes therein. The amendments impose no new regulatory requirements. Instead, they provide a cost estimate and identify potential sources of financing for a Long-Term Irrigated Lands Program.
2. The Central Valley Water Board's Long-Term Irrigated Lands Program will be implemented through the development of waste discharge requirements and conditional waivers of waste discharge requirements.
3. 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 Basin Plans.
4. The Central Valley Water Board found that the amendments merely provide information and will not require a change in discharge conditions or the nature of any discharge. In light of that finding, the State Water Resources Control Board's [Resolution 68-16](#) (Antidegradation Policy) is not implicated.
5. The Central Valley Water Board found that 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).)
6. 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).)

7. Based on the record as a whole, including the Basin Plan amendments, the accompanying written documentation, and public comments received, the State Water Board concurs with the Central Valley Water Board's conclusion that the amendments will result in no effect on the environment.
8. The proposed action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subd. (b). The necessity of the Basin Plan amendments is detailed in the Central Valley Water Board's September 2011 Staff Report.
9. The State Water Board finds that the Basin Plan amendments are in conformance with Water Code section 13240, which specifies that a Regional Water Quality Control Board may revise basin plans.
10. These Basin Plan amendments must be approved by the State Water Board and submitted to the Office of Administrative Law (OAL) for concurrence on the amendments' non-regulatory status. (Wat. Code § 13245; Gov. Code § 11353).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendments to the Basin Plans as adopted under Central Valley Water Board Resolution R5-2011-0075.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Central Valley Water Board Resolution R5-2011-0075 as approved, and the administrative record for this action to OAL for concurrence on its non-regulatory status.

**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 July 17, 2012.

AYE: Chairman Charles R. Hoppin  
 Vice Chair Frances Spivy-Weber  
 Board Member Tam M. Doduc  
 Board Member Steven Moore  
 Board Member Felicia Marcus

NAY: None

ABSENT: None

ABSTAIN: None

  
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 Jeanine Townsend  
 Clerk to the Board