

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2013-0039**

**APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE
COLORADO RIVER BASIN REGION REGARDING THE ONSITE WASTEWATER
TREATMENT SYSTEM IMPLEMENTATION PROGRAM**

WHEREAS:

1. On September 19, 2013, the Colorado River Basin Water Quality Control Board (Colorado River Basin Water Board) adopted [Resolution R7-2013-0049](#) amending the Water Quality Control Plan (Basin Plan) regarding the Onsite Wastewater Treatment System implementation program.
2. 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 includes a conditional waiver of the requirements to submit a report of waste discharge, to obtain waste discharge requirements, and to pay fees for discharges from onsite wastewater treatment systems covered by the OWTS Policy. The OWTS Policy was approved by the California Office of Administrative Law (OAL) on November 13, 2012, and became effective on May 13, 2013.
3. Resolution R7-2013-0049 amended sections of the Basin Plan that discuss septic systems by incorporating by reference the OWTS Policy into the Basin Plan and deleting those sections that are superseded by the OWTS Policy.
4. The Colorado River Basin Water Board found that its regulatory action to adopt this Basin Plan amendment met 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(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. The State Water Board also finds that this regulatory action meets the “Necessity” standard set forth in Government Code section 11353, subdivision (b)(2)(C).
6. CEQA: The Regional Water Board’s discretionary decisions are typically subject to the requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Secretary for the California Natural Resources Agency has certified the basin planning process as a regulatory program that is exempt from CEQA. Therefore, the State Water Board and Regional Water Boards (Water Boards) are exempt from the specific CEQA requirement to prepare an environmental impact report or negative declaration when the Water Boards are complying with the procedures identified in the State Water Board’s certified regulatory program (Pub. Resources Code, § 21080.5; Cal. Code Regs., tit. 14, § 15251(g), and tit. 23, §§ 3720-3781).
7. Substitute Environmental Documentation (SED) was prepared by the State Water Board for the OWTS Policy in accordance with the Water Boards’ certified regulatory program (Cal. Code Regs., tit. 23, §§ 3777-3781). On June 19, 2012, the State Water Board approved the OWTS Policy and the SED. This Basin Plan amendment removed existing Basin Plan provisions regulating onsite septic systems and incorporated the OWTS

Policy. No substantive changes or modifications to the previously approved OWTS Policy were made, no substantial changes with respect to circumstances under which the project will be undertaken occurred, and no new information triggered the need for supplemental or subsequent CEQA analysis.

8. This Basin Plan amendment was completely within the scope of the OWTS Policy, as analyzed by the State Water Board in the SED. As such, the recommended actions did not require further environmental review pursuant to the certified regulatory program or CEQA (Pub. Resources Code, § 21166; Cal. Code Regs., tit. 14, §§ 15161 & 15163).
9. The State Water Board paid the Department of Fish & Wildlife (DFW) CEQA document filing fee, required by California Fish and Game Code section 711.4, for its review of the SED and related certified regulatory program documents when it adopted the OWTS Policy. In addition, because the Colorado River Basin Water Board relied on the comprehensive SED prepared by the State Water Board, the Colorado River Basin Water Board did not need to prepare any additional environmental documents that would require DFW review. Therefore, this Basin Plan amendment was exempt from any additional CEQA document filing fee payments to DFW under the California Fish and Game Code.
10. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan, as adopted under Colorado River Basin Water Board Resolution R7-2013-0049.
2. Authorizes the Executive Officer or designee to submit the amendment adopted under the Colorado River Basin Water Board Resolution R7-2013-0049, as approved, 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 December 3, 2013.

AYE: Chair Felicia Marcus
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Steven Moore
Board Member Dorene D'Adamo

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board