

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – LAHONTAN REGIONAL WATER BOARD  
JULY 2, 2014**

**ITEM 6**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION (BASIN PLAN) CLARIFYING THE ANTIDegradation POLICY, ADDING MIXING ZONE PROVISIONS, REVISING CERTAIN WASTE DISCHARGE PROHIBITIONS, AND AMENDING CHAPTER 5- WATER QUALITY CONTROL MEASURES FOR THE LAKE TAHOE BASIN

**DISCUSSION**

On April 9, 2014, the Lahontan Regional Water Quality Control Board (Lahontan Water Board) adopted [Resolution No. R6T-2014-0027](#) amending the Basin Plan to clarify implementation of the [State Water Board Resolution No. 68-16](#), "Statement of Policy with Respect to Maintaining High Quality Waters in California" (also known as the Antidegradation Policy); add mixing zone provisions for constituents and waters not covered by the State Water Board's Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California; revise certain waste discharge prohibitions to remove duplication, add clarity, and provide additional criteria under which the Lahontan Water Board may consider granting exemptions to prohibitions; amend Chapter 5 – Water Quality Control Measures for the Lake Tahoe Basin, in part to reflect the Tahoe Regional Planning Agency's recent Regional Plan Update and Lake Tahoe Water Quality Management (208) Plan update; correct grammatical, typographic, and other errors; update discussion of wastewater treatment and vegetation management; and update discussion of State and Lahontan Water Board policies, including incorporation of the State Water Board's Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (septic systems).

The proposed amendments are a result of internal and external requests for Basin Plan changes. While developing the amendments, staff held two public scoping meetings in the northern and southern Lahontan Basin at regular Lahontan Water Board meetings. The proposed amendments were widely publicized through notices published in newspapers in the Lahontan Region, posting on the Lahontan Water Board's web site, posting by County Clerks, email to Basin Planning email subscription lists, and mailing to County environmental health departments and other interested parties.

Comments received by the Lahontan Water Board during the public comment period did not raise any significant issues. Minor modifications to certain amendment language were incorporated in the final version considered by the Lahontan Water Board at its adoption hearing.

**POLICY ISSUE**

Should the State Water Board approve the amendments to the Lahontan Water Board's Basin Plan?

## **FISCAL IMPACT**

Lahontan 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**

Approval of this Resolution will amend the Lahontan Water Board's Basin Plan.

## **STAFF RECOMMENDATION**

That the State Water Board:

1. Approves the [Basin Plan amendments](#) adopted under Lahontan Water Board Resolution No. R6T-2014-0027.
2. Authorizes the Executive Director or designee to submit the Basin Plan amendments adopted under Lahontan Water Board Resolution No. R6T-2014-0027, as approved, and the administrative record for this action to the California Office of Administrative Law and the Basin Plan amendments to the U.S. EPA for approval.

State Water Board action on this item will assist the Water Boards in reaching Goals 1, 2, and 4 of the Strategic Plan Update: 2008-2012 to implement strategies to fully support the beneficial uses for all 2006-listed waters by 2030, improve and protect groundwater quality in high-use basins by 2030, and comprehensively address water quality protection and restoration. In particular, approval of this item will assist in fulfilling Objectives/Actions 1.3, 2.2.3, and 4.2 to (1) take appropriate enforcement actions and other innovative approaches as needed to protect and restore all surface waters, (2) upon identification of sources contributing to contamination of groundwater relied upon by communities, take appropriate regulatory or enforcement action, and (3) Basin Plans are consistently organized by 2012, and updated by 2015, to provide clear structure that readily conveys key elements (e.g., beneficial uses, potential impacts of climate change, water quality objectives, goals for watersheds, plans for achieving those goals, and monitoring to inform and adjust the plans) and that fully integrates other statewide plans and policies.

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2014-

APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION CLARIFYING THE ANTIDegradation POLICY, ADDING MIXING ZONE PROVISIONS, REVISING CERTAIN WASTE DISCHARGE PROHIBITIONS, AND AMENDING CHAPTER 5- WATER QUALITY CONTROL MEASURES FOR THE LAKE TAHOE BASIN

### WHEREAS:

1. On April 9, 2014, the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) adopted [Resolution No. R6T-2014-0027](#), amendments to the *Water Quality Control Board for the Lahontan Region* (Basin Plan).
2. The Lahontan Water Board found that the analysis containing in the California Environmental Quality Act (CEQA) "Substitute Environmental Documentation" for the proposed Basin Plan amendments, including the CEQA checklist, the final staff report entitled "Staff Report/Substitute Environmental Document for Proposed Amendments to the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) Clarifying the Antidegradation Policy, Adding Mixing Zone Provisions, Revising Certain Waste Discharge Prohibitions, and Amending Chapter 5 – Water Quality Standards and Control Measures for the Lake Tahoe Basin" and the responses to comments comply with the State Water Board's regulations for the implementation of CEQA, as set forth in the California Code of Regulation, Title 23, sections 3775 through 3781. The State Water Board has reviewed the Substitute Environmental Documentation for the Basin Plan amendments and concurs with Lahontan Water Board's findings
3. The Lahontan Water Board also adopted the Basin Plan amendments pursuant to the "Necessity" standard of the Administrative Procedures Act, Government code section 11353, subdivision (b).
4. The Lahontan Water Board found the Basin Plan amendments are consistent with the Statement of Policy with Respect to Maintaining High Quality of Waters in California ([State Water Board Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 C.F.R. § 131.12).
5. The State Board finds that the Basin Plan amendments are in conformance with Water Code section 13240, which specifies that regional water quality control board may revise basin plans, and section 13242, which requires a program of implementation for achieving water quality objectives.
6. 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). The Basin Plan amendments must also receive approval from the United States Environmental Protection Agency (U.S. EPA).

# DRAFT

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the [Basin Plan amendments](#) adopted under Lahontan Water Board Resolution No. R6T-2014-0027.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendments adopted under Lahontan Water Board Resolution No. R6T-2014-0027 to OAL for approval of the regulatory provisions and the U.S. EPA for approval of the Basin Plan amendments.

## 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 on July 2, 2014.

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Jeanine Townsend  
Clerk to the Board