

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION R6T-2006-0015

**APPROVAL OF AMENDMENTS TO THE WATER QUALITY CONTROL
PLAN FOR THE LAHONTAN REGION CLARIFYING THE APPLICABILITY
OF WASTE DISCHARGE PROHIBITIONS TO STORMWATER DISCHARGES
AND ADDING AN EXPLICIT STATEMENT TO ALLOW SCHEDULES OF
COMPLIANCE IN NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM (NPDES) PERMITS, AND APPROVAL OF
AN ASSOCIATED ENVIRONMENTAL DOCUMENT**

WHEREAS, the Lahontan Regional Water Quality Control Board (Lahontan Water Board) finds:

1. The Lahontan Water Board's revised Water Quality Control Plan for the Lahontan Region (Basin Plan) took effect on March 31, 1995, and the proposed amendments were developed in accordance with Water Code section 13240 et seq.;
2. Lahontan Water Board staff prepared draft Basin Plan amendments, including changes to Chapter 4 (Implementation) and Chapter 5 (Water Quality Standards and Control Measures for the Lake Tahoe Basin), to clarify that waste discharge prohibitions do not apply to discharges of storm water when wastes in the discharge are controlled by appropriate management measures and do not cause a violation of water quality objectives, and to add an explicit statement to allow schedules of compliance in National Pollutant Discharge Elimination System (NPDES) permits;
3. The Lahontan Water Board's planning process has been certified pursuant to the California Environmental Quality Act (CEQA) as "functionally equivalent" to the substantive requirements of CEQA. (Public Resources Code section 21080.5.) Lahontan Water Board staff prepared and circulated a draft environmental document for public review. The Lahontan Water Board has reviewed public comments and staff responses to comments. The environmental document, when considered together with the record of the public review process as a whole, indicates that adoption of the proposed amendments to the Basin Plan will have no significant adverse impacts on the environment;
4. The Notice of Filing, written report, environmental checklist, and draft amendments were prepared and distributed to interested individuals and public agencies for review and comment in accordance with state and federal environmental regulations (California Code of Regulations, title 23, section 3775 et seq., 40 C.F.R. part 25 and 40 C.F.R. part 131). The draft amendments and supporting documents were properly noticed in newspapers of general circulation in the areas affected. Copies of the draft amendments and supporting documents were made available to parties on the Lahontan Water Board's Basin Plan mailing list who requested them. Copies of these documents were also made available on the Internet;

5. The proposed amendments meet the necessity standard of the Administrative Procedure Act, Government Code section 11353, subdivision (b); and
6. The Lahontan Water Board heard and considered all written public comments and all testimony presented at a duly noticed public hearing held at its regular April 2006 meeting.

THEREFORE BE IT RESOLVED:

1. The Lahontan Water Board adopts the amendments clarifying the applicability of waste discharge prohibitions to storm water discharges, adding an explicit statement to allow schedules of compliance in National Pollutant Discharge Elimination (NPDES) permits, and making certain related editorial changes.
2. The environmental document prepared by Lahontan Water Board staff pursuant to Public Resources Code section 21080.5, which reflects the independent judgment of the Lahontan Water Board, is hereby certified.
3. The Lahontan Water Board has made a “*de minimis*” finding, and the Executive Officer is authorized to sign the Certificate of Fee Exemption and to transmit it to the California Department of Fish and Game (CDFG) in lieu of payment of the CDFG filing fee.
4. The Executive Officer is authorized to submit the amendment to the State Water Resources Control Board for approval.
5. The Lahontan Water Board requests that the State Water Board approve the Basin Plan amendments in accordance with the requirements of Water Code section 13245 and Water Code section 13246 and forward them to the Office of Administrative Law (OAL) and the U.S. Environmental Protection Agency for approval.
6. If during its approval process for Lahontan Water Board Basin Plan amendments or policies, Lahontan Water Board staff, the State Water Board, or OAL determines that minor, non-substantive changes to the language of the amendment or policy are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Lahontan Water Board of any such changes.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the Lahontan Regional Water Quality Control Board on April 12, 2006.



HAROLD J. SINGER
EXECUTIVE OFFICER