

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION R6V-2015-0005

PROPOSED BASIN PLAN AMENDMENT TO REMOVE THE MUNICIPAL AND DOMESTIC SUPPLY (MUN) BENEFICIAL USE DESIGNATION FROM CERTAIN GROUND WATERS BENEATH NAVAL AIR WEAPONS STATION CHINA LAKE, KERN, INYO, AND SAN BERNARDINO COUNTIES

The California Regional Water Quality Control Board, Lahontan Region, (Lahontan Water Board) finds:

1. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the regional water boards' basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) requirements for preparing environmental documents. (Cal. Code Regs. tit. 14, §15251, subd. (g); Cal. Code Regs. tit. 23, §3777.) The substitute environmental documentation for this project includes the staff report; the environmental checklist that evaluates potential adverse environmental effects of the Basin Plan amendments, including any reasonably foreseeable significant adverse environmental effects associated with the potential methods of compliance with the regulatory provisions of the amendments; responses prepared by staff to address comments provided during the public review period, and this resolution.
2. The substitute environmental documentation concludes that no fair argument exists that the adoption of the Basin Plan amendments will result in any reasonably foreseeable significant adverse environmental impacts. As a result, no analysis is presented regarding reasonable alternatives to the project and mitigation measures to avoid or reduce any significant or potentially significant adverse environmental impacts. (Cal. Code Regs. tit. 23, §3777, subd. (e).)
3. A CEQA scoping meeting was conducted on May 9, 2013 in Ridgecrest. A notice of the CEQA scoping meetings was provided on the Water Board's website and was sent to interested parties on April 22, 2013.
4. The substitute environmental documentation, including the staff report, a CEQA environmental checklist, and the proposed basin plan amendment were prepared and distributed to interested individuals and public agencies on November 26, 2014 for a 47-day review and comment period, in accordance with state environmental regulations. (California Code of Regulations, title 23, section 3779.). No comments were received.
5. The Lahontan Water Board approves the substitute environmental documentation and finds that the analysis contained in the staff report, the environmental checklist, and the responses to public comments comply with the requirements of the State

and Regional Water Board's certified regulatory CEQA process, as set forth in California Code of Regulations, title 23, section 3775 et seq.

6. On February 11, 2015 a public hearing was conducted on the matter, and although no additional written comments were allowed, oral comment on the matter was permitted.
7. Water Code section 13241 requires that regional boards consider a number of factors when establishing water quality objectives, including:
 - a. Past, present and probable future beneficial uses of water: There is no information to indicate the specified ground waters have ever been used as a source of domestic or municipal drinking water. Water treatability studies indicate that it is not economically feasible to treat the specified ground waters to meet drinking water standards in the foreseeable future.
 - b. Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto: Contractors have conducted multiple studies over several years under Water Board staff oversight, including hydrogeological studies and geochemistry of the ground waters. The environmental characteristics of the hydrographic units under consideration do not provide adequate water quality (and in some cases, adequate water supply) for domestic use.
 - c. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect that quality in the area: Contractors conducted a water treatability analysis, with Water Board staff review and concurrence, and concluded the specified ground waters could not be treated economically to drinking water standards.
 - d. Economic considerations: The natural background water quality in specified ground waters does not meet drinking water standards. There is some man-made contamination in certain ground waters in the area. Failure to de-designate MUN use would require some amount of groundwater remediation that would be unnecessarily costly.
 - e. The need for developing housing within the region is not a factor.
 - f. The need to develop and use recycled water is not a factor.
8. Water Code section 106.3 establishes a state policy that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes, and directs state agencies to consider this policy when adopting regulations pertinent to water uses described in the section, including the use of water for domestic purposes. The specified ground waters are to be de-designated for human consumption, cooking, and sanitary purposes because the natural water quality is not sufficient for such purposes. There are no residents on the land above the naturally low quality ground waters. The Water Board has considered this policy.

THEREFORE BE IT RESOLVED THAT:

1. The following changes to California Regional Water Quality Control Board – Lahontan Region’s Water Quality Control Plan (Basin Plan) to remove Municipal and Domestic Supply (MUN) beneficial use designation from ground waters within the Naval Air Weapons Station China Lake are adopted:

A. Chapter 2, Table 2-2, page 2-46. Add to the footnote at the bottom of the page to read: “*Note #2: The MUN designation does not apply to the ground waters located beneath the Salt Wells Valley and those within the shallow groundwater (above the top of the low-permeability lacustrine clay sediments) in the eastern Indian Wells Valley groundwater basins as shown on Figure 2-2.*”

B. Change the reference to the existing footnote as Note #1 for the Searles Valley and add reference to Note #2 to Salt Wells Valley and Indian Wells Valley on page 2-46.

C. Add Figure 2-2 (to follow Figure 2-1) after the Searles Valley Groundwater Basin Public Land Survey System description on page 2-54.

D. The area shown in Figure 2-2, within which the Municipal and Domestic Supply beneficial use does not apply to ground water, is as follows:

Salt Wells Valley Groundwater Basin No. 6-53 (as defined in the California Department of Water Resources Bulletin 118) except the southern boundary which is defined by the boundary of Naval Air Weapons Station China Lake. The Salt Wells Valley Groundwater Basin de-designation area includes all or portions of:

T26S, R41E (except Sections 35 and 36);

T26S, R42E, Sections 5, 6, 7, 8, 16, 17, 18, 19, 20, 21, 28, 29, 30; and

T25S, R42E, Sections 31 and 32, all referenced to MDB&M.

Indian Wells Valley Groundwater Basin No. 6-54 (as defined by California Department of Water Resources Bulletin 118) such that:

The western boundary runs northward from the northern portion of Section 34 (as defined by the boundary of Naval Air Weapons China Lake), T26S, R40E to the northwest corner of Section 21, T24S, R40E.

The northern boundary includes, from west to east: Section 21, T26S, R40E to the eastern boundary of Indian Wells Valley Groundwater Basin No. 6-54.

The eastern boundary is defined as the eastern boundary of Indian Wells Valley Groundwater Basin No. 6-54.

The southern boundary is defined by the boundary of Naval Air Weapons Station China Lake from the northern portion of Section 34, T26S, R40E, as defined by the boundary of Naval Air Weapons China Lake, excluding the east half of Section 26 and all of Sections 25 and 36, T26S, R40E to the Salt Wells Valley Groundwater Basin No. 6-53, exclusive of Section 25, east half of Section 26, and Sections 35 and 36, T26S, R40E.

2. The Executive Officer is directed to forward copies of the Basin Plan amendment and the administrative record to the State Water Board in accordance with the requirements of Water Code section 13245.
3. The Lahontan Water Board requests that the State Water Board approve the Basin Plan amendments in accordance with the requirements of Water Code sections 13245 and 13246 and forward them to the California Office of Administrative Law (OAL).
4. Following approval of the Basin Plan amendment by the State Water Board and OAL, the Executive Officer shall file a Notice of Decision with the Natural Resources Agency. The record of the final Substitute Environmental Documentation shall be retained at the Lahontan Water Board's office at 2501 Lake Tahoe Boulevard, South Lake Tahoe, California, in the custody of the Lahontan Water Board's administrative staff.
5. If during its approval process, Lahontan Water Board staff, State Water Board or OAL determines that minor, non-substantive changes to the amendment language or supporting staff report and environmental checklist 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, Patty Z. Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on February 11, 2015.

PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Attachment: Figure 2-2

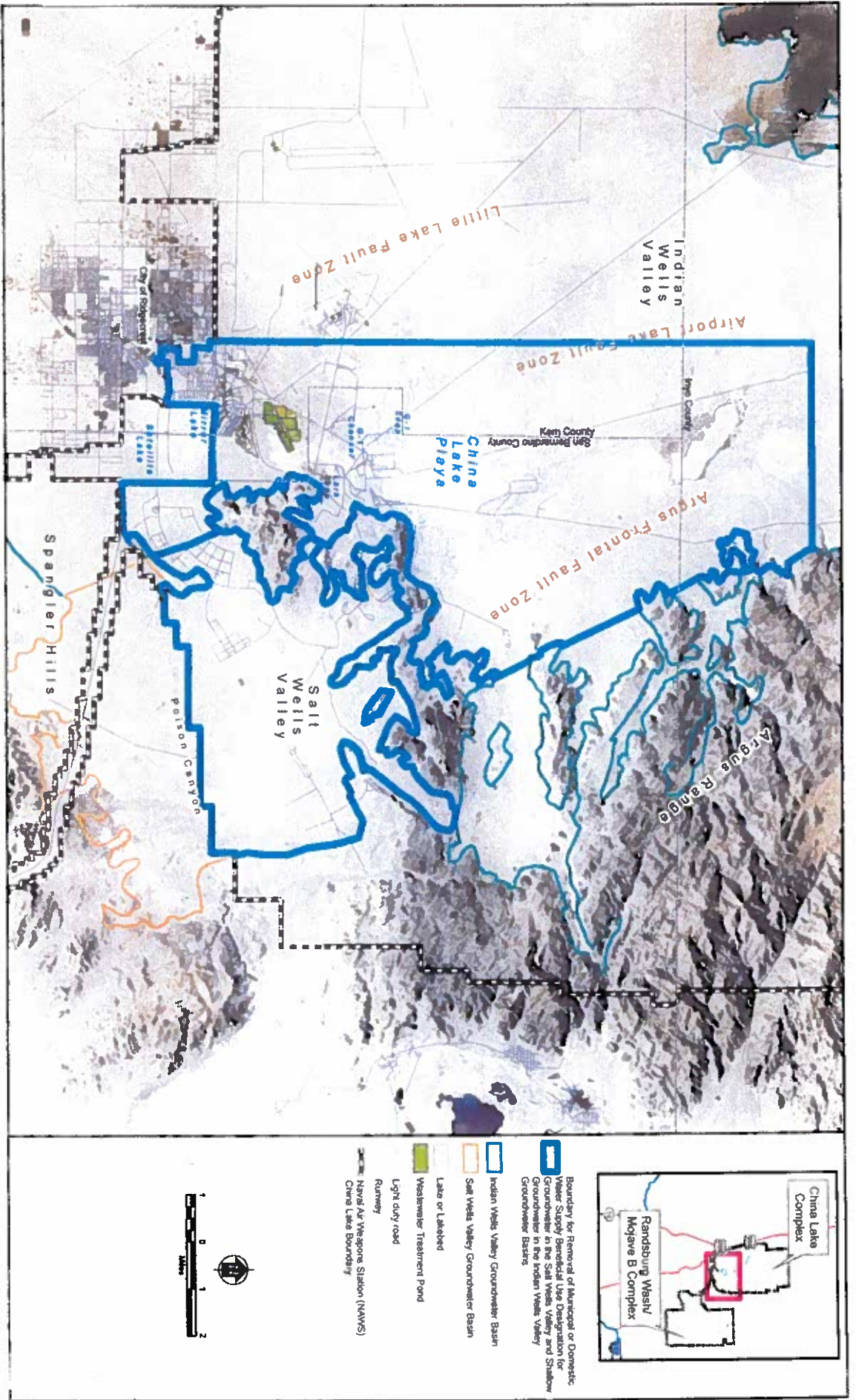


Figure 2-2