

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2001 - 100

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL
PLAN FOR THE LAHONTAN REGION TO REMOVE POTENTIAL
BENEFICIAL USE DESIGNATIONS FROM NINE WATER BODIES

WHEREAS:

1. The California Regional Water Quality Control Board, Lahontan Region (Lahontan Regional Board), adopted a revised Water Quality Control Plan for the Lahontan Region (Basin Plan) on September 9, 1993 which was approved by the State Water Resources Control Board (SWRCB) on January 19, 1995 and by the Office of Administrative Law (OAL) on April 26, 1995.
2. On July 12, 2000, the Lahontan Regional Board adopted Resolution 6-00-67 (attached) amending the Basin Plan to remove the Municipal and Domestic Supply (MUN) beneficial use designation from nine saline water bodies.
3. The SWRCB finds that the Basin Plan amendment to remove the MUN beneficial use designations is in conformance with Water Code Section 13240 which specifies that Regional Water Quality Control Boards shall periodically review and may revise Water Quality Control Plans.
4. The SWRCB finds that the Basin Plan amendment to remove the MUN beneficial use designations is in conformance with the provisions of the SWRCB's "Sources of Drinking Water Policy" which allows exemptions of certain waters from the MUN designation where appropriate conditions are met, and is in conformance with federal water quality standards regulations for dedesignating potential beneficial uses (40 CFR 131.10, subsection (g)).
5. The Lahontan Regional Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act and other State laws and regulations.
6. A Basin Plan amendment does not become effective until approved by the SWRCB and until the regulatory provisions are approved by OAL, and, in the case of a surface water standards action, by the U.S. Environmental Protection Agency (USEPA).

THEREFORE BE IT RESOLVED THAT:

The SWRCB:

1. Approves the amendment to the Lahontan Water Quality Control Plan to remove MUN beneficial uses from nine saline water bodies as adopted under Lahontan Regional Board Resolution 6-00-67.
2. Authorizes the Executive Director to submit the regulatory provisions of the amendment adopted under the Lahontan Regional Board Resolution 6-00-67 to OAL and USEPA for approval.

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 September 20, 2001.

/s/

Maureen Marché
Clerk to the Board

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION 6-00-67

APPROVAL OF AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR
THE LAHONTAN REGION TO REMOVE POTENTIAL BENEFICIAL USE
DESIGNATIONS FROM NINE WATER BODIES, AND A "FUNCTIONAL
EQUIVALENT" ENVIRONMENTAL DOCUMENT

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region, finds:

1. The California Regional Water Quality Control Board, Lahontan Region's (RWQCB's) revised Water Quality Control Plan for the Lahontan Region (Basin Plan) took effect on March 21, 1995, and amendments to that plan took effect on August 17, 1995, and
2. RWQCB staff prepared further proposed amendments to Chapter 2 of the Basin Plan which involve removal of the potential Municipal and Domestic Supply (MUN) beneficial use designation from the following nine surface water bodies:
 - a. Wendel Hot Springs and Amedee Hot Springs, Lassen County
 - b. Fales Hot Springs and Hot Creek, Walker River watershed, Mono County
 - c. Little Hot Creek and Little Alkali Lake, Owens River watershed, Mono County
 - d. Deep Springs Lake and Keough Hot Springs, Inyo County
 - e. Amargosa River, San Bernardino and Inyo Counties

The proposed amendments would also add specific entries in Table 2-1, "Beneficial Uses of Surface Waters" showing all beneficial uses of Amedee Hot Springs, Little Hot Creek, and Little Alkali Lake. Beneficial uses of these waters were previously included in "Minor Surface Waters" categories for their hydrologic units, and

3. The RWQCB's planning process has been certified pursuant to the California Environmental Quality Act (CEQA) as "functionally equivalent" to the preparation of an Environmental Impact Report or Negative Declaration (Public Resources Code Section 21080.5). RWQCB staff prepared and circulated a draft "functional

equivalent" environmental document for public review. One letter was received indicating that the California Department of Transportation, District 2, had no 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 Water Quality Control Plan for the Lahontan Region will have no significant adverse impacts on the environment. The environmental document, when considered together with the record of the public review process as a whole, also indicates that the adoption of the proposed amendments will have no adverse economic impacts related to the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California. In that the amendments will permit the consideration of approval of new industrial discharges to certain surface waters under limited circumstances, they may be considered to have beneficial economic impacts, and

4. The proposed amendments do not create new requirements for the installation of pollution control equipment or new performance standards or treatment requirements. Therefore, no analysis of reasonably foreseeable means of compliance pursuant to Public Resources Code Section 21159 is required, and
5. The proposed amendments are based on application of existing scientific criteria, and do not require independent scientific peer review pursuant to Health and Safety Code Section 57004, and
6. The availability of the draft amendments and environmental document was properly noticed in newspapers throughout the Lahontan Region as required by Water Code Section 13244. Copies of the notice, amendments and environmental document were made available to parties on the RWQCB's Basin Plan mailing list who requested them. Copies of these documents were also made available on the Internet, and
7. The RWQCB heard and considered all written public comments and all testimony presented at a duly noticed public hearing held at its regular July 12 and 13, 2000 meeting.

THEREFORE BE IT RESOLVED:

1. Based on the record as a whole, including the draft Basin Plan amendments, the environmental document, accompanying written documentation, and public comments received, the RWQCB finds that there is no substantial evidence in the record that adoption of the proposed amendments to the Water Quality Control Plan for the Lahontan Region will have a significant effect on the environment.

2. Considering the record as a whole, there is no evidence before the RWQCB that the adoption of the proposed amendments to the Water Quality Control Plan for the Lahontan Region will have any adverse impacts in terms of the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.
3. The functional equivalent environmental document prepared by RWQCB staff pursuant to Public Resources Code Section 21080.5, which reflects the independent judgement of the RWQCB, is hereby certified. Following approval of the Basin Plan amendments by the State Water Resources Control Board and the California Office of Administrative Law, the Executive Officer shall file a Notice of Decision with the State Clearinghouse. The record of the final functional equivalent document shall be retained at the RWQCB's office at 2501 Lake Tahoe Boulevard, South Lake Tahoe, California, in the custody of the RWQCB's administrative staff.
4. Copies of this resolution and of the administrative record of the Basin Plan amendment process shall be transmitted to the State Water Resources Control Board.

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 California Regional Water Quality Control Board, Lahontan Region, on July 12, 2000.

Original signed by Robert S. Dodds for

HAROLD J. SINGER
EXECUTIVE OFFICER

Table 3. Beneficial uses of affected surface waters which will remain after removal of the potential MUN use. Water bodies shown in bold text are those which will have new rows added to the Basin Plan beneficial use table for surface waters (Table 2-1).

HU No.	HYDRO-LOGIC UNIT/SUBUNIT DRAINAGE FEATURE	WATERBODY CLASS MODIFIER	BENEFICIAL USES																Receiving Water					
			MUN	AGR	POR	IND	GRWR	FRSH	NARV	POW	REC-1	REC-2	CEM	AQUA	WARMA	COLD	SALL	WILLD		BIOL	RARE	MIGR	SPWN	WQE
637.20	Wendel Hot Springs	Hot Springs		x			x	x		x	x						x					x		Honey Lake
637.20	Amedee Hot Springs	Hot Springs		x			x	x		x	x	x		x	x		x							Honey Lake
631.40	Hot Creek	Perennial Stream		x			x			x	x	x		x	x		x							Little Walker River
631.40	Fales Hot Springs	Springs		x			x			x	x	x		x			x							Hot Creek
603.10	Little Hot Creek	Perennial Stream		x			x	x		x	x	x		x		x					x			Hot Creek or Owens River
603.10	Little Alkali Lake	Alkali Lake		x			x	x		x	x	x		x		x					x			Crowley Lake
603.20	Keough Hot Springs	Springs		x			x			x	x	x		x	x		x							Owens River
609.00	Amargosa River	Intermittent Stream		x			x			x	x			x		x	x	x	x		x			Amargosa Subarea GW