

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2011-0022**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION TO ESTABLISH: (1) AN ACTION PLAN FOR THE LAKE TAHOE TOTAL MAXIMUM DAILY LOADS ADDRESSING PHOSPHORUS, NITROGEN, AND FINE SEDIMENT PARTICLE IMPAIRMENTS IN LAKE TAHOE; AND (2) AN IMPLEMENTATION PLAN FOR THE LAKE TAHOE BASIN AND RELATED CHANGES TO THE BASIN PLAN.

WHEREAS:

1. On November 16, 2010, the Lahontan Regional Water Quality Control Board (Lahontan Water Board) adopted Resolution No. R6T-2010-0058 ([Attachment 1](#)) amending the Basin Plan to establish: (1) the Lake Tahoe Total Maximum Daily Load for fine sediment particle, nitrogen, and phosphorus, and (2) a Lake Tahoe TMDL Implementation Plan and associated changes to urban stormwater regulations in the Lake Tahoe basin.
2. The Lahontan Water Board found that the Basin Plan Amendment was consistent with the provisions of the State Water Resources Control Board (State Water Board) [Resolution No. 68-16](#), "Statement of Policy with Respect to Maintaining High Quality of Waters in California" and 40 CFR section 131.12.
3. The Lahontan Water Board has the authority, pursuant to California Water Code section 13243, to specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted (i.e. prohibitions). The Implementation Plan for the TMDL for Lake Tahoe requires compliance with the prohibition of discharges in violation of water quality objectives in the Lake Tahoe Basin. Supporting documentation for the above-named prohibition is provided in the Final Staff Report for the Lake Tahoe TMDL addressing nitrogen, phosphorus, and fine sediment particle impairments in California. Consistent with California Water Code section 13244, the Lahontan Water Board complied with public notice and hearing requirements for the prohibition.
4. The elements of a TMDL are described in 40 CFR sections 130.2 and 130.7 and section 303 (d) of the CWA, and U.S. Environmental Protection Agency guidance documents. A TMDL is defined as "the sum of individual waste load allocations for point sources and load allocations for nonpoint sources and natural background." (40 CFR section 130.2). The Lahontan Water Board has determined that the TMDL addressing the impairments of nitrogen, phosphorus, and fine sediment particles is set at levels necessary to attain and maintain the applicable water quality standards taking into account seasonal variations and a margin of safety.
5. The Lahontan Water Board found that the analysis contained in the Final Staff Report, the California Environmental Quality Act (CEQA) substitute documentation for the proposed Basin Plan amendment, including the CEQA Checklist, the staff report, and the responses to comments complies with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in the California Code of Regulations, Title 23, section 3775 et seq.

6. The State Water Board finds that the Basin Plan amendments are in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans; section 13241, which authorizes Regional Water Quality Control Boards to establish water quality objectives; section 13242, which requires a program of implementation to achieve water quality objectives; and section 13243 which authorizes Regional Water Quality Control Boards to specify certain conditions or areas where the discharges of certain types of waste will not be permitted. The State Water Board also finds that the TMDL, as reflected in the Basin Plan amendment, is consistent with the requirements of federal CWA section 303 (d).
7. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subd. (b). The necessity of developing a TMDL is established in the TMDL staff report, the CWA section 303 (d) List of Water Quality Limited Segments, and the data contained in the administrative record documenting the impairments of Lake Tahoe.
8. 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. The TMDL and water quality objectives must also receive approval from the U.S. Environmental Protection Agency.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:


1. Approves the [amendment](#) to the Basin Plan adopted under Lahontan Water Board Resolution No. R6T-2010-0058.
2. Authorizes the Executive Director or designee to submit the amendments adopted under Lahontan Water Board Resolution No. R6T-2010-0058, as approved, and the administrative record for these actions to the Office of Administrative Law and the TMDL and water quality objectives to the U.S. Environmental Protection Agency 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 April 19, 2011.

AYE: Chairman Charles R. Hoppin
 Vice Chair Frances Spivy-Weber
 Board Member Tam M. Doduc

 NAY: None
 ABSENT: None
 ABSTAIN: None



 Jeanine Townsend
 Clerk to the Board