

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION--DIVISION OF WATER QUALITY  
FEBRUARY 20, 2007**

**ITEM 7**

**SUBJECT**

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION (BASIN PLAN) TO CLARIFY WASTE DISCHARGE PROHIBITIONS

**DISCUSSION**

The Lahontan Regional Water Quality Control Board (Lahontan Water Board) adopted the proposed amendment to the Basin Plan on April 12, 2006 under Resolution R6T-2006-0015 (see [Attachment 1](#)). This amendment clarifies that waste discharge prohibitions do not apply to discharges of storm water when wastes in the discharge are controlled through application of management practices or other means, and the discharge does not cause a violation of water quality objectives. Currently, as written, these waste discharge prohibitions could be interpreted as prohibiting all storm water discharges, including those currently authorized by the Lahontan Water Board. The amendment would reconcile the prohibition language with existing regulatory authority and practices of the Lahontan Water Board.

Resolution R6T-2006-0015 also contains an amendment to the Basin Plan that authorizes the use of compliance schedules in National Pollutant Discharge Elimination System (NPDES) permits. However, when this amendment was reviewed by the State Water Resources Control Board's (State Water Board) legal counsel, it became apparent that it did not fully meet legal requirements. In a memorandum dated January 12, 2007, the Lahontan Water Board's Executive Officer therefore requested that the language in Resolution R6T-2006-0015 that authorizes compliance schedules be withdrawn from consideration by the State Water Board (see [Attachment 2](#)). The State Water Board is considering only the portion of the amendment contained in Resolution R6T-2006-0015 that clarifies various waste discharge prohibitions.

Resolution R6T-2006-0015 authorizes the Lahontan Water Board's Executive Officer to make minor, non-substantive changes to the language of the amendment, if needed, for clarity or consistency. For clarification purposes, the Lahontan Water Board's Executive Officer found it necessary to make a minor, non-substantive correction to the remaining language under consideration (see Attachment 2). The new sentence "*For existing discharges, waste discharge requirements, including NPDES permits, may contain a time schedule for the application of control measures and compliance with water quality objectives*" in sections 4.1 and 5.2 was changed to "*For existing discharges, waste discharge requirements, including, **if authorized**, NPDES permits, may contain a time schedule for the application of control measures and compliance with water quality objectives.*"

**POLICY ISSUE**

Should the State Water Board approve the proposed amendment to the Basin Plan in accordance with the staff recommendations below?

**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 WATER BOARD IMPACT**

Yes, Lahontan Water Board.

**STAFF RECOMMENDATION**

That the State Water Board:

1. Approves the amendment to the Basin Plan that clarifies waste discharge prohibitions as adopted under Lahontan Water Board Resolution R6T-2006-0015 and as corrected by Lahontan Water Board's Executive Officer.
2. Authorizes the Executive Director or designee to transmit the approved amendment and the administrative record for this action to the Office of Administrative Law and the U.S. Environmental Protection Agency for approval.

# DRAFT

January 12, 2007

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2007-

### APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION (BASIN PLAN) TO CLARIFY WASTE DISCHARGE PROHIBITIONS

#### WHEREAS:

1. The Lahontan Regional Water Quality Control Board (Lahontan Water Board) adopted the revised Basin Plan under Resolution 6-93-98 on September 9, 1993. The revised Basin Plan was approved by the State Water Resources Control Board (State Water Board) on January 19, 1995, by the Office of Administrative Law (OAL) on March 31, 1995, and by the U.S. Environmental Protection Agency (USEPA) on May 29, 2000.
2. On April 12, 2006, the Lahontan Water Board adopted Resolution R6T-2006-0015 ([Attachment 1](#)) amending the Basin Plan to (1) clarify that waste discharge prohibitions do not apply to discharges of storm water when wastes in the discharge are controlled through the application of management practices or other means, and the discharge does not cause a violation of water quality objectives; and (2) authorize the use of compliance schedules in National Pollutant Discharge Elimination System permits.
3. In a memorandum dated January 12, 2007, the Lahontan Water Board's Executive Officer requested that the language in Resolution R6T-2006-0015 that authorizes compliance schedules be withdrawn from consideration by the State Water Board due to legal concerns ([Attachment 2](#)).
4. Resolution R6T-2006-0015 authorizes the Lahontan Water Board's Executive Officer to make minor, non-substantive changes to the language of the amendment, if needed, for clarity or consistency. For clarification purposes, the Lahontan Water Board's Executive Officer found it necessary to make a minor, non-substantive correction to the remaining language under consideration (see [Attachment 2](#)).
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans.
6. The Lahontan Water Board found that the analysis contained in the written report, the California Environmental Quality Act (CEQA) checklist, and the response to comments comply with the requirements of the State Water Board's certified regulatory CEQA process as set forth in California Code of Regulations, Title 23, section 3775, et seq.
7. The Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL and USEPA.

# DRAFT

January 12, 2007

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan that clarifies waste discharge prohibitions as adopted under Lahontan Water Board Resolution R6T-2006-0015 and as corrected by Lahontan Water Board's Executive Officer.
2. Authorizes the Executive Director or designee to transmit the approved amendment and the administrative record for this action to OAL and to 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 Board held on February 20, 2007.

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Clerk to the Board