

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION--DIVISION OF WATER QUALITY
May 22, 2007**

ITEM 11

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO ALLOW THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD TO APPROVE SITE-SPECIFIC VARIANCES FROM GROUNDWATER MINERAL QUALITY OBJECTIVES DUE TO NATURAL SOURCES

DISCUSSION

This proposed amendment would incorporate a provision in the Basin Plan potentially allowing site-specific variances from groundwater mineral objectives due to natural sources. The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) would grant variances only when certain conditions are met and only when elevated mineral concentrations are natural in origin due to an aquifer's proximity to the coast. Mineral quality objectives include those for total dissolved solids, sulfate, chloride, and boron, which are applied to groundwater basins independent of beneficial use designations.

State Water Resources Control Board (State Water Board) Resolution No. 88-63, the Sources of Drinking Water Policy (Policy), sets forth a potential exception from municipal and domestic supply use where total dissolved solids in groundwater exceeds 3,000 milligrams per liter. The groundwater is not used as a source of drinking water, and de-designation would be allowed under the Policy. However, the Los Angeles Water Board considered de-designation to be inconsistent with its mission to protect water quality and the need to address water supply issues in Southern California. Therefore, the Los Angeles Water Board chose instead to grant variances to provide targeted relief from mineral quality objectives where it deemed appropriate. This approach would continue to protect the beneficial uses of groundwater and also acknowledges natural conditions.

This proposed amendment would allow the Los Angeles Water Board to grant site-specific variances from the mineral quality objectives specified in Table 3-10 of the Basin Plan when issuing waste discharge requirements or enforcement orders. The variance would be available only in "coastal aquifers where elevated concentrations of minerals are caused by natural sources due to an aquifer's proximity to the ocean." Variances would not be available where the discharger caused or contributed to the elevated mineral concentrations from which it seeks relief. Variances would be granted for not more than five years and may be extended not more than once for an additional five years. A decision to grant or extend a variance will be based upon the Los Angeles Water Board's evaluation of the evidence submitted at a duly noticed public meeting.

On March 9, 2006, the Los Angeles Water Board adopted Resolution No. 2006-003 to allow the Los Angeles Water Board to approve site-specific variances from groundwater mineral quality objectives due to natural sources.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan to allow the Los Angeles Water Board to approve site-specific variances from groundwater mineral quality objectives due to natural sources, as adopted in Los Angeles Water Board Resolution No. 2006-003?

FISCAL IMPACT

Los Angeles 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, approval of this resolution will amend the Los Angeles Water Board's Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Los Angeles Water Board Basin Plan to allow the Los Angeles Water Board to approve site-specific variances from groundwater mineral quality objectives due to natural sources, as adopted in Los Angeles Water Board Resolution No. 2006-003.
2. Authorizes the Executive Director or designee to transmit the amendment and administrative record for this action to the Office of Administrative Law for approval.

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

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE LOS ANGELES REGION (BASIN PLAN) TO ALLOW THE
LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD TO APPROVE
SITE-SPECIFIC VARIANCES FROM GROUNDWATER MINERAL QUALITY OBJECTIVES
DUE TO NATURAL SOURCES

WHEREAS:

1. The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted a revised Basin Plan on June 13, 1994, which was approved by the State Water Resources Control Board (State Water Board) on November 17, 1994 and by the Office of Administrative Law (OAL) on February 23, 1995.
2. On March 9, 2006, the Los Angeles Water Board adopted Resolution No. 2006-003 ([Attachment 1](#)) amending the Basin Plan to allow the Los Angeles Water Board to approve site-specific variances from groundwater mineral quality objectives due to natural sources.
3. The Los Angeles Water Board found that the additions of this amendment would result in no adverse effect on wildlife and the amendment would be consistent with the Sources of Drinking Water Policy (State Water Board Resolution No. 88-63), State Antidegradation Policy (State Water Board Resolution No. 68-16), and federal antidegradation requirements.
4. Due to a clerical error, Los Angeles Water Board staff inadvertently failed to include specific language in Resolution No. 2006-003 certifying the California Environmental Quality Act (CEQA) substitute environmental documentation. Further, the CEQA Environmental Checklist was not signed by the Los Angeles Water Board Executive Officer. At the hearing, the Los Angeles Water Board intended to approve, and actually thought it had approved, the CEQA substitute environmental documentation along with the Basin Plan amendment, which is the Los Angeles Water Board's customary practice. The substitute environmental documentation was included in the agenda packet for the Basin Plan amendment, and the Los Angeles Water Board carefully considered the substitute environmental documentation as it did with the other materials in the agenda packet. The public had a reasonable opportunity to participate in review of the amendment to the Basin Plan. Los Angeles Water Board staff responded to written comments received from the public concerning the proposed Basin Plan amendment. No public comments concerning CEQA or the substitute environmental documentation were received.
5. This clerical error was rectified on November 9, 2006, when the Los Angeles Water Board adopted Resolution No. R4-2006-021 ([Attachment 2](#)), which certified that the Los Angeles Water Board complied with the State Water Board's certification regulatory program for CEQA as set forth in California Code of Regulation Title 23, 3775 et seq.
6. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that the Los Angeles Water Board may revise its Basin Plan, and section 13242, which requires a program of implementation of water quality objectives.

7. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Los Angeles Water Board Basin Plan to allow the Los Angeles Water Board to approve site-specific variances from groundwater mineral quality objectives due to natural sources, as adopted in Los Angeles Water Board Resolution No. 2006-003.
2. Authorizes the Executive Director or designee to transmit the amendment and administrative record for this action to OAL 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 May 22, 2007.

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Clerk to the Board