

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – LAHONTAN REGIONAL WATER BOARD
OCTOBER 7, 2015**

ITEM 2

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION (BASIN PLAN) 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

DISCUSSION

On February 11, 2015, the Lahontan Regional Water Quality Control Board (Lahontan Water Board) adopted [Resolution No. R6V-2015-0005](#) amending the Basin Plan to remove the Municipal and Domestic Supply (MUN) beneficial use designation from certain ground waters beneath Naval Air Weapons Station China Lake.

Certain ground waters beneath Naval Air Weapons Station China Lake (NAWS China Lake) are not suitable for municipal or domestic (MUN) uses, including drinking, because they contain naturally high concentrations of total dissolved solids (TDS), arsenic and other inorganic compounds that are infeasible to treat. The primary reason for proposing removal of the MUN beneficial use at this time is in response to a request by the Navy to aid in its groundwater remediation efforts at NAWS China Lake so that groundwater naturally unsuitable for drinking is not to be remediated to drinking water standards.

While developing the amendment, staff held a public scoping meeting in Ridgecrest (adjacent to the groundwater basins under consideration). During that process, the Water Board received two letters in support of MUN de-designation; one from Indian Wells Valley Cooperative Groundwater Management Group and the other from the Indian Wells Valley Water District. Water Board staff received no comments in opposition. In 2014, Water Board staff completed, and circulated for comment, the Basin Plan amendment package, including an environmental analysis (Substitute Environmental Document). No comments were received during the public comment period that ended January 12, 2015. The proposed amendment was widely publicized through notices published in newspapers in the Lahontan Region, posting on the Lahontan Water Board's web site, email to Basin Planning email subscription lists, and other interested parties.

POLICY ISSUE

Should the State Water Board approve the amendment to the Lahontan Water Board's Basin Plan?

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 BOARD IMPACT

Approval of this Resolution will amend the Lahontan Water Board's Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the Basin Plan amendment adopted under Lahontan Water Board [Resolution No. R6V-2015-0005](#).
2. Authorizes the Executive Director or designee to submit the Basin Plan amendment adopted under Lahontan Water Board Resolution No. R6V-2015-0005, as approved, and the administrative record for this action to the California Office of Administrative Law.

State Water Board action on this item will assist the Water Boards in reaching Goals 4 and 6 of the Strategic Plan Update 2008-2012.

Approval of this item will assist in fulfilling Priority Planning Goal, Objective 4.3 - Achieve near-term priority Basin Plan amendment needs by collaborating in third-party initiated processes that incorporate Water Board requirements and stakeholder interests.

Approval will also support Goal 6 – Consistency. Specifically, this amendment will enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2015-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION 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

WHEREAS:

1. On February 11, 2015, the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) adopted [Resolution No. R6V-2015-0005](#), amendment to the *Water Quality Control Board for the Lahontan Region* (Basin Plan).
2. 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 amendment, including any reasonably foreseeable significant adverse environmental effects associated with the potential methods of compliance with the regulatory provisions of the amendment; responses prepared by staff to address comments provided during the public review period, and the proposed basin plan amendment.
3. The substitute environmental documentation concludes that no fair argument exists that the adoption of the Basin Plan amendment will not 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).)
4. A CEQA scoping meeting was conducted on May 9, 2013 in Ridgecrest. A notice of the CEQA scoping meeting was provided on the Water Board's website and was sent to interested parties on April 22, 2013.
5. 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.
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.

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7. The Lahontan Water Board approved the substitute environmental documentation and found 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.
8. 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 could 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.
9. 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.

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10. The State Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that regional water quality control board may revise basin plans, and section 13242, which requires a program of implementation for achieving water quality objectives.
11. 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 (OAL). United States Environmental Protection Agency (U.S. EPA) approval is not required for this Basin Plan amendment because the amendment concerns groundwater only and amendments to beneficial uses of groundwater are not subject to U.S. EPA regulation.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Lahontan Water Board Resolution No. R6V-2015-0005.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Lahontan Water Board Resolution No. R6V-2015-0005 to OAL for approval of the regulatory provisions of the Basin Plan amendment.

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 on October 7, 2015.

Jeanine Townsend
Clerk to the Board