

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

RESOLUTION R6T-2014-0027

**APPROVAL OF AMENDMENTS TO
THE *WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION*
CLARIFYING THE ANTIDegradation POLICY, ADDING MIXING ZONE
PROVISIONS, REVISING CERTAIN WASTE DISCHARGE PROHIBITIONS,
AND AMENDING CHAPTER 5 – WATER QUALITY CONTROL MEASURES FOR
THE LAKE TAHOE BASIN**

The California Regional Water Quality Control Board, Lahontan Region, (Lahontan Water Board) finds:

1. The proposed amendments to the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) were developed in accordance with Water Code section 13240 et seq.
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 language for the proposed amendments; the staff report; the environmental checklist that evaluates potential adverse environmental effects of the Basin Plan amendments, including any reasonably foreseeable significant adverse environmental effects associated with the potential methods of compliance with the regulatory provisions of the amendments; responses prepared by staff to address comments provided during the public review period, and this resolution.

The project is a set of amendments to the *Water Quality Control Plan for the Lahontan Region* that clarifies implementation of the State Water Resources Control Board's (State Water Board) Resolution 68-16, "Statement of Policy with Respect to Maintaining High Quality Waters in California" (also known as the Antidegradation Policy), adds mixing zone provisions, revises certain waste discharge prohibitions, amends Chapter 5 – Water Quality Control Measures for the Lake Tahoe Basin, corrects grammatical and typographical errors, updates discussion of wastewater treatment and vegetation management, and updates discussion of State and Lahontan Water Board policies.

3. In development and adoption of the amendments, the Lahontan Water Board considered factors in Water Code section 13241 and has concluded the requirements to comply with the regulatory provisions of the amendments are reasonable and necessary to maintain protection of water quality and past, present and probable future beneficial uses of water.
4. The substitute environmental documentation concludes that the adoption of the Basin Plan amendments 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).)
5. CEQA scoping meetings were conducted on February 14, 2013 in South Lake Tahoe and March 13, 2014 in Lake Arrowhead. A notice of the CEQA scoping meetings was provided on the Water Board's website, posted at County clerk offices, and was sent to interested parties, including environmental health departments, environment groups, and other individuals interested in Basin Plan amendments.
6. A Notice of Filing, the staff report, substitute environmental documentation, including a CEQA environmental checklist, and the proposed basin plan amendments were prepared and distributed to interested individuals and public agencies on January 27, 2014 for review and comment, in accordance with state environmental regulations (California Code of Regulations, title 23, section 3775 et seq.).
7. Water Board staff made minor changes and clarifications to the amendments as a result of internal Water Board review and released the proposed amendments on March 10, 2014 for thirty days ahead of the Water Board's meeting for consideration of amendments adoption.
8. During the written public comment period, letters were received providing comments on the proposed amendments. Water Board staff provided responses to those comments. Comment letters and responses were provided to the Water Board for consideration.
9. The Lahontan Water Board heard and considered all written public comments and all testimony presented at the public hearing held on April 9, 2014 in South Lake Tahoe.
10. The record as a whole, including the staff report and environmental checklist, indicates that these amendments are consistent with the provisions of the State Water Board's Resolution 68-16, "Statement of Policy with Respect to Maintaining High Quality Waters in California" and federal antidegradation policy prescribed in 40 CFR section 131.12. The anticipated changes in water quality associated with waste discharges allowed under these amendments will not unreasonably affect present and anticipated beneficial uses of water in the Lahontan Region.

Projects implemented under the regulatory provisions of these amendments may result in temporary lowering of water quality, or lowering of water quality in localized areas. Water Code section 13241 recognizes that it is possible for the quality of water to be degraded to some degree without unreasonably affecting beneficial uses. Control measures that are built into these amendments (the project) will limit the temporal and spatial extent of any impacts to water quality to ensure beneficial uses will not be unreasonably affected. Discharges permitted as a result of these amendments must be consistent with the state and federal antidegradation policies, as appropriate, and each proposed discharge will be evaluated in light of the policies and will not be authorized unless the discharge meets the policies' requirements.

It is in the interest of the people of the state to provide a means for waste discharge. Such a discharge may be needed for important economic or social development in the area or may be needed to support environmental restoration or protection or for other purposes. The waste discharge controls measures within these amendments provide conditions for discharge to water when there is no reasonable alternative. Those conditions require best practicable treatment or control of the discharge and protect the beneficial uses of the waters for use by the people of the state.

11. The Lahontan Water Board finds 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.
12. The proposed amendments meet the necessity standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).

THEREFORE BE IT RESOLVED THAT:

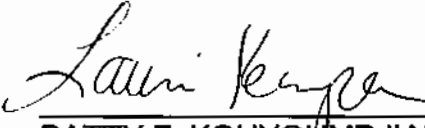
1. The Lahontan Water Board considered the information and analysis provided in the Substitute Environmental Documentation prepared by Lahontan Water Board staff pursuant to Public Resources Code section 21080.5, and the Lahontan Water Board certifies that the Substitute Environmental Documentation reflects the independent judgment of the Lahontan Water Board and complies with all applicable requirements.
2. The Lahontan Water Board adopts the amendments to the *Water Quality Control Plan for the Lahontan Region*.
3. The Executive Officer is directed to forward copies of the Basin Plan amendments and the administrative record to the State Water Board in accordance with the requirements of Water Code section 13245.

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4. The Lahontan Water Board requests that the State Water Board approve the Basin Plan amendments in accordance with the requirements of Water Code sections 13245 and 13246 and forward them to the California Office of Administrative Law (OAL) and the U.S. Environmental Protection Agency for approval.
5. Following approval of the Basin Plan amendments by the State Water Board and OAL, the Executive Officer shall file a Notice of Decision with the Natural Resources Agency. The record of the final Substitute Environmental Documentation shall be retained at the Lahontan Water Board's office at 2501 Lake Tahoe Boulevard, South Lake Tahoe, California, in the custody of the Lahontan Water Board's administrative staff.
6. If during its approval process, Lahontan Water Board staff, State Water Board or OAL determines that minor, non-substantive changes to the amendment language or supporting staff report and environmental checklist are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Lahontan Water Board of any such changes.

I, Patty Z. Kouyoumdjian, 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 April 9, 2014.



PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER