

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION NO. R6T-2022-0021

**APPROVAL OF AMENDMENT TO
THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION
TO CLARIFY MOJAVE RIVER BENEFICIAL USE DESIGNATIONS, UPDATE SITE
CLEANUP, LAND DISPOSAL AND BISHOP UNDERGROUND TANK POLICY
SECTIONS AND OTHER EDITORIAL REVISIONS**

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region, (Lahontan Water Board) finds that:

1. The amendment to the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) was developed in accordance with Water Code section 13240.
2. The Porter-Cologne Act declares, “the quality of all the waters of the state shall be protected for the use and enjoyment by the people of the state.” (Water Code section 13000.)
3. 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. (California Code of Regulations title 14, §15251, subdivision (g); California Code of Regulations, title 23, §3777.)
4. Some elements in the amendment involve actions that have already been analyzed under CEQA and no new information triggers the need for supplemental or subsequent CEQA analysis. Other elements involve revising the structure, syntax, cross-reference, grammar, or punctuation in the Basin Plan. Therefore, the amendment does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Consequently, no additional CEQA documentation required for certified regulatory programs is needed for this basin planning action. (Cal. Code Regs., tit. 23, §3720, subds. (b), (c)(2).)
5. The amendment modifies the Basin Plan to clarify the beneficial use designations for the Mojave River in Chapter 2 (Present and Potential Beneficial Uses), insert language in Chapter 3 (Water Quality Objectives) to describe the statewide mercury water quality objectives, and updates language in Chapter 4 (Implementation) related to Site Cleanup, Land Disposal and Underground Storage Tanks, and in Chapter 6 (Plans and Policies) related to State Water Board Plans and Policies.

6. A draft Staff Report and the Basin Plan amendment were prepared and distributed to interested individuals and public agencies on March 11, 2022 for a 31-day period for review and comment. No written public comments were received during the comment period.
7. The Lahontan Water Board heard and considered public comments presented at the public hearing held on June 8, 2022 in Barstow and by video and teleconference.
8. The record, including the Staff Report, indicates that these amendments are consistent with the provisions of the State Water Resources Control Board's (State Water Board) Resolution No. 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.
9. The amendment meets the necessity standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).

THEREFORE BE IT RESOLVED THAT:

1. Pursuant to Water Code section 13240, et seq., the Lahontan Water Board, after considering the entire administrative record, including all oral testimony and written comments, adopts the amendment to the Basin Plan as set forth in the Enclosure.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment in accordance with the requirements of Water Code section 13245.
3. The Lahontan Water Board requests that the State Water Board approve the Basin Plan amendment in accordance with the requirements of Water Code sections 13245 and 13246. Upon approval, the Lahontan Water Board will forward the Basin Plan amendment and the administrative record to the California Office of Administrative Law (OAL) for approval.
4. 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 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, Michael R. Plaziak, 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 June 8, 2022.

A handwritten signature in black ink, appearing to read "Michael R. Plaziak". The signature is fluid and cursive, with a prominent initial "M" and a long, sweeping tail.

MICHAEL R. PLAZIAK, P.G.
EXECUTIVE OFFICER

Enclosure: Basin Plan Amendment