

State of California
California Regional Water Quality Control Board, Los Angeles Region

RESOLUTION NO. R4-2006-021
November 9, 2006

NUNC PRO TUNC AMENDMENT TO CORRECT A CLERICAL ERROR IN THE
BASIN PLAN AMENDMENT TO INCORPORATE A VARIANCE PROVISION FOR
THE GROUNDWATER MINERAL QUALITY OBJECTIVES FROM COASTAL
GROUNDWATER AREAS WITH HIGH CONCENTRATIONS OF NATURALLY
OCCURRING MINERALS

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

1. On March 9, 2006, the Regional Board adopted Resolution R4-2006-003, amending Chapter 3 of the Water Quality Control Plan for the Los Angeles Region to incorporate a variance provision for the groundwater mineral quality objectives from coastal groundwater areas with high concentrations of naturally occurring minerals.
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. (14 Cal. Code Regs. § 15251(g); 23 Cal. Code Regs. § 3782). As such, the Regional Water Board's basin planning documents, together with an Environmental Checklist, are the "substitute documents" that contain the required environmental documentation under CEQA. (14 Cal. Code Regs. § 15252; 23 Cal. Code Regs. § 3777). The Staff Report, Environmental Checklist, and responses prepared by staff to address comments raised during the development of the variance provision serve as the substitute documents for this project. The project itself is the establishment of a variance provision for the groundwater mineral quality objectives. The substitute environmental documents indicate that no potential significant environmental impacts are associated with the project. Thus, no alternatives or mitigation measures were proposed. (14 Cal. Code Regs. § 15252).
3. Due to a clerical error, Regional Board staff inadvertently failed to include specific language in Resolution R4-2006-003 certifying the CEQA substitute environmental documentation. Further, the CEQA Environmental Checklist was not signed by the Executive Officer.
4. At the hearing, the Regional Board intended to approve, and actually thought it had approved, the CEQA substitute environmental documentation along with the Basin Plan amendment, which is the Regional Board's customary practice. The substitute environmental documentation was included in the agenda packet for the Basin Plan

amendment, and the Regional Board carefully considered the substitute environmental documentation as it did with the other materials in the agenda packet.

5. The public had a reasonable opportunity to participate in review of the amendment to the Basin Plan. Regional 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.

6. To properly adopt a Basin Plan amendment, final CEQA substitute environmental documents must be certified by the Regional Board.

THEREFORE, be it resolved that:

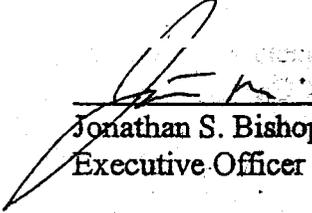
1. The Regional Board hereby certifies, nunc pro tunc to March 9, 2006, the final CEQA substitute environmental documentation, which was prepared in accordance with Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187.

2. The Regional Board directs the Executive Officer to sign the CEQA Environmental Checklist and date it March 9, 2006.

3. The Executive Officer is directed to forward copies of this resolution to the State Board in accordance with the requirements of section 13245 of the California Water Code, in supplement to the materials supporting the Basin Plan amendment.

CERTIFICATION

I, Jonathan S. Bishop, 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, Los Angeles Region, on November 9, 2006.


Jonathan S. Bishop
Executive Officer

11/17/06
Date