

ENCLOSURE 1

17-0003

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION R6T-2007-PROPOSED

**APPROVAL OF AMENDMENTS TO THE WATER QUALITY CONTROL PLAN
FOR THE LAHONTAN REGION TO REVISE STANDARDS FOR SURFACE
WATERS OF THE ANTELOPE HYDROLOGIC UNIT, AND APPROVAL OF
A SUBSTITUTE ENVIRONMENTAL DOCUMENT**

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

1. The Water Board's revised Water Quality Control Plan for the Lahontan Region (Basin Plan) took effect on March 31, 1995, and has been amended periodically since that time.
2. Water Board staff prepared draft Basin Plan amendments including:
 - a. Changes to Chapter 2 to clarify existing beneficial use designations for eight Hydrologic Areas (HAs) within the Antelope Hydrologic Unit (HU), and to revise designated beneficial uses for lower Amargosa Creek, the Piute Ponds and associated wetlands, and Rosamond Dry Lake
 - b. Changes to Chapter 3 to correct a typographical error in the existing regionwide water quality objective for ammonia toxicity, and to adopt site-specific objectives for ammonia toxicity for lower Amargosa Creek and the Piute Ponds and wetlands
 - c. Changes to Chapter 4 to revise and update the informational description of the Los Angeles County Sanitation District No. 14 (LACSD No. 14) facilities.

The amendments also include minor editorial changes.

3. The draft amendments to the Basin Plan were developed in accordance with Water Code section 13240 et seq. In developing new SSOs for ammonia toxicity, the Water Board and its staff considered the following factors specified in Water Code section 13241:
 - a. Past, present and probable future beneficial uses of water
 - b. Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto

- c. Water quality considerations that could reasonably be achieved through the coordinated control of all factors that affect water quality in the area
 - d. Economic considerations
 - e. The need for developing housing within the region
 - f. The need to develop and use recycled water.
4. The Water Board considered the costs of implementing the amendments, and finds that the cost is reasonable in relation to the water quality benefits derived from implementing the amendment.
 5. A Notice of Filing, the staff report, substitute environmental document, including an environmental checklist, and draft amendments were prepared and distributed to interested individuals and public agencies for review and comment in accordance with state and federal environmental regulations (Cal. Code Regs. tit. 23, § 3775; 40 C.F.R. § 25; and 40 C.F.R. § 131.).
 6. The proposed amendments could result in lowering of water quality because: (1) the proposed site-specific objectives for ammonia are less stringent than the existing water quality objectives; and (2) the applicability of some existing water quality objectives will change with the removal of certain designated beneficial uses. However, ambient water quality is expected to improve over historic conditions because (under a separate facilities plan) LACSD No. 14 will be changing from secondary to tertiary treatment, reducing the volume of effluent discharged to lower Amargosa Creek and the Piute Ponds and wetlands, and eliminating overflows of effluent from Piute Ponds to Rosamond Dry Lake.
 7. Findings under the state Nondegradation Policy (State Water Board Resources Control Board Resolution 68-16) are necessary to allow lowering of water quality. The Lahontan Water Board finds that:
 - a. The proposed Basin Plan amendments are consistent with maximum benefit to the people of the State because they will facilitate the implementation of LACSD No. 14's 2020 facilities plan to serve projected growth in the Lancaster area, and the continued use of recycled water to support habitat for sensitive wildlife species and a regionally important environmental education site.
 - b. The proposed Basin Plan amendments will not unreasonably affect present and anticipated uses of the affected surface waters. The beneficial uses proposed for removal are not existing or feasibly

attainable uses. Through its permitting and enforcement authority, the Water Board will ensure full protection of the remaining existing and potential beneficial uses,

- c. The proposed Basin Plan amendments will not result in water quality less than that prescribed in the applicable water quality objectives. The objectives will be reflected in permits for waste discharges to the affected waters, to ensure that the highest water quality consistent with maximum benefit to the people of the state will be maintained.
8. The Water Board's basin planning process is a certified regulatory program pursuant to the California Environmental Quality Act (Pub. Resources Code § 21080.5.). Water Board staff prepared and circulated a draft substitute environmental document for public review. The substitute environmental document, when considered together with the record of the public review process as a whole, indicates that adoption of the proposed amendments to the Basin Plan will have no significant or potentially significant adverse impacts on the environment. Because there will be no significant or potentially significant impacts on the environment, no mitigation measures are proposed. The substitute environmental document, when considered together with the record of the public review process as a whole, shows that there is no potential for significant adverse impacts, either individually or cumulatively, on wildlife. The substitute environmental document, when considered together with the record of the public review process as a whole, also indicates that the adoption of the proposed amendments will have no adverse economic impacts related to the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.
9. The proposed amendments create new performance standards that may lead to requirements for the installation of pollution control equipment or to new treatment processes or facilities. However, no new implementation measures are proposed as part of the amendments. The new water quality objectives will be implemented using the Board's existing permitting and enforcement authority. They are expected to be attainable without changing the facilities and treatment processes to be implemented by LACSD under its approved facilities plan. The substitute environmental document includes an analysis of reasonably foreseeable means of compliance pursuant to Public Resources Code section 21159.
10. Preliminary drafts of the proposed amendments and technical staff report were reviewed by two external scientific peer reviewers, pursuant to Health and Safety Code section 57004. The reviewers' comments and staff's responses are included in the administrative record of the amendments. Changes were made in the draft amendments and technical

staff report for the proposed amendments as a result of the scientific peer review process.

11. The proposed amendments meet the necessity standard of the Administrative Procedure Act, Government Code section 11353, subdivision (b).
12. The availability of the draft amendments and substitute environmental document was properly noticed in a newspaper of general circulation in the affected watershed as required by Water Code section 13244. Copies of the notice, amendments and environmental document were made available to parties on the Water Board's Basin Plan mailing list who requested them. Copies of these documents were also made available on the Internet.
13. Three sets of written public comments were received on the draft amendments, draft substitute environmental document, or technical staff report. Water Board staff prepared written responses to written comments received by November 14, 2007. The Water Board heard and considered all testimony presented at a duly noticed public hearing held at its regular November 28-29, 2007 meeting.

THEREFORE BE IT RESOLVED:

1. Based on the record as a whole, including the draft Basin Plan amendments, the environmental document, staff report, accompanying written documentation, the scientific peer reviewers' comments, and public comments received, the Water Board finds that adoption of the proposed amendments to the Basin Plan will not result in significant or potentially significant effects on the environment.
2. Considering the record as a whole, there is no evidence before the Water Board that the adoption of the proposed amendments to the Water Quality Control Plan for the Lahontan Region will have any adverse impacts in terms of the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.
3. The environmental document prepared by Water Board staff pursuant to Public Resources Code section 21080.5, which reflects the independent judgment of the Water Board, is hereby certified. Following approval of the Basin Plan amendments by the State Water Resources Control Board (State Water Board) and the California Office of Administrative Law (OAL), the Executive Officer shall file a Notice of Decision with the Resources Agency. The record of the final environmental document shall be retained

at the Water Board's office at 2501 Lake Tahoe Boulevard, South Lake Tahoe, California, in the custody of the Board's administrative staff.

4. The Water Board adopts the amendments to Chapters 2, 3, and 4 of the Basin Plan to clarify and revise designated beneficial uses for surface waters of the Antelope Hydrologic Unit, to adopt site-specific water quality objectives for ammonia toxicity, to update the description of LACSD No. 14 facilities, and to make minor editorial changes.
5. 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.
6. The 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 OAL and the U.S. Environmental Protection Agency for approval.
7. If during its approval process for Water Board Basin Plan amendments or policies, the State Water Board or OAL determines that minor, non-substantive changes to the language of the amendment or policy are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Water Board of any such changes.
8. Because the Basin Plan amendments have the potential for less than significant effects on wildlife, the Executive Officer is authorized to pay the California Department of Fish and Game filing fee (as required by Fish and Game Code § 711.4) and submit payment to the Resources Agency with the Notice of Decision.

I, Harold J. Singer, 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 November 29, 2007.

HAROLD J. SINGER
EXECUTIVE OFFICER