

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

**RESOLUTION NO. R6V-2003-049**

**CERTIFICATION OF A "FUNCTIONAL EQUIVALENT"  
ENVIRONMENTAL DOCUMENT AND  
AMENDMENTS TO THE *WATER QUALITY CONTROL PLAN FOR THE LAHONTAN  
REGION*, REVISING WASTE DISCHARGE PROHIBITION EXEMPTION CRITERIA  
FOR THE MOJAVE HYDROLOGIC UNIT, SAN BERNARDINO COUNTY**

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

1. The Regional Board's revised Water Quality Control Plan for the Lahontan Region (Basin Plan), as amended in 1995 and 2002, includes water quality objectives, implementation plans for point source and nonpoint source discharges, statewide plans and policies, and
2. The Regional Board is responsible for implementing control measures to provide for the attainment of beneficial uses and water quality objectives. Control measures may include waste discharge restrictions and prohibitions. The Regional Board can prohibit specific types of discharges in certain areas under provisions of the California Water Code, Section 13243. These discharge prohibitions may be revised, rescinded, or adopted as necessary, and
3. The Basin Plan contains Waste Discharge Prohibitions and, in some cases, exemptions to Prohibitions for certain areas of the Mojave Hydrologic Unit (HU), listed in Section 4.1, and
4. The current Mojave HU Waste Discharge Prohibition exemption language for Prohibitions No. 2 and 4 restricts the ability of project proponents to apply for exemptions to these Prohibitions, and
5. The Regional Board encourages the reuse of treated domestic wastewater and desires to facilitate its reuse. Possible uses of recycled water include snow-making, irrigation, fire-suppression, dust control, industrial cooling, and groundwater recharge. Groundwater basins in the Mojave HU are overdrafted as a result of pumping to meet the increasing water demands of the Victor Valley, and
6. The State Water Resources Control Board (State Board) adopted the "Policy With Respect to Water Reclamation in California" and the related "Action Plan for Water Reclamation in California" in 1977 (State Board Resolution No. 77-1). The policy and plan specify actions to be implemented by the State and Regional Boards, as well as other agencies, in relation to reclaimed water use. The policy directs the State and Regional Boards to encourage reclamation and reuse of water, and to promote water reclamation projects that preserve, restore, or enhance instream beneficial uses. The policy also states that the State and Regional Boards recognize the need to protect public health and the environment in the implementation of reclamation projects, and

7. Regional Board staff has prepared draft Basin Plan amendments to revise the exemption language for Mojave Hydrologic Unit Prohibition Numbers 1, 2 and 4. These amendments will allow the Regional Board to grant exemptions to the prohibitions whenever the Regional Board finds that the discharge of waste, to land or water will not, individually or collectively, directly or indirectly, result in a violation of the water quality objectives or unreasonably affect the water for its beneficial uses, and
8. Regional Board staff has also drafted an amendment that would add language to the introduction of the regionwide waste discharge prohibitions that is intended to clarify that State Board Resolution 68-16, the Statement of Policy with Respect to Maintaining High Quality Waters in California applies when the Regional Board or the Executive Officer considers prohibition exemptions, and
9. The Regional Board's planning process has been certified pursuant to the California Environmental Quality Act (CEQA) as "functionally equivalent" to the preparation of an Environmental Impact Report or Negative Declaration [Public Resources Code Section 21080.5; 14 CCR 15251(g)], and
10. A Notice of Preparation, an environmental document (including an analysis of potential impacts and mitigation techniques), and the draft amendments were prepared and distributed to interested individuals and public agencies for review and comment in accordance with state and federal regulations [23 CCR 3775, 40 CFR 25 and 40 CFR 131], and
11. The availability of the draft amendments and environmental document was properly noticed in newspapers of general circulation in the area as required by Water Code Section 13244. Copies of the notice, amendments and environmental document were made available to parties on the Regional Board's Basin Plan mailing list who requested them. Copies of these documents were also made available on the Regional Board's Internet Web Page, and
12. The Regional Board has reviewed public comments and Regional Board staff responses to comments. The 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 Water Quality Control Plan for the Lahontan Region will have no significant adverse impacts on the environment; and
13. The 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 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, and

14. The Regional Board heard and considered all written public comments and all testimony presented at a duly noticed public hearing held at its regular September 10, 2003, meeting.

**THEREFORE BE IT RESOLVED:**

1. Based on the record as a whole, including the draft Basin Plan amendments, the environmental document, accompanying written documentation, and public comments received, the Regional Board finds that there is no substantial evidence in the record that adoption of the proposed amendment to the Water Quality Control Plan for the Lahontan Region will have any significant adverse effects on the environment. To the extent that individual projects that qualify under the exemptions may have any significant impacts, they will be mitigated at the project-approval level.
2. Considering the record as a whole, there is no substantial evidence before the Regional 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 functional equivalent environmental document prepared by Regional Board staff pursuant to Public Resources Code Section 21080.5 reflects the independent judgment of the Regional Board. This environmental document is hereby certified. Following approval of the Basin Plan amendments by the State Water Resources Control Board (State 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 functional equivalent document shall be retained at the Regional Board's office at 2501 Lake Tahoe Boulevard, South Lake Tahoe, California, in the custody of the Regional Board's administrative staff.
4. The Regional Board hereby adopts the amendments to the *Water Quality Control Plan for the Lahontan Region* to incorporate revisions to the Waste Discharge Prohibition exemption criteria and add clarifying language to the introduction of the Waste Discharge Prohibitions, as recommended by staff. A true and correct copy of the amendments is attached hereto.
5. The Executive Officer is directed to forward copies of the Basin Plan amendments and the administrative record to the State Board in accordance with the requirements of Section 13245 of the California Water Code.
6. The Regional Board requests that the State Board approve the Basin Plan amendments in accordance with the requirements of Sections 13245 and 13246 of the California Water Code and forward them to the OAL and the U.S. Environmental Protection Agency for approval.

7. If during its approval process for Regional Board Basin Plan amendments or policies, the State 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 Board of any such changes.
8. The Executive Officer is authorized to sign the Certificate of Fee Exemption and to transmit it to the California Department of Fish and Game (CDFG) in lieu of payment of the CDFG filing fee.
9. 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 September 10, 2003.

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HAROLD J. SINGER  
EXECUTIVE OFFICER

Attachment: Basin Plan Amendments

CH/ (FINAL\_Mojave HU resolution 8-22-03)

*Proposed amendments to the Introduction of Section 4.1 on page 4.1-1 of the Basin Plan.*

## **4.1 WASTE DISCHARGE PROHIBITIONS**

Waste discharge prohibitions that apply to the entire Lahontan Region are discussed first in this section. Waste discharge prohibitions that apply to parts of the Lahontan Region are listed below by hydrologic units (HUs) or hydrologic areas (HAs) from north to south. Some of the watershed-specific prohibitions are more stringent than the regionwide prohibitions.

Exemptions to regionwide, and hydrologic unit and hydrologic area prohibitions may be granted as specified in this chapter and Chapter 5 for the Lake Tahoe Hydrologic Unit. Most exemptions are based on a finding by the Regional Board, or Executive Officer if so delegated, that the discharge will not result in exceeding the water quality objectives or unreasonably affect the water for its beneficial uses. The Regional Board will base this determination on an analysis of the criteria contained in State Board Resolution 68-16, the Statement of Policy with Respect to Maintaining High Quality Waters in California.

*Proposed amendments to the Mojave Hydrologic Unit Prohibitions Nos. 1, 2 and 4 in Section 4.1 on pages 4.1-9 and 4.1-10 of the Basin Plan.*

### ***Mojave Hydrologic Unit***

(Figure 4.1-23 and 4.1-24)

1. The discharge of waste to surface water in the Mojave Hydrologic Unit that is tributary to the West Fork Mojave River or Deep Creek, above elevation 3,200 feet (approximate elevation of Mojave Forks Dam), is prohibited. This prohibition does not apply to stormwater discharges unless such discharges create a condition of pollution or nuisance. (Figure 4.1-23)

An exemption to this prohibition may be granted by the Regional Board whenever the Regional Board finds that the discharge of waste will not, individually or collectively, directly or indirectly, result in exceeding the water quality objectives or unreasonably affect the water for its beneficial uses.

2. The discharge of waste to land or water within the following areas is prohibited (Figure 4.1-23):
  - (a) The Silverwood Lake watershed
  - (b) The Deep Creek watershed above elevation 3,200 feet
  - (c) The Grass Valley Creek watershed above elevation 3,200 feet.

This prohibition does not apply to stormwater discharges unless such discharges create a condition of pollution or nuisance.

An exemption to this prohibition may be granted by the Regional Board whenever the Regional Board finds that the discharge of waste will not, individually or collectively, directly or indirectly, result in exceeding the water quality objectives or unreasonably affect the water for its beneficial uses.

4. The discharge of wastes of sewage-bearing origin to surface waters in the Mojave Hydrologic Unit upstream of the Lower Narrows at Victorville is prohibited. (Figure 4.1-24)

An exemption to this prohibition may be granted by the Regional Board whenever the Regional Board finds that the discharge of waste will not, individually or collectively, directly or indirectly, result in exceeding the water quality objectives or unreasonably affect the water for its beneficial uses.