

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

**MEETING OF JUNE 8-9, 2022
BARSTOW, CA**

ITEM 7
CONSIDERATION OF AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION TO CLARIFY BENEFICIAL USE DESIGNATIONS FOR THE MOJAVE RIVER, UPDATE SITE CLEANUP, LAND DISPOSAL AND BISHOP UNDERGROUND TANK POLICY SECTIONS, AND OTHER EDITORIAL REVISIONS

CHRONOLOGY	
June 12, 2019	Lahontan Water Board adopts Resolution No. R6T-2019-0246 to approve the Amendment to the Water Quality Control Plan for the Lahontan Region to Modify Mojave River Beneficial Use Designations and Other Minor Revisions
October 3, 2019	State Water Board adopts Resolution No. 2019-0053 to approve the Amendment to the Water Quality Control Plan for the Lahontan Region to Modify Mojave River Beneficial Use Designations and Other Minor Revisions
March 3, 2020	California Office of Administrative Law approves the Amendment to the Water Quality Control Plan for the Lahontan Region to Modify Mojave River Beneficial Use Designations and Other Minor Revisions
November 17, 2020	U.S. Environmental Protection Agency approves the Amendment to the Water Quality Control Plan for the Lahontan Region to Modify Mojave River Beneficial Use Designations and Other Minor Revisions

BACKGROUND
<p>The Lahontan Water Board adopted Resolution No. R6T-2019-0246 that approved an amendment to the Water Quality Control Plan for the Lahontan Region (Basin Plan) to Modify Mojave River Beneficial Use Designations and Other Minor Revisions (2019 Mojave BPA) in 2019. The 2019 Mojave BPA was subsequently approved by the State Water Board in 2019 (Resolution No. 2019-0053) and by the Office of Administrative Law and the U.S. Environmental Protection Agency (US EPA) in 2020. During the US EPA approval process, staff discovered that the intended changes to the Mojave River COLD beneficial use designations were not depicted correctly in the adopted 2019 Mojave BPA language. The inconsistencies involve the COLD beneficial use designations for the Upper and Middle Mojave River Hydrologic Units in Basin Plan Chapter 2, Table 2-1, Present and Potential Beneficial Uses. Footnotes</p>

BACKGROUND

in the US EPA approval document acknowledge the inconsistencies between the adopted language and the intended changes to the Mojave River beneficial use designations. The US EPA approved the intended changes to the COLD beneficial use designations for the Upper and Middle Mojave Hydrologic Unit based on the intent conveyed in the staff report and in Figure 2-1.1 of the 2019 Mojave BPA, which correctly depicts the COLD beneficial use designations for the Mojave River.

A follow-up basin planning action is needed to correct the inconsistencies in the 2019 Mojave BPA identified in the US EPA approval document for the Upper and Middle Mojave River Hydrologic Unit COLD beneficial use designations. To optimize basin planning resources, staff proposed additional revisions to the Basin Plan to correct errors, incorporate new policies or procedures and to update language that is no longer accurate. Altogether, the proposed Basin Plan Amendment to Clarify Beneficial Uses for the Mojave River, Update Site Cleanup, Land Disposal, and Bishop Underground Tank Policy Sections, and other Editorial Revisions (Editorial BPA) includes changes to the Basin Plan preface, Chapters 1-4 and Chapter 6.

ISSUES

Should the Lahontan Water Board adopt the proposed resolution to approve the amendment to the Water Quality Control Plan for the Lahontan Region to Clarify Beneficial Uses for the Mojave River, Update Site Cleanup, Land Disposal, and Bishop Underground Tank Policy Sections, and other Editorial Revisions?

DISCUSSION

The proposed Editorial BPA is needed to correct the inconsistencies identified in the 2019 Mojave BPA by revising Table 2-1, Present and Potential Beneficial Uses, to correctly depict the COLD beneficial use designations for the Mojave River that were approved by the US EPA. Additional Basin Plan revisions include adding language to Chapter 3, Water Quality Objective, regarding the statewide mercury water quality objectives established by the State Water Board (Resolution No. 2017-0027), and updating language in Chapter 4, Implementation, related to the Site Cleanup program and waste disposal to land under Chapter 15 and Title 23. Revisions are also proposed to update the section on Underground Storage Tanks in Chapter 4. Revisions to Chapter 6 include updating language related to State Water Board Plans and Policies. The changes to the Mojave River beneficial use designations, the State Water Board adoption of the mercury objectives and updates related to the Underground Storage Tank Closure policy were previously analyzed pursuant to the California Environmental Quality Act (CEQA). No additional CEQA documentation is required for the proposed Editorial BPA.

The Editorial BPA Draft Staff Report and proposed Basin Plan language were released to the public for a 31-day public comment period from March 11, 2022 to April 12, 2022. No comments were received during that time.

DISCUSSION

Some minor edits were made to the proposed Editorial BPA language after the release of the public draft version. A summary of those changes is provided in Enclosure 3 of this agenda item.

SUSTAINABLE GROUNDWATER MANAGEMENT ACT BASINS

For purposes of the Sustainable Groundwater Management Act, the California Department of Water Resources identifies groundwater basins within the Lahontan Region. The proposed editorial BPA includes actions that apply to the entire Lahontan Region; therefore, the prioritization of specific groundwater basins is not identified here.

Source: [Sustainable Groundwater Management Act Basin Prioritization](#)

CLIMATE CHANGE RESPONSE

The proposed Editorial BPA updates language in the Basin Plan, as described above, and does not address activities or policies related to climate change response.

PUBLIC OUTREACH/INPUT

A Draft Staff Report and proposed BPA language were released for a 31-day public comment period on March 11, 2022. The notice to solicit public comment was circulated to the Basin Planning – Mojave and Basin Planning – Regionwide email lists and the notice and draft documents were posted to the Lahontan Water Board website. A notice of public hearing was circulated to the Basin Planning – Mojave and Basin Planning – Regionwide email lists and posted to the Lahontan Water Board website at least 45 days prior to the Board hearing. The notice was also published in newspapers of general circulation in the Lahontan Region at least 30 days prior to the Board hearing.

PRESENTERS

Jennifer Watts, Water Board, Environmental Scientist

RECOMMENDATION

Water Board staff recommends the adoption of the resolution, as proposed.

ENCLOSURE	ITEM	BATES NUMBER
1	Resolution and proposed Basin Plan Language	7 – 5
2	Editorial BPA Staff Report	7 – 45
3	Summary of Changes to Public Draft Basin Plan Language	7 – 61

ENCLOSURE 1

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

RESOLUTION NO. R6T-2022-PROPOSED

**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 proposed 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 proposed 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 proposed 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 proposed 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.

MICHAEL R. PLAZIAK, P.G.
EXECUTIVE OFFICER

Enclosure: Basin Plan Amendment

**Revisions to the Water Quality Control Plan for the
Lahontan Region**

to

**Clarify Beneficial Uses for the Mojave River, Update
Site Cleanup, Land Disposal and Bishop
Underground Tank Policy Sections, and Other
Editorial Revisions**

6/8/2022

The entirety of the following text, except the Introduction and the italicized annotations, is proposed to be adopted as the Basin Plan Amendment to Clarify Beneficial Uses for the Mojave River and Other Editorial Revisions. In addition, several editorial revisions would be made when this Basin Plan amendment is incorporated into the Water Quality Control Plan for the Lahontan Region. Editorial revisions may include, but are not limited to, changes to the title page, table of contents, appendices, page numbers, table and figure numbers, footnote numbers, headers and footers, and other non-substantive changes to improve accessibility of the document.

Introduction

The following Basin Plan Amendment language, shown below, and organized by Chapter, is intended to be removed or added from the Basin Plan. Text indicated in underline format is intended to be inserted into the Basin Plan. Text indicated in strikethrough format is intended to be removed from the Basin Plan. Additionally, to aid in the accessibility of this document, the words in italic text *Begin proposed text* are at the start of text to be added and the words in italic *End proposed text* are the end of the added text. Similarly, the words in italic text *Begin strikethrough* are at the start of the text to be deleted and the words in italic *End strikethrough* are at the end of the text to be deleted. The location in the Basin Plan of each proposed change is described in more detail in italics prior to the proposed change.

Proposed Changes to the Preface

The following text will be inserted into the Preface, in the section “Record of Amendments to the 1995 Water Quality Control Plan for the Lahontan Regio”, with the appropriate dates for Item 20 added when available, as follows:

Begin proposed text

17.	<u>Amendment to remove the prohibition on new pier construction in sensitive areas along the California side of Lake Tahoe</u>	<u>3/13/2019</u>	<u>R6T-2019-0010</u>	<u>10/29/2019</u> <u>By Office of Administrative Law</u>
18.	<u>Amendment to modify the beneficial uses for the Mojave River and its tributaries and other minor revisions</u>	<u>6/10/2019</u>	<u>R6T-2019-0246</u>	<u>3/3/2020</u> <u>By Office of Administrative Law</u>
19.	<u>Amendment to add definitions for three new beneficial uses: Tribal Traditional Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence</u>	<u>5/18/2021</u>	<u>R6T-2020-0057</u>	<u>9/22/2021</u> <u>By Office of Administrative Law</u>

Fishing (SUB).

<u>20.</u>	<u>Amendment to clarify beneficial use designations for the Mojave River, update Site Cleanup, Land Disposal and Bishop Underground Tank policy sections and other editorial revisions</u>	<u>TBD</u>	<u>TBD</u>	<u>TBD</u> <i>End proposed text</i>
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Proposed Changes to Chapter 1, Introduction

The following text will be inserted and removed from Chapter 1, Introduction, in the second paragraph of the section 'Regional Setting':

Regional Setting

The following is a brief overview of the environmental and socio-economic setting of the Lahontan Region.

The Lahontan Region is defined in terms of drainage basins by Section 13200(h) of the Porter-Cologne Act. For planning purposes, it has historically been divided into North and South Lahontan Basins at the boundary between the Mono Lake and East Walker River watersheds, as shown in Figures 1-1 and 1-2. It is about 570 miles long and has a total area of *Begin* ~~39,240~~ *End* ~~strikeout~~ *Begin proposed text* approximately 32,792 *End proposed text* square miles.

Proposed Changes to Chapter 2, Present and Potential Beneficial Uses

The following text will be removed and inserted in Chapter 2, Table 2-1, Beneficial Uses of Surface Waters of the Lahontan Region":

TABLE 2-1. BENEFICIAL USES OF SURFACE WATERS OF THE LAHONTAN REGION

Unless otherwise specified, beneficial uses also apply to all tributaries of surface waters identified in Table 2-1.

HU No.	HYDROLOGIC UNIT/SUBUNIT DRAINAGE FEATURE	WATERBODY CLASS MODIFIER	BENEFICIAL USES																RECEIVING WATER									
			MUN	AGR	PRO	IND	GWR	FRSH	NAV	POW	REC-1	REC-2	COMM	AQUA	WARM	COLD	SAL	WILD		BIOL	RARE	MIGR	SPWN	WQE	FLD			
627.00	CUDDEBACK HYDROLOGIC UNIT																											
	MINOR SURFACE WATERS		X	X																								
	MINOR WETLANDS	WETLANDS	X				X																					
628.00	MOJAVE HYDROLOGIC UNIT																											
	EL MIRAGE HYDROLOGIC AREA																											
	SHEEP CREEK	PERENNIAL STREAM	X	X																								EL MIRAGE VLY GW BASIN, EL MIRAGE DRY LK
	HEATH CANYON CREEK	PERENNIAL STREAM	X	X																								SHEEP CREEK
628.10	MINOR SURFACE WATERS		X	X																								EL MIRAGE VLY GW BASIN
	MINOR WETLANDS	WETLANDS	X				X																					EL MIRAGE VLY GW BASIN
	UPPER MOJAVE HYDROLOGIC AREA																											
	MOJAVE RIVER <i>Begin proposed text [MOJAVE FORKS DAM TO BEAR VALLEY RD.] End proposed text [See Figure 2-1.1]</i>		X	X																								UPPER MOJAVE R. VLY GW BASIN, SODA LK, CRONESE LAKES
628.20	MOJAVE RIVER (BEAR VALLEY RD TO <i>Begin proposed text ONE MILE DOWNSTREAM OF THE HWY 66 BRIDGE</i>) <i>Begin stream at HELENDALE-End stream at</i>		X	X																								UPPER MOJAVE R. VLY GW BASIN, SODA LK, CRONESE LAKES
	<i>Begin proposed text MOJAVE RIVER (ONE MILE DOWNSTREAM OF THE HWY 66 BRIDGE TO HELENDALE)</i> (See Figure 2-1.1)		X	X																								UPPER MOJAVE R. VLY GW BASIN, SODA LK, CRONESE LAKES
	LOWER NARROWS OF MOJAVE R. WETLANDS	WETLANDS	X	X																								MOJAVE RIVER, UPPER MOJAVE R. VLY GW BASIN
	TURNER SPRINGS	SPRINGS	X	X																								MOJAVE RIVER
	WEST FORK MOJAVE RIVER	INTERMITTENT STREAM	X	X																								SILVERWOOD LK, MOJAVE RIVER, UPPER MOJAVE R. VLY GW BASIN
	EAST FORK OF WEST FORK OF MOJAVE RIVER	PERENNIAL STREAM	X	X																								SILVERWOOD LAKE
	LAKE GREGORY	LAKE	X	X																								HOUSTON CREEK
	SEELEY CANYON CREEK	PERENNIAL STREAM	X	X																								HOUSTON CREEK
	HOUSTON CREEK	PERENNIAL STREAM	X	X																								EAST FORK OF WEST FORK
	DART CREEK	PERENNIAL STREAM	X	X																								EAST FORK OF WEST FORK
	DEEP CREEK	PERENNIAL STREAM	X	X																								HOUSTON CREEK
	SAWPIT CREEK	PERENNIAL STREAM	X	X																								FORKS RESERVOIR, MOJAVE RIVER
	WILLOW CREEK	INTERMITTENT STREAM	X	X																								WEST FORK MOJAVE
	TROY CREEK	INTERMITTENT STREAM	X	X																								DEEP CREEK
	TROY POND	INTERMITTENT POND	X	X																								DEEP CREEK
	HOLCOMB CREEK	INTERMITTENT STREAM	X	X																								DEEP CREEK
	LITTLE BEAR CREEK	INTERMITTENT STREAM	X	X																								DEEP CREEK
	LAKE ARROWHEAD	LAKE	X	X																								WILLOW CREEK
	ARROWBEAR LAKE	LAKE	X	X																								DEEP CREEK
	HOOKS CREEK	PERENNIAL STREAM	X	X																								LITTLE BEAR CREEK
TWIN PEAKS CREEK	PERENNIAL STREAM	X	X																								(UPPER) GRASS VALLEY CREEK	
SHAKE CREEK	PERENNIAL STREAM	X	X																								DEEP CREEK	
SHEEP CREEK	PERENNIAL STREAM	X	X																								DEEP CREEK	
CRAB CREEK	PERENNIAL STREAM	X	X																								DEEP CREEK	
GREEN VALLEY LAKE	LAKE	X	X																								GREEN VALLEY CREEK	
GREEN VALLEY CREEK	PERENNIAL STREAM	X	X																								GREEN VALLEY LAKE, DEEP CREEK	
SILVERWOOD LAKE	RESERVOIR	X	X																								WEST FORK MOJAVE RIVER, UPPER MOJAVE R. VLY GW BASIN	

TABLE 2-1. BENEFICIAL USES OF SURFACE WATERS OF THE LAHONTAN REGION

Unless otherwise specified, beneficial uses also apply to all tributaries of surface waters identified in Table 2-1.

HYDROLOGIC UNIT/SUBUNIT DRAINAGE FEATURE	WATERBODY CLASS MODIFIER	BENEFICIAL USES																	RECEIVING WATER						
		MUN	AGR	PRO	IND	GWR	FRSH	NAV	POW	REC-1	REC-2	COMM	AQUA	WARM	COLD	SAL	WILD	BIOL		RARE	MIGR	SPWN	WQE	FLD	
628.30	GRASS VALLEY LAKE	X	X			X												X							GRASS VALLEY CREEK
	GRASS VALLEY CREEK	X	X			X												X							GRASS VALLEY LAKE, WEST FORK
	UPPER MOJAVE RIVER, LOWER SLOUGH																	X							MOJAVE RIVER
	MINOR SURFACE WATERS	X	X			X												X							UPPER MOJAVE R VLY GW BASIN
	MINOR WETLANDS	X	X			X												X							UPPER MOJAVE R VLY GW BASIN
628.40	MIDDLE MOJAVE HYDROLOGIC AREA																								
	MOJAVE RIVER (See Figure 2-1.1)	X	X			X												X							MIDDLE MOJAVE R VLY GW BASIN, SODA LAKE, CRONESE LAKES
	MINOR SURFACE WATERS	X	X			X												X							MIDDLE MOJAVE R VLY GW BASIN
	MINOR WETLANDS	X	X			X												X							MIDDLE MOJAVE R VLY GW BASIN
628.41	GRASS VALLEY HYDROLOGIC SUBAREA																								
	MINOR SURFACE WATERS	X	X			X												X							HARPER VALLEY GW BASIN
628.42	HARPER VALLEY HYDROLOGIC SUBAREA																								
	BIRD SPRINGS	X	X			X												X							HARPER VALLEY GW BASIN
	HARPER LAKE	X	X			X												X							INTERNALLY DRAINED LAKE
	OPAL MTN. SPRINGS																								
	HARPER LAKE WETLANDS	X	X			X												X							HARPER LAKE
	MINOR SURFACE WATERS	X	X			X												X							HARPER VALLEY GW BASIN
	MINOR WETLANDS	X	X			X												X							HARPER VALLEY GW BASIN
628.50	LOWER MOJAVE HYDROLOGIC AREA																								
	MOJAVE RIVER (See Figure 2-1.1 and 2-1.2)	X	X			X												X							LOWER MOJAVE R VLY GW BASIN, SODA LAKE, CRONESE LAKES
	MOJAVE RIVER, CAMP CADY WILDLIFE AREA	X	X			X												X							LOWER MOJAVE R VLY GW BASIN, SODA LAKE, CRONESE LAKES
	MINOR SURFACE WATERS	X	X			X												X							LOWER MOJAVE R VLY GW BASIN
628.60	MINOR WETLANDS	X	X			X												X							LOWER MOJAVE R VLY GW BASIN
	NEWBERRY SPRINGS HYDROLOGIC AREA																								
628.61	KANE WASH HYDROLOGIC SUBAREA																								
	MINOR SURFACE WATERS	X	X			X												X							KANE WASH AREA GW BASIN
	MINOR WETLANDS	X	X			X												X							KANE WASH AREA GW BASIN
628.62	TROY VALLEY HYDROLOGIC SUBAREA																								
	MINOR SURFACE WATERS	X	X			X												X							TROY VLY GW BASIN
628.62	MINOR WETLANDS	X	X			X												X							TROY VLY GW BASIN

TABLE 2-1. BENEFICIAL USES OF SURFACE WATERS OF THE LAHONTAN REGION

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HYDROLOGIC UNIT/SUBUNIT DRAINAGE FEATURE	WATERBODY CLASS MODIFIER	BENEFICIAL USES														RECEIVING WATER									
		MUN	AGR	PRO	IND	GWR	FRSH	NAV	POW	REC-1	REC-2	COMM	AQUA	WARM	COLD	SAL	WILD	BIOL	RARE	MIGR	SPWN	WQE	FLD		
AFTON HYDROLOGIC AREA																									
628.70	AFTON HYDROLOGIC AREA																								
CAVES HYDROLOGIC SUBAREA																									
628.71	MOJAVE RIVER (See Figure 2-1-1)					X											X								CAVES CYN VLY GW BASIN, SODA LAKE, CRONESE LAKES
	MOJAVE RIVER, AFTON CANYON	X	X			X											X								CAVES CYN VLY GW BASIN, SODA LAKE, CRONESE LAKES
	MINOR SURFACE WATERS	X	X			X											X								CAVES CYN VLY GW BASIN
	MINOR WETLANDS	X	X			X	X										X	X							CAVES CYN VLY GW BASIN
CRONESE HYDROLOGIC SUBAREA																									
628.72	BITTER SPRINGS	X	X			X											X								CRONESE VALLEY GW ASIN
	CRONESE LAKES (EAST AND WEST)	X	X			X											X								INTERNALLY DRAINED LAKES, CRONESE VLY GW BASIN
	MINOR SURFACE WATERS	X	X			X											X								CRONESE VALLEY GW BASIN
	MINOR WETLANDS	X	X			X	X										X	X							CRONESE VALLEY GW BASIN
LANGFORD HYDROLOGIC SUBAREA																									
628.73	LANGFORD HYDROLOGIC SUBAREA																								
	MINOR SURFACE WATERS	X	X			X											X								LANGFORD VLY GW BASIN
	MINOR WETLANDS	X	X			X	X										X								LANGFORD VLY GW BASIN
BAKER HYDROLOGIC AREA																									
SILVER LAKE HYDROLOGIC SUBAREA																									
628.81	SILVER LAKE	X	X			X											X	X							INTRNL DRN LK/SILVER LK VLY GW BASIN
	HALLORAN SPRING	X	X			X											X	X							SILVER LAKE VLY GW BASIN
	MINOR SURFACE WATERS	X	X			X											X	X							SILVER LAKE VLY GW BASIN
	MINOR WETLANDS	X	X			X	X										X	X							SILVER LAKE VLY GW BASIN
SODA LAKE HYDROLOGIC SUBAREA																									
628.82	SODA LAKE	X	X			X											X	X							INTERNALLY DRAINED LAKE, SILVER LAKE, SODA LAKE VLY GW BASIN
	ZYZYX SPRING	X	X			X											X	X							SODA LAKE VLY GW BASIN
	MOJAVE RIVER (See Figure 2-1-1)	X	X			X											X	X							SODA LAKE, SODA LAKE VLY GW BASIN
	MOJAVE RIVER, AFTON CANYON	X	X			X											X	X							SODA LAKE, SODA LAKE VLY GW BASIN
	INDIAN SPRING	X	X			X	X										X	X							SODA LAKE VLY GW BASIN
	CANE SPRING	X	X			X	X										X	X							SODA LAKE VLY GW BASIN
	GRANITE SPRING	X	X			X	X										X	X							SODA LAKE VLY GW BASIN
	HENRY SPRING	X	X			X	X										X	X							SODA LAKE VLY GW BASIN
	MESQUITE SPRINGS	X	X			X	X										X	X							MOJAVE RIVER SINK
	MINOR SURFACE WATERS	X	X			X	X										X	X							
	MINOR WETLANDS	X	X			X	X										X	X							

The Chapter 2, Figure 2.1-1 on Page 2-43 titled “Map showing locations where the COLD and WARM freshwater habitat beneficial uses apply for the Mojave River”, shown below, will be replaced with a revised version of Figure 2.1-1 and additional explanatory text will be inserted below the figure, as shown on the next page.



Figure 2-1.1
Map showing locations where the COLD and WARM freshwater habitat beneficial uses apply for the Mojave River



Begin proposed text The location on the Mojave River identified in Figure 2-1.1 as “1 mile downstream of Hwy 66 Bridge” below which COLD does not apply corresponds with the coordinates 34°34’36.8”N, 117°20’10.3”W. *End proposed text*

The following text will be deleted and inserted from Chapter 2, Table 2-2, "Beneficial Uses for Ground Waters of the Lahontan Region:

**Table 2-2
BENEFICIAL USES FOR GROUND WATERS OF THE LAHONTAN REGION**

BASIN DWR NO.	BASIN NAME	BENEFICIAL USES					
		MUN	AGR	IND	FRSH	AQUA POND	WILD
6-44	Antelope Valley	x	x	x	x		
6-45	Tehachapi Valley East	x	x	x	x		
6-46	Fremont Valley	x	x	x	x		
6-47	Harper Valley	x	x	x	x		
6-48	Goldstone Valley	x		x	x		
6-49	Superior Valley	x					
6-50	Cudback Valley	x	x	x	x		
6-51	Pilot Knob Valley	x	x	x	x		
6-52	Searles Valley (see note #1 below)	x		x			
6-53	Salt Wells Valley (see note #2 below)	x		x			
6-54	Indian Wells Valley (see note #2 below)	x	x	x	x		
6-55	Coso Valley	x					
6-56	Rose Valley	x	x	x	x		
6-57	Darwin Valley	x					
6-58	Panamint Valley	x		x			
6-59	Granite Mountain Area	x	x		x		
6-60	Fish Slough Valley	x	x	x	x		
6-61	Cameo Area	x					
6-62	Race Track Valley	x					x
6-63	Hidden Valley	x					
6-64	Marble Canyon Way	x	x		x		
6-65	Cottonwood Spring Area	x	x		x		
6-66	Lee Flat	x					
6-67	Martis Valley	x	x		x		
6-68	Santa Rosa Flat	x					
6-69	Kelso Lander Valley	x	x		x		
6-70	Cactus Flat	x	x	x			
6-71	Lost Lake Valley	x					
6-72	Coles Flat	x					
6-73	Wild Horse Mesa Area	x					
6-74	Harsburg Flats	x					
6-75	Wildrose Canyon	x					
6-76	Brown Mountain Valley	x		x			
6-77	Grass Valley	x		x			
6-78	Denning Spring Valley	x	x		x		
6-79	California Valley	x	x	x	x		
6-80	Middle Park Canyon	x		x			
6-81	Butte Valley	x	x		x		

Note #1: The MUN designation does not apply to ground water under the Searles Lake bed, or to the groundwater surrounding Searles Lake within the boundaries shown in Figure 2-2.1. The PRO (Industrial Process Supply) use applies to the ground water under the Searles Lake bed.

Note #2: The MUN designation does not apply to the ground waters located beneath the Salt Wells Valley and those within the shallow groundwater (above the top of the low-permeability lacustrine clay sediments) in the eastern Indian Wells Valley groundwater basins as shown on Figure 2-2.2.

**Table 2-2
BENEFICIAL USES FOR GROUND WATERS OF THE LAHONTAN REGION**

BASIN DWR NO.	BASIN NAME	BENEFICIAL USES					
		MUN	AGR	IND	FRSH	AQUA POND	WILD
6-82	Spring Canyon Valley	x	x			x	
6-83	Furnace Creek Area	x					x
6-84	Greenwater Valley	x					x
6-85	Gold Valley	x	x			x	
6-86	Rhodes Hill Area	x	x			x	
6-87	Butterbread Canyon Valley	x					
6-88	Owl Lake Valley	x					
6-89	Kane Wash Area	x	x	x		x	
6-90	Cady Fault Area	x	x	x		x	
6-91	Cow Head Lake Valley	x	x			x	
6-92	Pine Creek Valley	x	x			x	
6-93	Harvey Valley	x	x			x	
6-94	Grasshopper Valley	x	x				
6-95	Dry Valley	x	x				
6-96	Eagle Lake Valley	x	x			x	
6-97	Horse Lake Valley	x	x				
6-98	Tuledad Canyon Area	x	x				
6-99	Painters Flat	x	x				
6-100	Secret Valley	x	x				
6-101	Bull Flat	x	x				
6-102	Modoc Plateau Recent Volcanic Areas	x	x				
6-103	Modoc Plateau Pleistocene Volcanic Areas	x	x				
6-104	Long Valley	x	x	x		x	
6-105	Slinkard Valley	x	x			x	
6-106	Little Antelope Valley	x	x			x	
6-107	Antelope Valley	x	x			x	
NOTE: BASIN NUMBERS 6-108 TO 6-345 ARE UN-NAMED, SEE PLATES 2A & 2B FOR LOCATION							
6-108		x					
6-109		x					
6-110		x					
6-111		x					
6-112		x					
6-113		x					
6-114		x					
6-115		x					
6-116		x					
6-117		x					
6-118		x					
6-119		x					
6-120		x					
6-121		x					
6-122		x					
6-123		x					
6-124		x					

**Table 2-2
BENEFICIAL USES FOR GROUND WATERS OF THE LAHONTAN REGION**

BASIN DWR NO.	BASIN NAME	BENEFICIAL USES					
		MUN	AGR	IND	FRSH	AQUA POND	WILD
6-125		X					
6-126		X					
6-127		X					
6-128		X					
6-129		X					
6-130		X					
6-131		X					
6-132		X					
6-133		X					
6-134		X					
6-135		X					
6-136		X					
6-137		X					
6-138		X					
6-139		X					
6-140		X					
6-141		X					
6-142		X					
6-143		X					
6-144		X					
6-145		X					
6-146		X					
6-147		X					
6-148		X					
6-149		X					
6-150		X					
6-151		X					
6-152		X					
6-153		X					
6-154		X					
6-155		X					
6-156		X					
6-157		X					
6-158		X					
6-159		X					
6-160		X					
6-161		X					
6-162		X					
6-163		X					
6-164		X					
6-165		X					
6-166		X					
6-167		X					
6-168		X					

**Table 2-2
BENEFICIAL USES FOR GROUND WATERS OF THE LAHONTAN REGION**

BASIN DWR NO.	BASIN NAME	BENEFICIAL USES					
		MUN	AGR	IND	FRSH	AQUA POND	WILD
6-169		x					
6-170		x					
6-171		x					
6-172		x					
6-173		x					
6-174		x					
6-175		x					
6-176		x					
6-177		x					
6-178		x					
6-179		x					
6-180		x					
6-181		x					
6-182		x					
6-183		x					
6-184		x					
6-185		x					
6-186		x					
6-187		x					
6-188		x					
6-189		x					
6-190		x					
6-191		x					
6-192		x					
6-193		x					
6-194		x					
6-195		x					
6-196		x					
6-197		x					
6-198		x					
6-199		x					
6-200		x					
6-201		x					
6-202		x					
6-203		x					
6-204		x					
6-205		x					
6-206		x					
6-207		x					
6-208		x					
6-209		x					
6-210		x					
6-211		x					
6-212		x					

Proposed Changes to Chapter 3, Water Quality Objectives

The following text will be inserted into Chapter 3, Water Quality Objectives, in the section titled “WATER QUALITY OBJECTIVES FOR SURFACE WATERS”, in “Water Quality Objectives That Apply to All Surface Waters” as follows:

Water Quality Objectives for Surface Waters

Water quality objectives for surface waters are divided into the three categories of:

1. Water Quality Objectives That Apply to All Surface Waters.

Listed alphabetically below, these narrative and numerical water quality objectives apply to all surface waters (including wetlands) within the Lahontan Region:

Ammonia

Bacteria, Coliform

Biostimulatory Substances

Chemical Constituents

Chlorine, Total Residual

Color

Dissolved Oxygen

Floating Materials

Begin proposed text Mercury (Statewide water quality objective) *End proposed text*

Oil and Grease

Non-degradation of Aquatic Communities and Populations

pH

Radioactivity

Sediment

Settleable Materials

Suspended Materials

Taste and Odor

Temperature

Toxicity

Turbidity

The following text will be inserted into Chapter 3, Water Quality Objectives, in the section titled “WATER QUALITY OBJECTIVES THAT APPLY TO ALL SURFACE WATERS” after “Floating Materials” and before “Oil and Grease” as follows:

Floating Materials

Waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect the water for beneficial uses.

For natural high quality waters, the concentrations of floating material shall not be altered to the extent that such alterations are discernable at the 10 percent significance level.

Begin Proposed Text Mercury (fish tissue)

Statewide water quality objectives for mercury in fish tissue were established via the “Tribal

Subsistence Beneficial Uses and Mercury Provisions” (State Water Board Resolution No. 2017-0027) (“Mercury Provisions”) for the reasonable protection of people and wildlife that consume fish and apply to all the inland surface waters, enclosed bays and estuaries of the State designated with the applicable beneficial uses. The Mercury Provisions should be consulted in their entirety for a complete accounting of the water quality objectives and associated implementation provisions. The applicability of the water quality objectives are summarized below.

The water quality objectives that protect people who consume fish apply to waters with the COMM, CUL, T-SUB, and SUB beneficial uses. The water quality objectives that protect wildlife that consume fish apply to waters with WILD, RARE, WARM, and COLD beneficial uses.

The Mercury Provisions contains five mercury fish tissue water quality objectives, which are formulated for one or more of the applicable beneficial uses, depending on the consumption pattern (which includes consumption rate, fish size, and species) by individuals and wildlife. Additionally, different sizes and species of fish contained at a water body will, in some cases, affect whether a particular water quality objective may be utilized to evaluate whether one or more beneficial uses are supported. Therefore, the fish in a particular water body would dictate which water quality objective(s) must be evaluated to ensure all the applicable wildlife beneficial uses are supported.

The Mercury Provisions can be found on the State Water Board’s Plans and Policies web page at the following address: https://www.waterboards.ca.gov/plans_policies/ *End proposed text*

Oil and Grease

Waters shall not contain oils, greases, waxes or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect the water for beneficial uses.

For natural high quality waters, the concentration of oils, greases, or other film or coat generating substances shall not be altered.

The following text will be deleted and inserted in Chapter 3, Water Quality Objective, in the section “WATER QUALITY OBJECTIVES FOR CERTAIN WATERBODIES”, in the sub-section “East Walker River Hydrologic Unit”, in “Water Body SAR (Annual Average)”:

Water Body SAR (Annual Average)

East Walker River 2

The Lahontan Regional Board recognizes that SAR may be higher than the value above in ~~Begin *strikeout* certain surface~~ *End *strikeout* Begin proposed text* certain surface *End proposed text* waters of the East Walker River watershed due to natural sources of sodium, including geothermal sources. Where higher SAR values occur only as a result of natural sources, the affected water bodies or water body segments will not be considered to be in violation of the applicable SAR objective.

Proposed Changes to Chapter 4, Implementation

- *The following text will be deleted and inserted in Chapter 4, Implementation, in Section 4.2, SPILLS, LEAKS, COMPLAINT INVESTIGATIONS, AND CLEANUPS in the subsection titled “Reportable Quantities Of Hazardous Waste And Sewage Discharges”:*

Reportable Quantities Of Hazardous Waste And Sewage Discharges

Water Code Section 13271 requires that the State Board and the Department of Toxic Substances Control adopt regulations establishing reportable quantities for substances listed as hazardous wastes or hazardous materials pursuant to Section 25140 of the Health and Safety Code. Reportable quantities are those which should be reported because they may pose a risk to public health or the environment if discharged to ground or surface water.

Similarly, the State Board was required to adopt regulations establishing reportable quantities for sewage. These requirements for reporting the, discharge of sewage and hazardous materials do not supersede waste discharge requirements or water quality objectives.

The regulations for reporting spills of hazardous materials are given in Sections *Begin* ~~strikeout~~ 2701, ~~2703,~~ and ~~2705~~ of Chapter 2, Subchapter 3, *End* ~~strikeout~~ *Begin proposed text* 2630, 2631 and 2632 of Article 2, Chapter 4, Division 2 *End proposed text* of Title 19 of the California Code of Regulations and are incorporated by reference into this plan. This incorporation-by-reference is prospective including future changes to the incorporated provisions as the changes take effect.

The Water Code (Section 13272.1) requires Regional Boards to publish and distribute quarterly reports on methyl tert butyl ether (MTBE) discharges to public water system operators within their jurisdictions. The reports must list MTBE discharges which occurred within the quarter and locations where MTBE was detected in groundwater within the region.

- *The following text will be inserted into Chapter 4, Implementation, in Section 4.2, SPILLS, LEAKS, COMPLAINT INVESTIGATIONS, AND CLEANUPS after the subsection titled “Proposition 65 List” and before the subsection titled “Requirements for Site Investigation and Remediation”:*

Begin proposed text **Site Cleanup Program (SCP)**

The SCP regulates and oversees the investigation and cleanup of illegal discharges, contaminated properties, and other unauthorized releases adversely impacting the State's waters but not covered by another program.

Sites managed within the SCP include sites with pollution from recent or historic spills, subsurface releases (e.g., pipelines, sumps), complaint investigations, and all other unauthorized discharges that pollute or threaten to pollute surface and/or ground waters. Site investigation and cleanup at SCP sites proceed as directed in State Board Resolution No. 92-49 described further below. *End proposed text*

- *The following text will be inserted into Chapter 4, Implementation, Section 4.2, SPILLS, LEAKS, COMPLAINT INVESTIGATIONS, AND CLEANUPS, in the subsection titled “Soil Cleanup Levels” that follows the subsection titled “Groundwater Cleanup Levels”:*

Soil Cleanup Levels

The Regional Board will determine soil cleanup levels for the unsaturated zone based upon threat to *Begin proposed text* human health, the environment, and *End proposed text* water quality. In its determination, the Regional Board will use guidance from the USEPA, and Cal/EPA's Office of Health Hazard Assessment, and Department of Toxic Substances Control.

If it is unreasonable to clean up soils to background concentration levels, the Regional Board may consider site-specific recommendations for soil cleanup levels above background provided that applicable ground water quality objectives are met and health risks from surface or subsurface exposure meet current guidelines. The Regional Board may require follow-up ground water monitoring to verify that ground water is not polluted by chemicals remaining in the soil. The Regional Board may require that soils with remaining pollutants are covered and managed to minimize pollution of surface waters and/or exposure to the public. If significant amounts of waste remain onsite, the Regional Board may implement provisions contained in the California Code of Regulations, Title 23, Chapter 15 to the extent applicable.

- *The following text will be deleted in Chapter 4, Implementation, Section 4.2, SPILLS, LEAKS, COMPLAINT INVESTIGATIONS, AND CLEANUPS following the subsection titled “Soil Cleanup Levels” in the subsection titled “SLIC Program”:*

~~**Begin *strikeout* Spills, Leaks, Investigations, and Cleanups (SLIC Program)**~~

~~The SLIC Program was established by the State Board so that Regional Boards could oversee cleanup of illegal discharges, contaminated properties, and other unregulated releases adversely impacting the State's waters but not covered by another program.~~

~~Sites managed within the SLIC Program include sites with pollution from recent or historic spills, subsurface releases (e.g., pipelines, sumps), complaint investigations, and all other unauthorized discharges that pollute or threaten to pollute surface and/or ground waters. Investigation, remediation, and cleanup at SLIC sites proceed as directed in State Board Resolution No. 92-49 as described above. *End strikeout*~~

- *The following text will be deleted and inserted in Chapter 4, Implementation, in Section 4.2, SPILLS, LEAKS, COMPLAINT INVESTIGATIONS, AND CLEANUPS, in the subsection titled “Use of the Cleanup and Abatement Account to Fund Cleanups”:*

Use of the Cleanup and Abatement Account to Fund Cleanups

The State Water Resources Control Board manages the Cleanup and Abatement Account (CAA) Fund. The CAA receives funds statewide as a result of *Begin proposed text*, but not limited to, *End proposed text* court judgments from civil and criminal actions and from administrative civil liabilities.

The California Water Code *Begin proposed text* Section 13442 *End proposed text* provides for the disbursement of *Begin proposed text* grant *End proposed text* funds from the CAA *Begin*

proposed text to eligible entities if that entity has authority to undertake the activity, End proposed text including:

- ~~• Public agencies *Begin* ~~strikeout~~ with the authority to clean up waste or abate its effects; and *End* ~~strikeout~~ *Begin* ~~proposed text~~;~~
- ~~• A Tribal government that is on the California Tribal Consultation list maintained by the Native American Heritage Communication and is a disadvantaged community; and~~
- ~~• Non-profits or community water systems serving a disadvantaged community. *End* ~~proposed text~~ *Begin* ~~strikeout~~ ;and~~
- ~~• Regional Boards attempting to remedy an actual or potential water pollution problem for which adequate resources have not been budgeted. *End* ~~strikeout~~~~

The State Board has the authority to approve funding. Applicants do not have a right to these funds.

Begin ~~proposed text~~ State Board approved *Cleanup and Abatement Account Funding Program Guidelines* (adopted December 11, 2018). These Guidelines, and any future update or amendment to the Guidelines, establish the process and criteria for the allocation and administration of Cleanup and Abatement Account (CAA) funding for eligible projects. The Guidelines are utilized in soliciting applications, prioritizing and evaluating project proposals, and awarding funding for projects that clean up waste or abate the effects of waste on waters of the State or address an urgent drinking water need. *End* ~~proposed text~~

Begin ~~strikeout~~

~~The Regional Board's Executive Officer, his/her designee, or a public agency may request emergency funds orally for amounts up to \$50,000. These requests are to be directed to the Chief Counsel. In the absence of that individual, other designated staff should be called in the order listed: the Executive Director, the Chief Deputy Director, or the Administrative Services Division Chief. Any of these four individuals may review and approve the request. Within one week following the oral request, the requesting agency shall submit the terms in writing. Non-emergency requests must be written to be considered by the State Board, and must include a specific Regional Board Resolution.~~

~~The agency or Regional Board receiving the funds shall notify the Office of Chief Counsel (OCC) upon project completion and submit a follow-up report. This report must describe the work accomplished and fund recoupment. OCC will review the report to verify that the agency performed the work.~~

~~OCC shall pursue the recovery of CAA funds expended for cleanup and abatement when a discharger refuses to perform or pay for the work.~~

~~Any funds not committed or expended within 12 months of encumbrance or approved project end date (whichever is later) shall be disencumbered. The agency has 90 days to submit a bill. The Executive Director may grant a time extension if no additional funding is required. Disencumbered funds become available for other projects.~~

~~If additional funding is required, approval must be given by the State Board or the designated approval authority (for emergency requests). *End* ~~strikeout~~~~

- *The following text will be inserted and deleted in Chapter 4, Implementation, Section 4.2, SPILLS, LEAKS, COMPLAINT INVESTIGATIONS, AND CLEANUPS in the subsection titled “Federal Superfund Program”:*

Federal ~~Begin~~ ~~strikeout~~ ~~Superfund~~ ~~End~~ ~~strikeout~~ ~~Begin~~ ~~proposed~~ ~~text~~ CERCLA ~~End~~ ~~proposed~~ ~~text~~ Program

~~Begin~~ ~~proposed~~ ~~text~~ In 1980, ~~End~~ ~~proposed~~ ~~text~~ the federal ~~Begin~~ ~~proposed~~ ~~text~~ government ~~End~~ ~~proposed~~ ~~text~~ ~~Begin~~ ~~strikeout~~ “Superfund” program was ~~End~~ ~~strikeout~~ established ~~Begin~~ ~~strikeout~~ ~~in~~ ~~1980~~ ~~with~~ ~~the~~ ~~passage~~ ~~of~~ ~~End~~ ~~strikeout~~ the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), ~~Begin~~ ~~proposed~~ ~~text~~ commonly known as Superfund ~~End~~ ~~proposed~~ ~~text~~. The CERCLA provided funding and guidelines for the cleanup of ~~Begin~~ ~~strikeout~~ ~~the~~ ~~most~~ ~~threatening~~ ~~End~~ ~~strikeout~~ hazardous waste sites ~~Begin~~ ~~strikeout~~ ~~in~~ ~~the~~ ~~nation~~ ~~End~~ ~~strikeout~~. High priority sites scheduled for cleanup under this program are placed on the National Priority List (NPL). ~~Begin~~ ~~strikeout~~ (see Section 4.12, “Military Installations”) ~~End~~ ~~strikeout~~

- *The following text will be inserted and deleted in Chapter 4, Implementation, Section 4.5, SOLID AND LIQUID WASTE DISPOSAL TO LAND, in sections starting from the introduction of section 4.5 to the section before “Discharge Prohibitions that Apply to Solid Wastes”:*

4.5 SOLID AND LIQUID WASTE DISPOSAL TO LAND

The Regional Board regulates the disposal of waste to land under Chapter 15, Division 3, Title 23 of the California Code of Regulations, known as “Chapter 15” ~~Begin~~ ~~proposed~~ ~~text~~, and under Title 27, of the California Code of Regulations, known as “Title 27.” Chapter 15 applies to hazardous wastes and Title 27 ~~End~~ ~~proposed~~ ~~text~~ applies to wastes which cannot be discharged directly or indirectly to waters of the State and which therefore must be discharged to land for treatment, storage, or disposal.

Types of operations in the Lahontan Region which are subject to ~~Begin~~ ~~proposed~~ ~~text~~ Title 27 ~~End~~ ~~proposed~~ ~~text~~ ~~Begin~~ ~~strikeout~~ ~~Chapter~~ ~~15~~ ~~End~~ ~~strikeout~~ include solid waste disposal sites (landfills), industrial wastewater ponds (surface impoundments), septage and sludge disposal (see ~~Begin~~ ~~strikeout~~ “Septage and Sludge Disposal” in Section 4.4 ~~End~~ ~~strikeout~~ ~~Begin~~ ~~proposed~~ ~~text~~ sections 20200, 20220, and 20690 of Title 27 ~~End~~ ~~proposed~~ ~~text~~), mining and geothermal operations (see ~~Begin~~ ~~strikeout~~ “Mining, Industry, and Energy Development” ~~End~~ ~~strikeout~~ ~~Begin~~ ~~proposed~~ ~~text~~ sections 22470 through 22510 of Title 27 ~~End~~ ~~proposed~~ ~~text~~), and some confined animal facilities (see “~~Begin~~ ~~strikeout~~ “Agriculture” ~~End~~ ~~strikeout~~ ~~Begin~~ ~~proposed~~ ~~text~~ sections 22560 through 22565 of Title 27 ~~End~~ ~~proposed~~ ~~text~~). This section contains: (1) a summary of the pertinent sections of ~~Begin~~ ~~strikeout~~ ~~Chapter~~ ~~15~~ ~~End~~ ~~strikeout~~ ~~Begin~~ ~~proposed~~ ~~text~~ Title 27 ~~End~~ ~~proposed~~ ~~text~~, (2) a discussion of Region-specific requirements and prohibitions, and (3) a discussion of the Solid Waste Assessment Test Program.

~~Begin~~ ~~strikeout~~ **Chapter 15** ~~End~~ ~~strikeout~~ ~~Begin~~ ~~proposed~~ ~~text~~ **Title 27** ~~End~~ ~~proposed~~ ~~text~~

~~Begin~~ ~~strikeout~~ ~~Chapter~~ ~~15~~ ~~End~~ ~~strikeout~~ ~~Begin~~ ~~proposed~~ ~~text~~ Title 27 ~~End~~ ~~proposed~~ ~~text~~ contains minimum, prescriptive standards for proper management of applicable wastes.

Regional Boards may impose more stringent requirements to accommodate regional and/or site-specific conditions.

Dischargers may propose alternatives to the construction or prescriptive standards contained in ~~Begin~~ ~~strikeout~~ ~~Chapter 15~~ ~~End~~ ~~strikeout~~ ~~Begin~~ ~~proposed~~ ~~text~~ Title 27 ~~End~~ ~~proposed~~ ~~text~~ if they can show that the prescriptive standard is not feasible (i.e., too difficult or costly to implement, or not likely to perform adequately under the given circumstances). The proposed alternative must be able to provide equivalent management of the waste, and must not be less stringent than the prescribed standards.

Discharges to land which may be exempt from ~~Begin~~ ~~strikeout~~ ~~Chapter 15~~ ~~End~~ ~~strikeout~~ ~~Begin~~ ~~proposed~~ ~~text~~ Title 27 ~~End~~ ~~proposed~~ ~~text~~ are ~~Begin~~ ~~strikeout~~ ~~listed~~ ~~in~~ ~~Appendix D~~ ~~End~~ ~~strikeout~~ ~~Begin~~ ~~proposed~~ ~~text~~ discussed in section 20090 of Title 27 ~~End~~ ~~proposed~~ ~~text~~.

Wastes fall into four categories under the current classification system. These four categories are: Hazardous, Designated, Non-Hazardous, and Inert, and are defined in ~~Begin~~ ~~strikeout~~ ~~Appendix D~~ ~~End~~ ~~strikeout~~ ~~Begin~~ ~~proposed~~ ~~text~~ Title 27 ~~End~~ ~~proposed~~ ~~text~~. Hazardous and Designated wastes can often be generated by the same source and may differ only by their concentrations of given constituents.

Wastes must be disposed of differently depending on their liquids content and the waste category into which they fall. A table containing the Summary of Waste Management Strategies for Discharge of Waste to Land (see ~~Begin~~ ~~strikeout~~ ~~Appendix D~~ ~~End~~ ~~strikeout~~ ~~Begin~~ ~~proposed~~ ~~text~~ Table 2.1 in Title 27 ~~End~~ ~~proposed~~ ~~text~~) shows the proper level of containment for the various categories of waste. A table containing Geologic and Siting Criteria for Classified Waste Management Units is included in ~~Begin~~ ~~strikeout~~ ~~Appendix D~~ ~~End~~ ~~strikeout~~ ~~Begin~~ ~~proposed~~ ~~text~~ Table 3.1 in Title 27 ~~End~~ ~~proposed~~ ~~text~~.

Receiving water monitoring is required at all waste management units. ~~Begin~~ ~~strikeout~~ ~~Appendix D~~ ~~discusses~~ ~~End~~ ~~strikeout~~ ~~Begin~~ ~~proposed~~ ~~text~~ Chapter 3, Subchapter 3, Article 1, and Chapter 7, Subchapter 1, Article 1, and Chapter 7, Subchapter 2, Article 1 of Title 27 ~~discuss~~ ~~End~~ ~~proposed~~ ~~text~~ the monitoring requirements for the various classes of waste management units and describes the progressive phases of monitoring.

The routine ground water monitoring conducted during the entire compliance period of a project's life is referred to as "detection monitoring." If a leak is detected during the course of detection monitoring, an "evaluation monitoring" program must be established. If the evaluation monitoring verifies the presence of a leak, a "corrective action program" must be established and conducted until the problem has been successfully corrected.

Vadose zone monitoring must be conducted at all waste management units. ~~Begin~~ ~~strikeout~~ ~~Appendix D~~ ~~discusses~~ ~~End~~ ~~strikeout~~ ~~Begin~~ ~~proposed~~ ~~text~~ Title 27, Sections 20415 and 20435 ~~discuss~~ ~~End~~ ~~proposed~~ ~~text~~ the minimum requirements for an acceptable vadose zone monitoring program.

Special requirements for confined animal facilities are discussed in ~~Begin~~ ~~strikeout~~ ~~Article 6 of Chapter 15~~ ~~End~~ ~~strikeout~~ ~~Begin~~ ~~proposed~~ ~~text~~ Chapter 7, Subchapter 2, Article 1 of Title 27 ~~End~~ ~~proposed~~ ~~text~~. These facilities are also subject to other portions of ~~Begin~~ ~~strikeout~~ ~~Chapter 15~~ ~~End~~ ~~strikeout~~ ~~Begin~~ ~~proposed~~ ~~text~~ Title 27 ~~End~~ ~~proposed~~ ~~text~~ as applicable. ~~Begin~~ ~~strikeout~~ ~~Confined animal facilities~~ ~~are~~ ~~discussed~~ ~~in~~ ~~detail~~ ~~in~~ ~~the~~ ~~section~~ ~~entitled~~ ~~"Agriculture."~~ ~~End~~ ~~strikeout~~

Under *Begin* ~~Chapter 15~~ *End* *Begin proposed text* Title 27 *End proposed text*, mining waste discharges are only subject to the requirements of *Begin proposed text* Chapter 7, Subchapter 1, Article 1 *End proposed text* ~~Article 7~~ *End* *Begin proposed text* Title 27 *End proposed text* as referenced by *Begin* ~~Chapter 15~~ *End* *Begin proposed text* Title 27 *End proposed text* ~~Article 7~~ *End* *Begin proposed text* Article 1 *End proposed text*. Mining wastes are also subject to regulation under the Surface Mining and Reclamation Act (SMARA, CA Public Resources Code, Title 14, Division 2, Chapter 9). Article 7 and SMARA are discussed in detail in the section entitled “Mining, Industry, and Energy Development.”

An inactive waste management unit can still pose a threat to water quality. In fact, due to the nature of some wastes and the characteristics of some disposal sites, sometimes water quality problems do not become evident until years after a site has closed. Therefore, *Begin* ~~Chapter 15~~ *End* *Begin proposed text* Title 27 *End proposed text* requires that all waste management units have a plan for acceptable closure procedures and post-closure maintenance and monitoring.

Solid and Liquid Waste Requirements

Solid wastes are disposed of in a landfill or Solid Waste Disposal Site (SWDS). A landfill, as defined in *Begin* ~~Chapter 15~~ *End* *Begin proposed text* Title 27 *End proposed text*, is a waste management unit at which waste is discharged in or on land for disposal. A landfill may be classified as Class I, II, or III, depending on the type of waste being accepted, but the term “landfill” typically refers to a Class III municipal solid waste landfill which accepts only inert or non-hazardous, municipal solid waste. Landfills are an integral component of most communities in the Lahontan Region, except for those of the Lake Tahoe Basin. Solid waste generated in the Lake Tahoe Basin is exported out of the Basin.

“Hazardous” solid wastes must be disposed of in Class I landfills or waste piles. “Designated” solid wastes must be disposed of in Class I or II landfills or waste piles. Liquid wastes may not be disposed of to Class III waste management units. Rather, liquid wastes must be discharged to Class I or II surface impoundments, depending on their classification.

Discharges from solid and liquid waste management units can impact both ground and surface waters. The receiving water most likely to be at risk from a waste management unit is the ground water beneath the site. Precipitation or runoff may enter the unit and contact the waste, percolate through it, and travel to ground water, carrying constituents of the waste with it. Solid waste may contain enough free liquids to form a leachate and travel to ground water. Vapors may migrate from a waste management unit into the soils and ground water below the unit. Gases forming in a closed waste management unit may pressurize the unit and force contaminants into the ground water. A liquid waste impoundment may leak its contents into the soils and ground water beneath the unit. Liquids may exit a waste management unit and travel to nearby surface waters. Uncontained solid waste may also be transported to surface waters by wind.

The Regional Board regulates all the active waste management units and some of the closed units in the Region under waste discharge requirements which contain pertinent *Begin* ~~Chapter 15~~ *End* *Begin proposed text* Title 27 *End proposed text* regulations. Some of the applicable requirements include:

1. Waste management units must be sited in locations where they will not extend over a known Holocene fault or into areas with inadequate separation from ground water.
2. Waste management units must be constructed to minimize (Class III) or prevent (Class I and II) the possibility of leachate contacting ground water. This may be done by siting the unit in an area where the depth to ground water is very great or where natural geologic features will provide containment. A Class III waste management unit may also have a clay or synthetic liner with a leachate collection and removal system (LCRS), if there is a possibility that ground water could be impacted by leakage from the unit. Class I and II units must be lined. A discharger may propose engineered alternatives to the ~~Begin strikeout Chapter 15 End strikeout~~ *Begin proposed text Title 27 End proposed text* containment requirements, but the alternatives must provide equal or greater protection to the receiving waters at the site, per ~~Begin strikeout Article 4 End strikeout~~ *Begin proposed text Section 20080(b) End proposed text*.
3. To minimize or prevent the formation of leachate, solid waste management units shall be covered periodically with soil or other approved materials. Runoff from offsite should be prevented from entering a waste management unit and contacting the wastes in the unit.
4. The potential receiving waters shall be monitored. A waste management unit shall have sufficient ground water monitoring wells at appropriate locations and depths to yield ground water samples from the uppermost aquifer to provide the best assurance of the earliest possible detection of a release from the waste management unit. Perched ground water zones shall also be monitored. Background monitoring should be conducted for one year prior to opening a new waste management unit.

~~Begin strikeout Chapter 15 End strikeout~~ *Begin proposed text Title 27 End proposed text* requires that the vadose zone shall be monitored at all new sites and at any existing site, unless it can be shown to the satisfaction of the Regional Board that there are no vadose zone monitoring devices that would work at the site, or that installation of vadose zone monitoring devices would require unreasonable dismantling or relocating of permanent structures.

5. All operating waste management units must have an approved closure/post-closure monitoring and maintenance plan and their operators must provide the Regional Board with assurance that sufficient funds are irrevocably committed to ensure that the site will be properly reclaimed and maintained.
6. The operator of a waste management unit must obtain and maintain assurances of financial responsibility for foreseeable releases from the unit.

Municipal Wastewater Sludge Management

Wastewater sludge (biosolids) is a by-product of wastewater treatment. Raw sludge usually contains 93 to 99.5 percent water with the balance being solids that were present in the wastewater and that were added to or cultured by wastewater treatment processes. Most POTWs treat the sludge prior to ultimate use or disposal. Normally, this treatment consists of dewatering and/or digestion. In some cases, such as at Lake Arrowhead and Barstow, a portion of the sludge is incinerated.

Treated and untreated sludges may contain high concentrations of heavy metals, organic

pollutants, pathogens, and nitrates. Storage and disposal of municipal sludges on land can result in degradation of ground and surface water if not properly performed. The Regional Board currently regulates handling and disposal of sludge pursuant to *Begin* ~~Chapter 15~~ *End* ~~strikeout~~ *Begin proposed text* Title 27 *End proposed text* and Department of Health Services (DHS) standards for sludge management (Cal. Code of Regs., Title 22, Division 4, Section 60301).

Sludge may be placed in a Class III landfill (see section on *Begin* ~~Chapter 15~~ *End* ~~strikeout~~ *Begin proposed text* Title 27 *End proposed text*) if it can meet the following requirements, otherwise it must be placed in a Class II surface impoundment:

1. The landfill is equipped with a leachate collection and removal system, and
2. The sludge must contain at least 20 percent solids if primary sludge, or at least 15 percent solids if secondary sludge, mixtures of primary and secondary sludges, or water treatment sludge, and
3. A minimum solids-to-liquid ratio of 5:1 by weight must be maintained to ensure that the co-disposal will not exceed the initial moisture-holding capacity of the nonhazardous solid waste. The Regional Board may require that a more stringent solids-to-liquid ratio be maintained, based on site-specific conditions.

In addition to landfilling, sludge may be disposed of in a number of other ways, provided it meets the requirements specific to the given disposal method. Sludge may be incinerated, applied to land as a soil amendment, made into commercial fertilizer, or stockpiled in piles or drying beds. Generally, the Regional Board regulates the disposal of sludge under the requirements for the treatment plant which generates the sludge. However, for land application of sludge, separate waste discharge requirements for the landowner will be considered. The State's *Begin* ~~Integrated Waste Management Board (CIWMB)~~ *End* ~~strikeout~~ *Begin proposed text* Department of Resources Recycling and Recovery (CalRecycle) *End proposed text* also regulates the disposal of sludge.

The USEPA has promulgated a policy of promoting those municipal sludge management practices that provide for the beneficial use of sludge while maintaining or improving environmental quality and protecting public health. On February 19, 1993, the USEPA published final sewage sludge regulations in 40 CFR Part 503. The regulations are intended to assure that use and disposal of sewage sludges comply with federal sludge use and disposal criteria developed by USEPA. The State Board or *Begin* ~~the CIWMB~~ *End* ~~strikeout~~ *Begin proposed text* CalRecycle *End proposed text* may develop a state sludge management program consistent with the USEPA policy and criteria for land application, surface disposal, and incineration of sewage sludge. Applicable federal regulations for the disposal of sewage sludge in municipal solid waste landfills are contained in 40 CFR Parts 257 and 258 (Subtitle D).

Subtitle D

These federal regulations apply to municipal solid waste landfills (Class III landfills under California's "*Begin* ~~Chapter 15~~ *End* ~~strikeout~~ *Begin proposed text* Title 27 *End proposed text*"). The Subtitle D regulations outline the classification of municipal landfills, siting criteria, design criteria, operation procedures, water quality monitoring parameters and standards, closure and post-closure care requirements, and financial assurance guidelines, similar to *Begin*

~~Chapter 15~~ *End* ~~strikeout~~ *Begin proposed text* Title 27 *End proposed text*. USEPA considers Subtitle D to be minimum standards for landfill operation. States may have equal or more stringent requirements, but may not have less stringent requirements. If a state's landfill regulation program meets USEPA's approval, that state may apply to become a USEPA "approved state" for landfill regulation, and Subtitle D provisions do not apply. However, if all or a part of a state's regulations do not meet USEPA's approval, more stringent portions of Subtitle D take precedence until that state modifies its program and obtains approval. California has obtained approval from USEPA.

- *The following text will be inserted and deleted in Chapter 4, Implementation, Section 4.6, GROUNDWATER PROTECTION AND MANAGEMENT in the subsection titled "Regional Board Control Measures for Ground Water Protection and Management":*

Regional Board Control Measures for Ground Water Protection and Management

To protect ground water resources, the Regional Board allows few waste discharges to land. (See the "Solid and Liquid Waste Disposal to Land" section of this Chapter.) Those that are permitted (e.g., landfills) are closely regulated under existing laws and regulations to maintain and to protect ground water quality for beneficial uses. Another category of discharges to land is individual waste disposal systems (e.g., septic systems). In most instances, the Regional Board has waived its regulation of individual waste disposal systems provided that counties (and some cities) in the Region regulate the systems. Specific provisions of the regulation are included in Memoranda of Understanding (MOUs) with each county or city. The MOUs stipulate that regulation of the systems must comply with all Regional Board requirements (see "Wastewater" section of this Chapter).

Discharges of hazardous and nonhazardous waste, and the waste management units at which the wastes are discharged (e.g., landfills, surface impoundments), are regulated by the Regional Board through waste discharge requirements to properly contain the wastes, and to ensure that effective monitoring is undertaken to protect water resources of the Region (also see "Solid and Liquid Waste" section of this Chapter). These waste discharges are also concurrently regulated by other State and local agencies. Local agencies implement the State's solid waste management programs as well as local ordinances governing the siting, design, and operation of solid waste disposal facilities (usually landfills) with the concurrence of the California ~~Integrated Waste Management Board (CIMWB)~~ *End* ~~strikeout~~ *Begin proposed text* Department of Resources Recycling and Recovery (CalRecycle) *End proposed text*. ~~Begin~~ ~~strikeout~~ *End* ~~strikeout~~ *Begin proposed text* CalRecycle *End proposed text* also has direct responsibility for review and approval of plans for closure and post-closure maintenance of solid waste landfills. The Department of Toxic Substance Control (DTSC) issues permits for all hazardous waste management, treatment, storage, and disposal facilities. The State Board, Regional Boards, ~~Begin~~ ~~strikeout~~ *End* ~~strikeout~~ *Begin proposed text* CalRecycle *End proposed text*, and DTSC have entered into a Memorandum of Understanding to coordinate their respective roles in the concurrent regulation of these discharges.

The laws and regulations governing both hazardous and nonhazardous solid waste disposal have been revised and strengthened in recent years. Implementation of these laws and regulations through the following programs is summarized below: California Code of Regulations, Title 23, Chapter 15 *Begin proposed text* and Title 27 *End proposed text*;

Resource Conservation and Recovery Act; Toxic Pits Cleanup Act; Solid Waste Assessment Tests. (See the “Solid and Liquid Waste” section of this Chapter for detailed control actions).

- *The following text will be inserted and deleted in Chapter 4, Implementation in Section 4.6, GROUNDWATER PROTECTION AND MANAGEMENT in the subsection titled “California Code of Regulations, Title 23, Chapter 15” that follows the section titled “Regional Board Control Measures for Ground Water Protection and Management”:*

California Code of Regulations, Title 23, Chapter 15 *begin proposed text, and Title 27 end proposed text*

Begin ~~strikeout~~ Referred to as “Chapter 15,” this is the most significant regulation ~~End strikeout~~ Begin proposed text Title 23, Chapter 15, referred to as “Chapter 15” and Title 27 are the most significant regulations End proposed text used by the Regional Board in regulating hazardous and nonhazardous waste treatment, storage, and disposal. Wastes are classified as either hazardous waste, designated waste, nonhazardous waste, or inert waste. These regulations include very specific siting, construction, monitoring and closure requirements for all existing and new waste treatment, storage, and disposal facilities Begin proposed text, known as Waste Management Units (WMUs). WMUs are classified as either Class I, II, or III depending on the type of waste to be disposed of or stored in the unit. Land disposal is regulated by Title 27. End proposed text Begin strikeout Chapter 15 End strikeout Begin proposed text Title 27 End proposed text requires operators to provide assurances of financial responsibility for initiating and completing corrective action for all known or reasonably foreseeable releases from their waste management units. Detailed technical criteria are provided for establishing water quality protection programs, and corrective action programs for releases from waste management units. Begin strikeout Chapter 15 requires End strikeout Begin proposed text Title 27 required End proposed text the review and update of waste discharge requirements for all hazardous waste treatment, storage, and disposal sites by January 1, 1993 and for all nonhazardous waste, storage, and disposal sites by July 1, 1994. Begin strikeout Chapter 15 defines waste types to include hazardous wastes, designated wastes, nonhazardous solid wastes, and inert wastes. End strikeout

- *The following text will be inserted and deleted in Chapter 4, Implementation, in Section 4.6, GROUNDWATER PROTECTION AND MANAGEMENT in the subsection titled “Underground Storage Tank Program,” and before the section “UST Remediation Goals”:*

Underground Storage Tank Program

Implementation of the Underground Storage Tank (UST) Program is unique, as the Health and Safety Code gives local agencies the authority to oversee investigation and cleanup of UST leak sites. The Corrective Action regulations (23 Cal. Code of Regs., Ch. 16, Article 11) use the term “regulatory agency” in recognition of the fact that local agencies have the option to oversee site investigation and cleanup, in addition to their statutory mandate to oversee tank permitting, leak reporting, and tank closure. Begin proposed text On and after July 1, 2013, a Local Oversight Program (LOP) may be implemented only by a city or county that the State Water Board has certified as qualified to implement a program for the abatement of, and oversight of the abatement of, unauthorized releases of hazardous substances from USTs. The State Water Board may enter into an agreement with a certified local agency to implement the LOP. End

~~proposed text Begin strikeout Several local agencies now have the authority (through Local Oversight Program contracts with the State Board or Memoranda of Understanding with the Regional Board) to act on the Regional Board's behalf in requiring investigations and cleanup. The Regional Board retains the authority to approve case closure. End strikeout~~

Reports of leaking USTs are submitted by local agencies (city, county, etc.) and by private parties to the Regional Board. Submittals are on a standard form that complies with Proposition 65 notification (Underground storage tank Unauthorized Releases [Leak]/Contamination Site Report). The local agencies forward copies of the leak reports to the Regional Board. (See also "Proposition 65 Program" in Section 4.2.)

~~Begin strikeout The cleanup and enforcement elements of the program are shared between the Regional Board and the local agencies. End strikeout Regional Boards Begin proposed text and LOPs End proposed text are responsible for oversight of investigation and remediation where unauthorized releases from USTs pose a threat to, or have impacted, water quality. Local agencies, such as Begin strikeout County Health Services End strikeout Begin proposed text county health services End proposed text, are responsible for tank permitting, monitoring, and removal. Begin strikeout, and the investigation and remediation of releases that do not pose a threat to water quality. Additionally, several local agencies have contracted with the State Board under the Local Oversight Program (LOP) to oversee the investigation and remediation of releases that threaten or have impacted water quality. End strikeout~~

The California Code of Regulations, Title 23, Division 3, Chapter 16, contains State regulations regarding underground tank construction, monitoring, repair, release reporting, and corrective action. The objectives of the regulations are to:

- Place all USTs storing hazardous substances, covered by law, under permit;
- Ensure that all existing USTs, covered by law, meet standards for the detection of releases of hazardous substances;
- At the time of application for an UST permit, ensure that all new USTs covered by law, meet standards to prevent releases of hazardous substances;
- Ensure that the UST program complies with the federal UST requirements and secure authorization from USEPA to regulate USTs in the State;
- Identify leaking USTs and decide whether the Regional Board or local implementing agency will have the lead for supervision of cleanup within 90 days of the discovery of a leak. Undertake cleanup supervision of 10-25% of existing backlogged and new leak cases each year. The annual caseload will depend on the severity of the water quality problems and the availability of Regional Board resources to oversee cleanup;
- Provide funding for eligible local agencies, under a local oversight program, for the oversight of leaking UST cleanup;
- Ensure that appropriate cleanup actions are undertaken in a timely manner at UST sites which have no identifiable Responsible Party (RP) or which have an insolvent RP (orphan site);
- Ensure that all tank integrity tests, conducted within the State, are performed by or under the direct supervision of a licensed tank tester;

- Require all existing underground pressurized piping to be equipped with an automatic leak detector;
- Ensure that all UST owners and operators shall maintain evidence of financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by a release;
- Require secondary containment for pressurized piping, corrosive protection for tanks, and spill and overfill prevention equipment for UST systems.

~~*Begin strikeout*~~ **Number of UST Cases in the Region**

~~As of July, 1993, a total of 591 leaking USTs had been documented in the Lahontan Region. Of these 591 releases, approximately 150 (25%) have impacted ground water. A list of these UST releases and the status of investigation and remediation at each site is published quarterly by staff of the Regional Board. *End strikeout*~~

Areas With the Greatest Number of UST Releases Affecting Ground Water

Throughout the Lahontan Region several areas have been identified as containing a significant number of leaking USTs that have impacted ground water. Generally, these areas are light industrial/service areas that typically have shallow ground water and/or coarse soils. Because of the significant number of documented releases in these areas, a substantial amount of geologic and hydrologic data have been generated.

UST Cleanup Trust Fund (SB 2004)

In 1991 the State Legislature passed SB 2004, which required that ~~*Begin strikeout*~~ ~~0.006 cents~~ ~~*End strikeout*~~ ~~*Begin proposed text*~~ a certain fee ~~*End proposed text*~~ be paid by tank owners to the State for each gallon of petroleum products stored in a UST. This tax program generates revenue to provide ~~*Begin strikeout*~~ ~~a maximum of \$990,000~~ ~~*End strikeout*~~ ~~*Begin proposed text*~~ up to \$1,500,000 of ~~*End proposed text*~~ grant money per claim for investigation and remediation to those persons who operated or owned USTs that have leaked. The fund reimburses monies that are spent by the discharger during investigation and cleanup. Staff of the Regional Board and State Board are responsible for reviewing technical proposals for investigation and remediation to ensure plans are technically and economically effective.

Dischargers applying for the fund are separated into “A,” “B,” “C,” and “D” categories. These categories are generally based on gross annual income, with “A” applicants having the least income. Since the fund is designed to assist those dischargers with the least financial ability to conduct investigation and remediation, “A” applicants have the highest priority for funding. Since many tank owners and operators lack resources, assistance from the fund increases opportunities for remedial actions.

- *The following text will be inserted in Chapter 4, Implementation, Section 4.6, GROUNDWATER PROTECTION AND MANAGEMENT following the subsection titled “UST Remediation Goals” and before the subsection titled “Source Removal” as follows:*

~~*Begin proposed text*~~ **Low-Threat UST Case Closure Policy**

It has been well documented in the literature and through experience at individual UST release site that petroleum fuels naturally attenuate in the environment through adsorption, dispersion,

dilution, volatilization, and biological degradation. This natural attenuation slows and limits the migration of dissolved petroleum plumes in groundwater. In general, it is recognized that many petroleum release cases pose a low threat to human health and the environment.

The State Water Board established the Low-threat UST Case Closure Policy which became effective in August 2012. The purpose of the policy is to establish consistent statewide case closure criteria for low-threat petroleum UST sites. The policy establishes general criteria and media-specific criteria that if met, and in the absence of unique case or site-specific attributes, indicate that a case poses a low threat to human health, safety, or the environment and is appropriate for closure pursuant to Health and Safety Code 25296.10. The full text version of this policy can be found on the State Water Board's Plans and Policies webpage located at the following web address: https://www.waterboards.ca.gov/plans_policies/ End proposed text

- *The following text will be deleted from Chapter 4, Implementation, Section 4.6 GROUNDWATER PROTECTION AND MANAGEMENT in the subsection titled "City of Bishop", which follows the section titled "Cleanup Levels":*

Begin ~~strikeout~~ The City of Bishop

~~The majority of documented releases in the Bishop area have occurred in the light industrial/service area along Hwy. 395 (Main Street). Depth to ground water along Main Street ranges from three to eight feet below ground surface (bgs). Ground water dominantly flows east toward the Owens River.~~

~~Soils in the Bishop area are variable. Coarse alluvial cobbles and boulders are present on the alluvial fan of the eastern Sierra Nevada range at the western edge of Bishop. However, throughout the City, soils appear to be predominantly clayey sands and clayey silts with low permeability characteristics. A shallow unconfined aquifer is present beneath the City of Bishop at depths ranging from three to eight feet below ground surface. The ground water gradient of this aquifer throughout the City of Bishop is gently sloping. Additionally, the low permeability soils result in slow ground water velocities.~~

~~Municipal supply wells for the City of Bishop are located east and north of known petroleum dispensing facilities. No known water supply wells are located in areas of known or suspected ground water pollution.~~

~~Dischargers at several UST sites in the City of Bishop have installed ground water monitoring wells. The results of well sampling indicate that pollution plumes have little or no natural degradation without active remediation, but these plumes also migrate very slowly.~~

~~*UST Policy for Bishop.* Based on the principles of State Board Resolution No. 92-49, Board staff has developed a policy to set time schedules for completing soil and ground water cleanup. To the extent feasible, schedules will be set to coincide with the availability of resources, including UST Trust Funds. The policy specifically applies to potential Trust Fund "A," "B," and "C" applicants in specific hydrogeologic areas of Bishop. The policy is as follows:~~

- ~~1. When USTs are removed, all identified soil pollution will be excavated to the property boundaries to the depth of the ground water table (depth to ground water in Bishop ranges from 3 to 8 feet below ground surface). Contaminated soil beneath existing onsite buildings will not be required to be removed at this time.~~

- ~~2. Soil samples will be collected from all excavation sidewalls to document effective removal of contaminated soils or the location of any remaining soil contamination that persists offsite.~~
- ~~3. The discharger will remove any fuel found floating on the water table surface.~~
- ~~4. Field investigation methods (such as Hydropunch™ and cone penetrometers) can be effectively used to preliminarily define the lateral extent of ground water pollution. This data will then be used to locate a maximum of three ground water monitoring wells that approximately define the down gradient extent of ground water pollution. It is expected that these wells will be installed offsite.~~
- ~~5. Monitoring of the ground water will be conducted by the discharger. Monitoring includes laboratory analysis of ground water samples collected from the installed monitoring wells. The discharger will continue to remove any identified fuel found floating on the water table surface.~~
- ~~6. The UST owner/operator would not be required to perform additional soil or dissolved phase ground water remediation until SB 2004 funding is available, provided that the discharger supplies the Regional Board documentation that a grant application has been filed with the State Board.~~
- ~~7. Dissolved phase ground water remediation would only be required prior to receiving SB 2004 funding if it becomes evident that the discharger will not qualify for SB 2004 funding, or the pollution poses an imminent threat to public health. This policy does not change the overall remedial goals of the Regional Board. End strikeout~~

- *The following text will be deleted from Chapter 4, Implementation, Section 4.6 GROUNDWATER PROTECTION AND MANAGEMENT following the section titled “City of Bishop”:*

Begin strikeout UST Discharges in Hydrogeologic Areas Other than Bishop

~~Ground water pollution plumes may migrate slowly in other areas of the Region besides Bishop. However, data must be generated in these additional areas that conclusively demonstrates that these conditions exist. In areas where it can be conclusively demonstrated that hydrological conditions similar to Bishop exist, the above policy may be applied to remediation of UST release sites. In areas where pollution plumes do not migrate slowly, failure to initiate ground water remediation in the short term may result in a substantially more extensive condition of pollution, and may also increase the threat to public health and safety. End strikeout~~

- *The following text will be inserted and deleted in Chapter 4, Implementation, Section 4.6, GROUNDWATER PROTECTION AND MANAGEMENT in the subsection titled “Spills, Leaks, Investigation and Cleanup (SLIC) Program” that follows the subsection titled “Aboveground Storage Tanks”:*

Begin ~~strikeout~~ **Spills, Leaks, Investigation, and Cleanup (SLIC) Program** *End* ~~strikeout~~
Begin ~~proposed text~~ Site Cleanup Program (SCP) *End* ~~proposed text~~

Sites managed within the *Begin* ~~strikeout~~ SLIC Program *End* ~~strikeout~~ *Begin* ~~proposed text~~ Site Cleanup Program (SCP) *End* ~~proposed text~~ include sites with pollution from recent or historic spills, subsurface releases (e.g., pipelines, sumps), complaint investigations, and all other unauthorized discharges that pollute or threaten to pollute surface and/or ground waters. Investigation, remediation, and cleanup at SCP sites proceed as directed in State Board Resolution No. 92-49 as described below. *Begin* ~~strikeout~~ (For further details regarding the SLIC Program, see Section 4.2, “Spills, Leaks, Complaint Investigations, and Cleanups.”) *End* ~~strikeout~~

Begin ~~proposed text~~ Petroleum release sites managed under the SCP include pipelines and aboveground storage tanks. Because the threat to human health and water quality is similar to petroleum release from USTs, investigation, remediation, and closure criteria for petroleum contamination emanating from these release sites are addressed in a manner similar to the Low Threat UST Case Closure Policy. *End* ~~proposed text~~

- *The following text will be inserted and deleted in Chapter 4, Implementation, Section 4.6, GROUNDWATER PROTECTION AND MANAGEMENT in the subsection titled “Federal Superfund Program” that follows the subsection titled “Spills, Leaks, Investigation and Cleanup (SLIC) Program”:*

Federal ~~strikeout~~ ~~Superfund~~ *End* ~~strikeout~~ *Begin* ~~proposed text~~ CERCLA *End* ~~proposed text~~ Program

Begin ~~proposed text~~ In 1980, *End* ~~proposed text~~ the federal *Begin* ~~proposed text~~ government *End* ~~proposed text~~ *Begin* ~~strikeout~~ “Superfund” program *End* ~~strikeout~~ established *Begin* ~~strikeout~~ in 1980 with the passage of *End* ~~strikeout~~ the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) *Begin* ~~proposed text~~, commonly known as Superfund *End* ~~proposed text~~. The CERCLA provided funding and guidelines for the cleanup of *Begin* ~~strikeout~~ the most threatening *End* ~~strikeout~~ hazardous waste sites *Begin* ~~strikeout~~ in the nation *End* ~~strikeout~~. High priority sites scheduled for cleanup under this program are placed on the National Priority List (NPL).

To clean up pollution at federal military sites, the State has signed a Memorandum of Agreement with the Department of Defense which established procedures under which site investigation and cleanup will proceed. Investigation and cleanup at these sites must meet the requirements of the *Begin* ~~strikeout~~ USEPA “Superfund” hazardous waste *End* ~~strikeout~~ CERCLA cleanup program. *Begin* ~~strikeout~~ This involves *End* ~~strikeout~~ *Begin* ~~proposed text~~ These procedures involve *End* ~~proposed text~~ completion of a formal Preliminary Assessment, Site Investigation, and Remedial Investigation and Feasibility Study, leading to a Record of Decision on an acceptable Remedial Action Plan. (For further details, see Section 4.12, “Military Installations.”)

Proposed Changes to Chapter 6, Plans and Policies

- *The following text will be inserted and deleted in Chapter 6, Plans and Policies, in the introduction before the subsection “State Board Plans”:*

Chapter 6 PLANS AND POLICIES

The State Water Resources Control Board (State Board) has adopted a number of statewide or area specific water quality plans which complement the Regional Boards' Basin Plans and which may supersede previously adopted provisions of Basin Plans to the extent that any inconsistencies occur; the most stringent plan provisions take precedence. Both the State Board and Regional Boards may adopt policies, separate from the Basin Plans, which provide detailed direction on the implementation of certain plan provisions. A Regional Board plan, policy, or guideline adopted to implement, interpret or make specific the Basin Plan prior to October 14, 1994, is superseded by this revised plan unless it is expressly mentioned in this plan. The following is a summary of *Begin* ~~strikeout all~~ *End* ~~strikeout~~ *Begin proposed text* some *End proposed text* important plans and policies affecting the Lahontan Region Basin Plan. Citation of these documents is not meant to imply incorporation-by reference. Copies of *Begin proposed text* some, but not all *End proposed text* Regional and State Board policies are included in Appendix B of this plan.

- *The following text will be inserted in Chapter 6, Plans and Policies, into the first paragraph in the section titled ‘State Board Plans’:*

State Board Plans

Several of the State Board's plans concern types of water bodies not found in the Lahontan Region, and thus do not affect Regional Board activities. These include: the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin (December 2006, Res. 2006-0098, the Water Quality Control Plan for Ocean Waters of California (amended September 2009, Res. 2009-0072) and the Water Quality Control Plan for Enclosed Bays and Estuaries (Part 1 Sediment Quality, Res. 2008-0070 *Begin proposed text* amended April 6, 2011, Resolution No. 2011-0017, and amended June 5, 2018, Resolution No. 2018-0028.) Current information and full text versions of State Board Plans can be found on the State Water Board’s Plans and Policies webpage located at the following web address: https://www.waterboards.ca.gov/plans_policies/ *End proposed text* The following are summaries of *Begin proposed text* some, but not all *End proposed text* plans which are applicable to the Lahontan Region:

- *The following text will be inserted in Chapter 6, Plans and Policies, into the first paragraph in the section titled ‘State Board Policies’:*

State Board Policies

Again, certain State Board policies are not applicable to the water bodies of the Lahontan Region. These include: the Water Quality Control Policy for Enclosed Bays and Estuaries of California (Res. 74-43), and the Pollutant Policy Document for the San Francisco Bay/Sacramento-San

Joaquin Delta Estuary (Res. 90-67). *Being proposed text* Current information and full text versions of State Board Policies can be found on the State Water Board's Plans and Policies webpage located at the following web address: https://www.waterboards.ca.gov/plans_policies/ *End proposed text* The following are summaries of *Begin proposed text* some, but not all *End proposed text* important policies that are applicable to the Lahontan Region:

ENCLOSURE 2



FINAL

STAFF REPORT FOR AMENDMENTS TO THE

WATER QUALITY CONTROL PLAN

FOR THE LAHONTAN REGION

to

Clarify Beneficial Use Designations for the Mojave

River, Update Site Cleanup, Land Disposal and Bishop

Underground Tank Policy Sections, and Other

Editorial Revisions

California Regional Water Quality Control Board

Lahontan Region

June 8, 2022

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Introduction

The Lahontan Regional Water Quality Control Board (Lahontan Water Board) is proposing an amendment to the Water Quality Control Plan for the Lahontan Basin (Basin Plan) titled Amendment to Clarify Beneficial Use Designations for the Mojave River, Update Site Cleanup, Land Disposal and Bishop Underground Tank Policy Sections and Other Editorial Revisions (Editorial BPA). The Editorial BPA will make non-regulatory updates to Chapter 1 (Introduction), Chapter 2 (Present and Potential Beneficial Uses), Chapter 3 (Water Quality Objectives) Chapter 4 (Implementation) and Chapter 6 (Plans and Policies). Additionally, the Record of Amendments in the preface to the Basin Plan will be updated to add recently approved Basin Plan Amendments (BPAs).

The proposed changes in the Editorial BPA either involve clarifications, revisions to remove or replace outdated language, or updates to the Basin Plan that describe regulatory actions that are already fully approved. The changes do not materially alter the conditions contained in the original text and are editorial in nature. As discussed in more detail below, the Editorial BPA does not involve actions that require additional documentation for compliance with CEQA.

Summary of Changes and Statement of Necessity

Below is a table that identifies the proposed changes to the Basin Plan in the Editorial BPA and a short synopsis of the need for those changes. Further details about the proposed changes, are included in the section titled “Elements of Editorial Basin Plan Amendment” starting on page 7 of this Staff Report.

Basin Plan Chapter	Page Number	Proposed Change
Preface, Record of Amendments	N/A	Add Tahoe Pier, 2019 Mojave and Tribal Beneficial Uses BPAs and this proposed BPA to Record of Amendments
Chapter 1, Introduction	1-3	Revise size of Lahontan Region to reflect Water Code description for the borders of the Region
Chapter 2, Beneficial Uses	2-41	Revise extent of Mojave River in Upper Mojave HU to accurately depict beneficial use designations
Chapter 2, Beneficial Uses	2-41	Revise extent of new segment added in 2019 Mojave BPA to Upper Mojave HU in Table 2-1, retain BUs
Chapter 2, Beneficial Uses	2-41	Add new segment to Upper Mojave HU in Table 2-1 for portion of Mojave River where COLD BU no longer applies
Chapter 2, Beneficial Uses	2-42	Remove COLD BU designation in Table 2-1 for Mojave River in Middle Mojave HU
Chapter 2, Beneficial Uses	2-44	Add WILD BU in Table 2-1 to Mojave River, Afton Canyon in Soda Lake Hydrologic Subarea
Chapter 2, Beneficial Uses	2-46	Revise Figure 2-1.1 to better identify where COLD and WARM BU designations apply to the Mojave River

Basin Plan Chapter	Page Number	Proposed Change
Chapter 2, Beneficial Uses	2-49 to 2-52	Remove POND BU and replace with AQUA in Table 2-2, Beneficial Uses of Groundwater
Chapter 3, Water Quality Objectives	3-3 and 3-5	Insert language for Mercury water quality objectives
Chapter 3, Water Quality Objectives	3-11	Correct typographical error
Chapter 4, Implementation	4.2-2	Correct outdated CCR references for reporting of hazardous spills
Chapter 4, Implementation, Section 4.2	4.2-3	Add introductory language for Site Cleanup Program
Chapter 4, Implementation, Section 4.2	4.2-5	Add language to provide detail related to required soil cleanup levels
Chapter 4, Implementation, Section 4.2	4.2-5	Remove outdated language referring to the “Spills, Leaks, Investigations, and Cleanups Program, (SLIC)”
Chapter 4, Implementation, Section 4.2	4.2-5	Updated language related to Cleanup and Abatement Account
Chapter 4, Implementation, Section 4.2	4.2-5	Modify language regarding CERCLA and delete reference to Military Installations
Chapter 4, Implementation, Section 4.5	4.5-1 to 4.5-3	Update language to correctly reference Title 27 in addition to Chapter 15 in section that addresses solid and liquid waste disposal to land
Chapter 4, Implementation, Section 4.6	4.6-2	Update references to California Integrated Waste Management Board to refer to CalRecycle
Chapter 4, Implementation, Section 4.6	4.6-2	Update language related to waste disposal under Title 23, Chapter 15, and Title 27
Chapter 4, Implementation, Section 4.6	4.6-3	Update Underground Storage Tank Program language to reference Local Oversight Programs and remove outdated language
Chapter 4, Implementation, Section 4.6	4.6-4	Update language regarding UST Cleanup Trust Fund fees and maximum grant amount
Chapter 4, Implementation, Section 4.6	4.6-5	Add language regarding Low Threat UST Case Closure Policy
Chapter 4, Implementation, Section 4.6	4.6-6	Remove language regarding UST Policy for the City of Bishop
Chapter 4, Implementation, Section 4.6	4.6-7	Update language that refers to “Spills, Leaks, Investigations, and Cleanups Program” to replace with Site Cleanup Program
Chapter 4, Implementation, Section 4.6	4.6-7	Update language for Federal Superfund Program language with reference to CERCLA
Chapter 6, Plans and Policies	6-1, 6.2 and 6-4	Update sections on State Water Board Plans and Policies to direct readers to State Water Board website for most recent information.

- Revisions to Table 2-1 in Chapter 2, Present and Potential Beneficial Uses are needed to correct errors in the Beneficial Use Changes for the Mojave River Watershed and Other Minor Revisions Basin Plan Amendment (2019 Mojave BPA)

adopted by the Lahontan Water Board on June 12, 2019 (Resolution No. R6T-2019-0246) that modified beneficial uses in the Mojave River watershed and made other minor revisions to the Basin Plan. The 2019 Mojave BPA was approved by the State Water Board in October 2019 (Resolution No. 2019-0053), the Office of Administrative Law (OAL) on March 3, 2020, and by the United States Environmental Protection Agency (US EPA) on November 17, 2020. The US EPA approval document acknowledged administrative errors in the 2019 Mojave BPA, specifically in Table 2-1, in which the COLD use is checked for the entire portion of the Upper Mojave River from Bear Valley Road to Helendale, and is checked for the Mojave Middle Mojave Hydrologic Area. US EPA approved the COLD use removal for the portion of the Upper Mojave River starting from one mile downstream of the Route 66 Bridge to Helendale, and approved the COLD use removal for the Mojave River in the Middle Mojave Hydrologic Area based on the clear intent to remove the COLD BU from those segments of the Mojave River conveyed by language in the staff report and environmental documentation together with Figure 2.1-1 in the enclosure to Resolution No. R6T-2019-0246 that correctly depicts the intended COLD beneficial use designations for the Mojave River. The Editorial BPA is necessary to correct the administrative errors to accurately depict the already approved and effective COLD de-designations.

- The 2019 Mojave BPA also contained an administrative error for the Mojave River, Afton Canyon segment in the Soda Lake Hydrologic Subarea by not designating the WILD beneficial use in Table 2-1. The WILD beneficial use was already designated for the Mojave River in this Hydrologic Subarea and should have been retained for the Mojave River, Afton Canyon segment added in the 2019 Mojave BPA. The Editorial BPA adds the WILD designation for the Mojave River, Afton Canyon in the Soda Lake Hydrologic Subarea.
- For further clarification of the beneficial use designations for the Mojave River, Figure 2.1-1 in the 2019 Mojave BPA will be replaced with a revised version that provides additional detail regarding where the COLD and WARM beneficial uses apply to the Mojave River.
- Revisions to Chapter 3, Water Quality Objectives are included in the Editorial BPA to describe the water quality objectives contained in the Mercury Provisions¹ that were adopted by the State Water Board (Resolution No. 2017-0027) and approved by the Office of Administrative Law and the US EPA in 2017. The Mercury Provisions are already effective, and no changes to the Mercury Provisions are proposed. The description of the Mercury Provisions is being added as a helpful description for members of the public.

¹ The full text of the Tribal Subsistence Beneficial Uses and Mercury Provisions is available on the State Water Board's Plans and Policies webpage at the following web address:
https://www.waterboards.ca.gov/plans_policies/

- To improve the accuracy of the Basin Plan, additional revisions are proposed for the Preface and Table of Contents, Chapter 1, Chapter 2, Chapter 3, Chapter 4 and Chapter 6, as part of this Editorial BPA.
 - The changes to the Preface and Table of Contents involve updating the Record of Amendments to add newly approved BPAs and to update the Table of Contents and Table of Figures, as needed.
 - Changes proposed for Chapter 1, Introduction, involve correcting an error in the size of the Lahontan Region.
 - Revisions in Chapter 2 include corrections for errors in Table 2-2, Beneficial Uses of Ground Waters of the Lahontan Region that mistakenly identify the beneficial use for Aquaculture as POND for portions of Table 2-2 on Pages 2-43 through 2-46.
 - A typographical error in Chapter 3 on P. 3-11 will be corrected.
 - Changes proposed for Chapter 4, Implementation, include updating text in Sections 4.2, 4.5 and 4.6 that is no longer correct and/or incorporating new policies or procedures that have been established for some programs.
 - Changes to Chapter 6, Plans and Policies, involve adding language that references the State Water Board's Plans and Policies webpage to obtain current information and full text versions for applicable plans and policies

Basin Plan Amendment Process and Requirements

Basin Plans form the basis for regulatory actions by Regional Water Boards taken to protect waters of the State and to assure compliance with the Water Code; waters of the State include all surface waters and groundwaters. The preparation, adoption, and periodic review of a Basin Plan is required by Water Code section 13240. The Basin Plan also serves to implement portions of Section 303 of the federal Clean Water Act, which requires that states adopt water quality standards, consisting of the designated uses of waters covered by the Clean Water Act and water quality criteria (referred to as "water quality objectives" in California) designed to protect the designated uses.

Pursuant to State law, Basin Plans must consist of all of the following: a) designated beneficial uses to be protected; b) water quality objectives; c) a program of implementation needed for achieving water quality objectives; and d) surveillance and monitoring to evaluate the effectiveness of the program.

Amendments to the Basin Plan require completion of a multistep public process that provides opportunity for public engagement and comment together with required approval by the Lahontan Water Board, State Water Board, and California Office of Administrative Law. US EPA approval is also required for amendments that add or modify water quality standards. The Mojave BPA modified the aquatic life beneficial uses assigned to the Mojave River and the Final Staff Report included the required Use Attainability Analysis (UAA) to support de-designation of the COLD freshwater habitat

beneficial use for portions of the Mojave River. Those documents, including the UAA, were approved by US EPA in November 2020.

California Environmental Quality Act

The Secretary for Natural Resources has certified the basin planning process as exempt from the CEQA requirement to prepare an environmental impact report or other appropriate environmental document. Instead, State regulations require that Basin Plan amendments that are “projects” for purposes of CEQA, be accompanied by substitute environmental documentation (SED) (23 CCR § 3775-3781).

The Lahontan Water Board prepared an SED for the 2019 Mojave BPA, which was approved by the Lahontan Water Board on June 12, 2019 by Resolution No. R6T-2019-0246. The proposed BPA corrects typographical errors in the 2019 Mojave BPA related to de-designation of the COLD beneficial use, designation of WILD for a segment of the Mojave River, and revises a map to present a clearer depiction of the already effective designation. No substantive changes or modification to the previously approved 2019 Mojave BPA are proposed, no substantial changes with respect to circumstances under which the project will be undertaken have occurred, and no new information triggers the need for supplemental or subsequent CEQA analysis. These changes are wholly within the scope of the 2019 Mojave BPA as analyzed by the Lahontan Water Board in the existing SED. As such, the recommended actions do not require further environmental review pursuant to the certified regulatory program or CEQA.

The description of the Mercury Provisions and inclusion of descriptions of other programs, such as Low-Threat Underground Storage Tank Case Closure Policy, do not change or modify any existing programs, and are included as helpful references for the public. Other revisions in the Editorial BPA involve revising the structure, syntax, cross-reference, grammar, or punctuation in the Basin Plan. The elements do 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, including preparation of substitute environmental documentation or completion of an Environmental Checklist, required for certified regulatory programs is needed for this basin planning action.

Elements of Proposed Editorial Basin Plan Amendment

This section identifies each proposed change to the Basin Plan in the Editorial BPA and provides background information on the rationale and necessity for those changes.

Preface and Table of Contents

The Record of Amendments to the 1995 Water Quality Control Plan for the Lahontan Region in the Preface will be updated to add the three approved BPAs that are not shown in the current version. The Tahoe Pier BPA, that was fully approved in 2019, the 2019 Mojave BPA, that was fully approved in 2020, and the BPA that incorporated the

definitions for the Tribal and Subsistence Beneficial Uses² into the Basin Plan that was fully approved in 2021 will be added to the Record of Amendments. This Editorial BPA will also be added to the Record of Amendments.

Revisions are also needed to the Table of Contents, List of Tables and List of Figures. Page numbers in the Table of Contents will be revised for Chapters 2, 3, and 4 to accommodate the changes in this proposed BPA and page numbers in the List of Tables will be updated to accommodate the new beneficial use definitions added to Chapter 2. Additionally, the List of Figures will be revised to update the page numbers and to add the two new figures that were included in the Mojave BPA.

Chapter 1, Introduction

The version of the Basin Plan currently found on the Lahontan Water Board website contains an error in the size of the Lahontan Region that appears in the first column on Page 1-3 and states that the area is 39,210 square miles. Previous versions of the Basin Plan stated that the area of the Lahontan Region was 33,131 square miles. State Water Board GIS staff, using the most accurate GIS boundary layer to depict the Lahontan Region boundaries established in Water Code Section 13200, calculated the area to be 32,792 square miles. For consistency and accuracy, the proposed BPA will correct the error in the spatial extent of the Lahontan Region in Chapter 1.

Chapter 2, Present and Potential Beneficial Uses

This proposed BPA revises Basin Plan Chapter 2, Present and Potential Beneficial Uses to correct language and markings that are inconsistent with the already established and effective de-designation of COLD in Mojave River segments. Specifically, the final version of the approved 2019 Mojave BPA mistakenly retained the X for COLD in Table 2-1 for portions of the Mojave River located in the Upper and Middle Mojave Hydrologic Areas where it should have been deleted. The changes to Table 2-1 that are needed to correct the errors in the approved 2019 Mojave BPA are described below and included in the revisions in the proposed BPA.

The 2019 Mojave BPA added a new waterbody segment to Table 2-1 in the Upper Mojave Hydrologic Area (HU No. 628.20) named “Mojave River, Bear Valley Rd to Helendale” that was intended to show the segment of the Mojave River where new designations for the BIOL and RARE beneficial uses apply, as well as other beneficial use designations. The new segment in Table 2-1 mistakenly retained the “X” designating the COLD beneficial use for the entire segment, even though a portion of the segment was meant to be de-designated for COLD, as indicated by Figure 2-1.1 in the enclosure to No. R6T-2019-0246 and by Figure 1 and Figure 3 in the Final Staff Report.

² The BPA to incorporate the Tribal and Subsistence Beneficial Use definitions was adopted by the Lahontan Water Board with Resolution R6T-2020-0057 on September 16, 2020, approved by the State Water Board with Resolution 2021-0017 on May 17, 2021 and approved by the Office of Administrative Law on September 21, 2021.

- To improve clarity, the “Mojave River” entry in the Upper Mojave HU will be redefined as “Mojave River (Mojave Forks Dam to Bear Valley Rd)” and will retain all currently designated beneficial uses.
- The “Mojave River, Bear Valley Rd to Helendale” segment will be modified to limit its extent and change the name to “Mojave River, Bear Valley Rd to 1 mile downstream of Hwy 66 Bridge”. This segment will retain all the beneficial uses designated for the original segment, including the designation for COLD.
- A new segment will be added to the Upper Mojave Hydrologic Area with the name, “Mojave River, 1 mile downstream of Route 66 Bridge to Helendale” that will include the beneficial uses for the original segment with the exception of the COLD beneficial use, which is not designated for this portion of the Mojave River.
- Additionally, a typographical error that misspelled Mojave as Mjave in the original segment added to Table 2-1 will be corrected and the bold font will be modified to normal font to match those found in Table 2-1.

Similarly, the “X” designating the COLD beneficial use for the Mojave River in the Middle Mojave Hydrologic Area (HU No. 628.30) was mistakenly retained in the final adopted version of the 2019 Mojave BPA.

- The Editorial BPA would revise Table 2-1 to remove the X for the COLD beneficial use for the Mojave River in the Middle Mojave Hydrologic Area.

Other proposed changes to Chapter 2 contained in the Editorial BPA include the following elements.

- The WILD beneficial use should have been designated for the Mojave River, Afton Canyon segment that was added in the 2019 Mojave BPA in the Soda Lake Hydrologic Subarea. The Editorial BPA adds the X to designate the WILD beneficial use for the Mojave River, Afton Canyon in the Soda Lake Hydrologic Subarea.
- The proposed BPA revises Figure 2-1.1, which is a map that shows which segments of the Mojave River are designated for the COLD and WARM beneficial uses, to better identify the location on the Mojave River that marks the beginning of the segment where only the WARM beneficial use is designated. That location is defined as “One mile downstream of the Route 66 Bridge” and a label will be added to the figure to identify the location on the map and text will be added with the coordinates for that location.
- Additionally, Table 2-2, Beneficial Uses for Ground Waters of the Lahontan Region, will be revised to correct errors in the current version of the Basin Plan. The first page of Table 2-2 on Page 2-45 correctly displays the beneficial uses that may apply to groundwater in the Lahontan Region that includes the beneficial use “Aquaculture” shown as AQUA. However, Table 2-2 on Pages 2-46 through 2-49 incorrectly includes the beneficial use POND, which is not defined in the Basin Plan,

in place of AQUA. The POND beneficial use should be replaced with AQUA in Table 2-2 for Pages 2-46 through 2-49 to improve the accuracy of the Basin Plan. No groundwater basins are designated with the POND beneficial use in Table 2-2, therefore this change will not have any regulatory or environmental effect.

Chapter 3, Water Quality Objectives

The Editorial BPA includes updating Basin Plan Chapter 3, Water Quality Objectives, to include a description of the water quality objectives for methylmercury in fish tissue that were established by the State Water Board in the Mercury Provisions. These objectives are already in effect and adding language to Chapter 3 to describe the Mercury Provisions would help refer the public to the Mercury Provisions. Language related to those objectives would be added to the section in Chapter 3 that begins on Page 3-3 entitled “Water Quality Objectives for Surface Waters”. The words “Mercury (fish tissue)” would be added to the list of water quality objectives in the first column on Page 3-3 following “Floating Materials”. The language to describe the mercury objectives would also be inserted after “Floating Materials” on Page 3-5.

The Mercury Provisions include guidance for implementing the mercury water quality objectives, which includes direction to Water Board staff on how to conduct a reasonable potential analysis using translators for mercury in water to assess the need for effluent limits in surface water discharge permits. The implementation guidance also includes measures for incorporation into stormwater permits and requirements for certain activities in locations with elevated mercury concentrations.

In addition to the changes detailed above, a typographical error in Chapter 3 will be corrected as part of the Editorial BPA.

Chapter 4, Implementation

Changes are proposed for Chapter 4 in Sections 4.2, 4.5 and 4.6 to improve accuracy in portions of the Basin Plan related to site clean-up, underground tanks and waste disposal to land. In many cases, those changes are due to new programs or policies that require updates to the Basin Plan to improve its accuracy and completeness. The revisions to Chapter 4 are not comprehensive and do not address all sections in Chapter 4 where updates to the Basin Plan language may be needed. The proposed revisions in the Editorial BPA are identified below with a short explanation for why each change is needed. The specific changes to Chapter 4 text can be found in the draft Editorial BPA document.

Revisions to Section 4.2 Spills, Leaks, Complaint Investigations and Cleanups

- Revisions are needed on Page 4.2-2 in the third paragraph of the section titled “Reportable Quantities of Hazardous Waste and Sewage Discharges”. The California Code of Regulations section numbers for the requirements for reporting spills of hazardous materials have changed. The text will be updated to reflect those changes. This change is being proposed to improve the accuracy of the Basin Plan.

- Introductory language regarding the State Water Board’s Site Cleanup Program will be added on Page 4.2-3 following the section titled “Proposition 65 List” and before the section titled “Requirements for Site Investigation and Remediation”. The Site Cleanup Program was not in place in its current form when the 1995 version of the Basin Plan was created. Previously, tasks associated with the Site Cleanup Program were undertaken as part of the Spills, Leaks, Investigations, and Cleanups Program (SLIC Program), which is no longer active. The addition of the language describing the Site Cleanup Program is being proposed to improve the accuracy and completeness of the Basin Plan.
- Language will be added to the section on Soil Cleanup Levels on Page 4.2-5 to incorporate additional factors that are used to determine soil cleanup levels. These revisions are being proposed to improve the accuracy of the Basin Plan and provide more transparency regarding how soil cleanup levels are established.
- Language on Page 4.2-5 that references the Spills, Leaks, Investigations, and Cleanups (SLIC Program) shown below will be deleted as this program is no longer active and has been superseded by the Site Cleanup Program. This change is being proposed to improve the accuracy of the Basin Plan.
- Revisions will be made on Page 4.2-5 in the section titled “Use of the Cleanup and Abatement Account to Fund Cleanups” to update information about who can request funding and how to request funding, and to remove outdated procedures related to requests for emergency funds. These revisions are based on the “Cleanup and Abatement Funding Program Guidelines” dated 12/2018 and are being proposed to improve the accuracy of the Basin Plan.
- Language on Page 4.2-5 will be modified in the section regarding the Federal Superfund Program to highlight the origin of the CERCLA program and to remove the reference to Military Installations, since Military Installations are not the only sites subject to CERCLA in the Lahontan Region. These revisions are being proposed to improve the accuracy and clarity of the Basin Plan.

Revisions to Section 4.5, Solid and Liquid Waste Disposal to Land

- In Section 4.5 (Solid and Liquid Waste Disposal to Land), the text will be updated to replace references to Chapter 15 with the correct reference to Title 27, which is where the current regulations that address waste disposal to land are found in the California Code of Regulations. Chapter 15 applies only to hazardous waste. Additionally, code section numbers under Title 27 will be added to the text where appropriate to provide greater detail regarding where to locate certain elements of the regulations and will replace current references to other portions of Chapter 4. These revisions are being proposed to improve the accuracy of the Basin Plan

Revisions to Section 4.6 Groundwater Protection and Management

- In the section on Page 4.6-2 titled “Regional Board Control Measures for Ground Water Protection and Management” all references to the Integrated Waste Management Board, which no longer exists, will be updated to refer instead to the California Department of Resource Recycling and Recovery or CalRecycle. These revisions are being proposed to improve the accuracy of the Basin Plan.
- Language in the section on Page 4.6-2 titled “California Code of Regulations, Title 23, Chapter 15” will be updated to add references to Title 27. These changes are being proposed to improve the accuracy and completeness of the Basin Plan.
- Language will be added to the section on Page 4.6-3 titled “Underground Storage Tank Program” to update information about the Local Oversight Program. These revisions are needed due to changes in operation of the UST Local Oversight Program and are being proposed to improve the accuracy of the Basin Plan.
- Revisions will be made to the last paragraph in the section titled “Underground Storage Tank Program” on Page 4.6-3 to clarify the role of parties involved with UST site cleanup activities. These revisions are due to changes in operation of the UST Local Oversight Program and are being proposed to improve the accuracy of the Basin Plan.
- Text on Page 4.6-4 in the section titled “Number of UST Cases in the Region” will be deleted because it presents the number of UST cases from 1993 and is out of date. Moreover, quarterly updates regarding the status of UST release are no longer published by staff. Instead, information about both currently active and closed UST cases in the Lahontan Region can be accessed on the GeoTracker website located at the following address: <https://geotracker.waterboards.ca.gov/GeoTracker>. GeoTracker is a data management system accessible to the public that contains information about sites that require cleanup, as well as other types of project sites or facilities. This change is being proposed to improve the accuracy of the Basin Plan.
- The section on Page 4.6-4 regarding the UST Cleanup Trust Fund (SB 2004) will be revised to provide updated information about the fees required to be paid by underground storage tank owners and the maximum grant amount available from the Trust Fund. A specific value for the fee per gallon is not included in the revised language because that amount is adjusted regularly. The current value can be found on the California Department of Tax and Fee Administration website at the following address: <https://www.cdtfa.ca.gov/taxes-and-fees/tax-rates-stfd.htm>. These changes are being proposed to improve the accuracy of the Basin Plan.
- Language will be added on Page 4.6-5 following the section titled “UST Remediation Goals” regarding the Low Threat UST Case Closure Policy that was adopted by the State Water Board on May 1, 2012, approved by the Office of Administrative Law on July 30, 2012, and became effective on August 17, 2012. Adoption of this policy by the State Water Board included the required review pursuant to CEQA. This policy applies statewide and establishes consistent criteria for closing low-threat petroleum

UST release sites in California. This change to the Basin Plan is being proposed to present readers with information on existing programs.

- Language regarding leaking UST sites (i.e., LUST sites) in the City of Bishop on Page 4.6-6 that follows the section titled “Cleanup Levels” will be deleted. The language is proposed for deletion because it is outdated and inaccurate. All UST sites in the Lahontan Region are subject to the same set of regulations found in Title 23 CCR Chapter 16 and to the closure criteria in the statewide Low Threat UST Case Closure Policy. Moreover, it is not appropriate for dischargers in one geographic location in the Lahontan Region to be treated differently than other dischargers. Review of the current information in GeoTracker indicates that most of the LUST sites in the vicinity of Bishop have been closed, with only three sites currently active. Consequently, the deleted language shown below is no longer appropriate or needed. The proposed changes are needed to improve the accuracy of the Basin Plan.
- The following text on Page 4.6-7 in the section titled “UST Discharges in Hydrogeologic Areas Other than Bishop” following the section titled “City of Bishop” will be deleted because it is no longer relevant or needed. All UST release sites in the Lahontan Region are subject to the same set of regulations found in Title 23 CCR Chapter 16 and by the statewide Low Threat UST Case Closure Policy. The proposed changes are needed to improve the accuracy of the Basin Plan.
- Revisions are proposed on Page 4.6-8 to the section titled “Spills, Leaks, Investigation and Cleanup (SLIC) Program” that follows the section titled “Aboveground Storage Tanks”. The proposed revisions are needed because the SLIC program has been revamped and is now known as the Site Cleanup Program. The language added to this section is intended to provide additional information regarding the scope of the Site Cleanup Program. The proposed changes are needed to improve the accuracy and completeness of the Basin Plan.
- Language in the section titled “Federal Superfund Program” on Page 4.6-8 that follows the section titled “Spills, Leaks, Investigation and Cleanup (SLIC) Program” will be modified to highlight the establishment of the federal CERCLA program, which is the origin of the more commonly known Superfund Program. The proposed changes are needed to improve the clarity and accuracy of the Basin Plan.

Chapter 6, Plans and Policies

New language will be added to Chapter 6 to direct readers to the State Water Boards “Plans and Policies” web page to obtain current information and full text versions of plans and policies applicable to the Lahontan Region. Language that directs readers to the State Water Board’s webpage will be added to the first paragraph on Page 6-1 in the section titled “State Board Plans”. Similar language will be added to the first paragraph on Page 6-2 in the section titled “State Board Policies”. Additionally, the text in the introduction to Chapter 6 and in the first paragraph in the sections titled State

Board Plans and State Board policies will be modified to indicate that only some, but not all, State Water Board plans and policies are identified and summarized in Chapter 6 and in Appendix B (Copies of State and Regional Board Policies Which Are Used In Basin Plan Implementation).

Public Participation

The draft Basin Plan amendment was made available to the public for review on March 11, 2022. It was posted on the Lahontan Water Board website and distributed to the Basin Planning - Regionwide and Mojave Basin Plan Amendment lyrics subscription lists. Interested persons had the opportunity to submit written comments during a 31-day comment period from March 11, 2022 through April 12, 2022. No written comments were received during the public comment period.

A public hearing will take place during a regularly Lahontan Water Meeting to consider adoption of the proposed and a notice of public hearing will be distributed at least 45 days prior to the hearing to the Basin Planning - Regionwide and Mojave Basin Plan Amendment lyrics lists and will be posted on the Lahontan Water Board website.

ENCLOSURE 3

Summary of Changes from Public Release Draft Basin Plan Amendment to the Proposed Basin Plan Amendment

Page Number	Location	Changes to Public Draft Basin Plan Amendment (shown in bold double underline for new text and bold strikeout for deletions)
3	Instructions for proposed changes to Chapter 1	<i>The following text will be inserted and removed from Chapter 1, Introduction, in the first two <u>second</u> paragraphs of the section 'Regional Setting':</i>
8	Text below Figure 2.1-1	<u>The location on the Mojave River identified in Figure 2-1.1 as "1 mile downstream of Hwy 66 Bridge" below which COLD does not apply no longer applies corresponds with the coordinates 34°34'36.8"N, 117°20'10.3"W.</u>
17	First paragraph in section titled "Soil Cleanup Levels"	The Regional Board will determine soil cleanup levels for the unsaturated zone based upon threat to <i>Begin proposed text</i> <u>human health, and the environment, and</u> <i>End proposed text</i> water quality. In its determination, the Regional Board will use guidance from the USEPA, and Cal/EPA's Office of Health Hazard Assessment, and Department of Toxic Substances Control.
19	First paragraph in section titled "Federal CERCLA Program"	<i>Begin proposed text</i> <u>In 1980,</u> <i>End proposed text</i> the federal <i>Begin proposed text</i> <u>government</u> <i>End proposed text</i> <u>Begin strikeout</u> "Superfund" program was <u>End strikeout</u> established <i>Begin strikeout</i> in 1980 with the passage of <i>End strikeout</i> the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), <i>Begin proposed text</i> <u>commonly known as Superfund</u> <i>End proposed text</i> . The CERCLA provided funding and guidelines for the cleanup of <i>Begin strikeout</i> the most threatening <u>End strikeout</u> hazardous waste sites <u>Begin strikeout</u> in the nation <i>End strikeout</i> . High priority sites scheduled for cleanup under this program are placed on the National Priority List (NPL). <i>Begin strikeout</i> (see Section 4.12, "Military Installations") <i>End strikeout</i>
29	Title of section following "City of Bishop"	<u>Begin strikeout</u> UST Discharges in Hydrogeologic Areas Other than Bishop

Page Number	Location	Changes to Public Draft Basin Plan Amendment (shown in bold double underline for new text and bold strikeout for deletions)
30	Second paragraph in section titled "Site Cleanup Program"	<p><i>Begin proposed text</i> <u>Petroleum release sites managed under the SCP include pipelines and aboveground storage tanks. Because the threat to human health and water quality is similar to petroleum release from USTs, investigation, remediation, and closure criteria for petroleum contamination emanating from these release sites are is addressed in a manner similar to the Low Threat UST Case Closure Policy.</u> <i>End proposed text</i></p>