

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2009-0018**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE LAHONTAN REGION (BASIN PLAN) TO REVISE STANDARDS FOR
SURFACE WATERS OF THE ANTELOPE HYDROLOGIC UNIT

WHEREAS:

1. The Lahontan Regional Water Quality Control Board (Lahontan Water Board) adopted the revised Basin Plan under Resolution No. 6-93-98 on September 9, 1993. The revised Basin Plan was approved by the State Water Resources Control Board (State Water Board) on January 19, 1995, by the Office of Administrative Law (OAL) on March 31, 1995, and by the U.S. Environmental Protection Agency (U.S. EPA) on May 29, 2000.
2. On November 29, 2007, the Lahontan Water Board adopted Resolution R6T-2007-0036 ([Attachment 1](#)) amending the Basin Plan to revise standards for surface waters of the Antelope Hydrologic Unit.
3. Resolution R6T-2007-0036 authorizes the Lahontan Water Board's Executive Officer to make minor, non-substantive corrections to the language of the amendment, if needed, for clarity or consistency. State Water Board staff's review of the proposed amendment identified items in the amendment that needed clarification. The Lahontan Water Board's Executive Officer has made the non-substantive clarifications to the amendment in a memorandum dated January 26, 2009 ([Attachment 2](#)).
4. The Lahontan Water Board found that the scientific portions of the Basin Plan amendment are based on sound scientific knowledge, methods, and practices in accordance with Health and Safety Code section 57004.
5. The Lahontan Water Board found that the analysis contained in the staff report, the California Environmental Quality Act (CEQA) checklist, notice of public hearing, and notice of filing prepared by Lahontan Water Board staff comply with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in the California Code of Regulations, Title 23, section 3775 et seq.
6. The U.S. Army Corps of Engineers has determined that the waters of the Amargosa Creek watershed, and other surface waters within the boundaries of Edwards Air Force Base, are not "waters of the United States".
7. The Lahontan Water Board found that the proposed amendment is consistent with [State Water Board Resolution No. 68-16](#), in that the changes to water quality objectives (i) consider maximum benefit to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies.

8. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans, section 13241, which authorizes Regional Water Quality Control Boards to establish water quality objectives, section 13242, which requires a program of implementation of water quality objectives, and section 13244 which requires Regional Water Quality Control Boards to provide a published, public notice to all interested persons of any public hearing.
9. Based on the record as a whole, including draft Basin Plan amendments, the environmental document, accompanying written documentation, public comments received, and the scientific peer reviewer's comments, the Lahontan Water Board found that the amendments will not result in adverse effects on fish, wildlife, or the environment.
10. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under Lahontan Water Board Resolution R6T-2007-0036, as corrected by the Lahontan Water Board's Executive Officer.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Lahontan Water Board Resolution R6T-2007-0036, as approved, and the administrative record for this action to OAL for approval of the regulatory provisions and to U.S. EPA for information.

CERTIFICATION


The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on March 17, 2009.

AYE: Chair Charles R. Hoppin
 Vice Chair Frances Spivy-Weber
 Arthur G. Baggett, Jr.
 Tam M. Doduc

NAY: None

ABSENT: None

ABSTAIN: None



 Jeanine Townsend
 Clerk to the Board