



**DRAFT**

**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  
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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The proposed changes in the Editorial BPA either involve clarifications, revisions to remove or replace outdated language, or updates to the Basin Plan that describe regulatory actions that are already fully approved.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

<b>Basin Plan Chapter</b>	<b>Page Number</b>	<b>Proposed Change</b>
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 Provisions<sup>1</sup> 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.

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<sup>1</sup> 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/](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 Uses<sup>2</sup> 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.

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<sup>2</sup> 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 lyris subscription lists. Interested persons had an opportunity to submit written comments during a 31-day comment period which extended from March 11, 2022 through April 12, 2022. 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 lyris lists and will be posted on the Lahontan Water Board website.