

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2011-0021**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE
LOS ANGELES BASIN REGION (BASIN PLAN) TO REVISE THE TOTAL MAXIMUM DAILY
LOAD FOR METALS IN THE LOS ANGELES RIVER AND TRIBUTARIES

WHEREAS:

1. On June 2, 2005, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) adopted, by Resolution No. R05-006, an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) incorporating a Total Maximum daily Load (TMDL) for metals for the Los Angeles River and Tributaries. The TMDL was subsequently approved by the State Water Resources Control Board (State Water Board) in [Resolution No. 2005-0077](#) on October 20, 2005 and by the Office of Administrative Law (OAL) on December 9, 2005. U.S. EPA approved the Los Angeles River Metals TMDL on December 22, 2005. The effective date of the TMDL established by Resolution No. R05-006 was January 11, 2006.
2. On September 6, 2007, the Los Angeles Water Board re-adopted the TMDL by Resolution No. R07-014 in compliance with a writ of mandate issued by the Los Angeles County Superior Court in the matter of *Cities of Bellflower et al. v. State Water Resources Control Board et al.* (Los Angeles Superior Court No. BS101732). The writ directed the Los Angeles Water Board to consider alternatives to the project before re-adopting the TMDL. The writ was limited to this issue, and the TMDL was affirmed in all other respects. The re-adopted-TMDL replaced the previous implementation deadlines that were tied to “the effective date of the TMDL” with specific dates. The re-adopted TMDL was subsequently approved by State Water Board in [Resolution No. 2008-0046](#) on June 17, 2008 and by the Office of Administrative Law on October 14, 2008. U.S. EPA approved the re-adopted Los Angeles River Metals TMDL on October 29, 2008, which is the effective date of the TMDL. On May 7, 2009, in compliance with the writ, the Los Angeles Water Board voided and set aside Resolution No. R05-006.
3. On May 6, 2010, the Los Angeles Water Board adopted [Resolution No. R10-003](#), an amendment to the Basin Plan to revise the TMDL for Metals in the Los Angeles River and Tributaries.
4. The Los Angeles Water Board found that the analysis contained in the Final Project Report, the California Environmental Quality Act (CEQA) “Substitute Environmental Document” for the proposed Basin Plan amendment, including the CEQA Checklist, the staff report, and the responses to comments prepared by Los Angeles Water Board staff and Resolution R10-003 adopted by the Los Angeles Water Board complies 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.
5. The State Water Board reaffirms the finding made on October 20, 2005, that in amending the Basin Plan to establish this TMDL, the Los Angeles Water Board complied with the requirements set forth in Sections 13240, 13242, and 13269 of the California Water Code. The State Water Board also reaffirms that the TMDL is consistent with the requirements of federal Clean Water Act section 303(d).

6. The Los Angeles Water Board finds the amendment is consistent with the State Antidegradation Policy ([State Board Resolution No. 68-16](#)), and the Federal Antidegradation Policy (40 CFR 131.12), in that it does not allow degradation of water quality and ensures that beneficial uses are fully protected. The amendment includes language requiring that effluent limitations based on WER-adjusted WLAs shall ensure that effluent concentrations and mass discharges do not exceed the levels of water quality that can be attained by performance of a facility's treatment technologies existing at the time of permit issuance, reissuance, or modification.
7. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The TMDL must also be approved by U.S. EPA.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under Los Angeles Water Board Resolution No. R10-003.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board Resolution No. R10-003 to OAL for approval of the regulatory provisions and the U.S. EPA to approve the TMDL.

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 Resources Control Board held on April 19, 2011.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board