

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2021-0014**

APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL COASTAL BASIN ESTABLISHING A TOTAL MAXIMUM DAILY LOAD FOR TOTAL PHOSPHORUS TO ADDRESS CYANOBACTERIA BLOOMS IN PINTO LAKE

WHEREAS:

1. On July 16, 2020, the Central Coast Regional Water Quality Control Board (Central Coast Water Board) adopted [Resolution No. R3-2020-0034](#) amending the Water Quality Control Plan for the Central Coastal Basin (Basin Plan) to establish a Total Maximum Daily Load (TMDL) for total phosphorus to address cyanobacteria blooms in Pinto Lake and a TMDL Implementation Strategy for the Pinto Lake catchment.
2. The Central Coast Water Board found the Basin Plan amendment was consistent with the provisions of the State Water Resources Control Board (State Water Board) [Resolution No. 68-16](#), "Statement of Policy with Respect to Maintaining High Quality of Waters in California" and 40 CFR section 131.12.
3. The elements of a TMDL are described in 40 CFR sections 130.2 and 130.7, section 303(d) of the federal Clean Water Act, and U.S. Environmental Protection Agency guidance documents. A TMDL is defined as "the sum of individual [waste load allocations] for point sources and [load allocations] for nonpoint sources and natural background" (40 CFR §130.2). The Central Coast Water Board determined that the TMDL for total phosphorus in Pinto Lake is set at the level necessary to attain and maintain the applicable water quality standards, taking into account seasonal variations and any lack of knowledge concerning the relationship between effluent limitations and water quality (40 CFR §130.7(c)(1)). The Central Coast Water Board determined that the TMDL accounts for critical conditions as required in by regulation in 40 CFR section 130.7.
4. The Central Coast Water Board concurred with the analyses contained in the final TMDL Report, the California Environmental Quality Act (CEQA) "Substitute Environmental Documents" for the Basin Plan amendments (including the CEQA Checklist and Analysis), the staff report, and responses to comments, and found that these analyses comply with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in California Code of Regulations, Title 23, section 3775 et seq. Furthermore, the Central Coast Water Board found that these analyses fulfill the Central Coast Water Board's obligations attendant with the adoption of regulations "requiring the installation of pollution control equipment, or a performance standard or treatment requirement," as set forth in section 21159 of the Public Resources Code. The Central Coast Water Board's environmental analysis accounts for a reasonable range of environmental, economic, and technical factors.

5. 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 water quality control plans and with section 13242, which requires a program of implementation to achieve water quality objectives. The State Water Board also finds that the TMDL, as reflected in the Basin Plan amendment, is consistent with the requirements of Clean Water Act section 303(d).
6. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b). The necessity of developing the TMDL is established in the TMDL Report, the Clean Water Act section 303(d) List, and the data contained in the administrative record documenting phosphorus-related water quality impairments in Pinto Lake.
7. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the California Office of Administrative Law. The TMDL must also receive approval from the U.S. Environmental Protection Agency.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under Central Coast Water Board Resolution No. R3-2020-0034.
2. Authorizes and directs the Executive Director or designee to submit the amendment adopted under Central Coast Water Board Resolution No. R3-2020-0034 and the administrative record for this action to the California Office of Administrative Law and the TMDL to the U.S. Environmental Protection Agency for approval.

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 20, 2021.

AYE: Chair E. Joaquin Esquivel
 Vice Chair Dorene D'Adamo
 Board Member Tam M. Doduc
 Board Member Sean Maguire
 Board Member Laurel Firestone

NAY: None

ABSENT: None

ABSTAIN: None



 Jeanine Townsend
 Clerk to the Board