

SUMMARY OF WATER QUALITY ORDER

ORDER NO.	WQO 2005-0004
DATE ADOPTED	January 20, 2005
PETITION TITLE	County of Los Angeles and Los Angeles County Floor Control District
POPULAR NAME <i>[if applicable]</i>	
REGIONAL BOARD	Los Angeles Regional Water Quality Control Board
FILE NO[S]	SWRCB/OCC File A-1622

PRECEDENTIAL DECISION

On January 20, 2005, the State Water Resources Control Board (State Water Board or Board) adopted a precedential decision on the Board's own motion review. The review dealt with the Los Angeles Regional Water Quality Control Board's (Regional Board) failure to adopt basin plan amendments proposed by its staff for two reaches of Ballona Creek. Regional Board staff recommended that the Regional Board revise recreational use standards associated with swimming activities for the two reaches. The two reaches were highly modified in the 1930s to serve as concrete-lined flood control channels for the Ballona Creek watershed, the largest drainage tributary to Santa Monica Bay.

Regional Board staff recommended deleting primary contact recreational use, which is designated as a potential use, for each reach. In addition, staff recommended adding an existing beneficial use, called Limited REC-1, for the lower reach and adopting bacterial objectives for this use. The Limited REC-1 designation recognizes that body contact is limited in this reach due to physical conditions, such as restricted access and very low water depths. The Regional Board voted against the recommendation after conducting a public hearing in June 2003. The Regional Board was primarily concerned that the proposal was inconsistent with ongoing watershed management efforts. Los Angeles County and the Los Angeles County Flood Control District then filed a petition asking that the State Board review the Regional Board's failure to act on the State Board's own motion.

The order concludes that the Regional Board erred. The staff proposal was consistent with the United States Environmental Protection Agency's water quality standards regulations and with the evidence in the Regional Board record. Evidence in the record clearly indicated that a fully-realized body contact recreational use does not currently exist nor appear feasible for years in either Ballona Creek reach. The staff recommendation was also consistent with State Water Board direction to the Regional Water Quality Control Boards to initiate basin plan amendments, where appropriate, when they become aware that designated uses do not exist and are not likely to be realized in the future. In addition, the order concludes that the proposal does not conflict with the Ballona Creek watershed management effort. The order includes a resolution with attached basin plan amendment language.