

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2002 - 0149

APPROVING AN AMENDMENT TO THE WATER QUALITY
CONTROL PLAN FOR THE LOS ANGELES REGION INCORPORATING
A DRY WEATHER TOTAL MAXIMUM DAILY LOAD FOR
BACTERIA AT SANTA MONICA BAY BEACHES

WHEREAS:

1. The Los Angeles Regional Water Quality Control Board (Los Angeles Regional Board) adopted a revised Water Quality Control Plan (Basin Plan) for the Los Angeles Region on June 13, 1994 that was approved by the State Water Resources Control Board (SWRCB) on November 17, 1994 and by the Office of Administrative Law (OAL) on February 23, 1995.
2. On October 25, 2001, the Los Angeles Regional Board adopted Resolution No. 01-018 amending the Basin Plan to update the bacterial objectives for waters designated for water contact recreation.
3. On January 24, 2002, the Los Angeles Regional Board adopted Resolution No. 02-004 (attached) amending the Basin Plan to incorporate a dry weather Total Maximum Daily Load (TMDL) for bacteria at Santa Monica Bay Beaches. This TMDL is based on the bacterial water quality objectives adopted by the Los Angeles Regional Board in Resolution No. 01-018.
4. On July 18, 2002, SWRCB approved Los Angeles Regional Board Resolution No. 01-018.
5. The water quality objectives adopted by the Los Angeles Regional Board in Resolution No. 01-018 must be approved by OAL and by the U.S. Environmental Protection Agency (USEPA) before becoming effective. They have not yet been approved and are therefore not yet in effect.
6. The Los Angeles Regional Board followed appropriate procedures to satisfy the environmental documentation requirement of the California Environmental Quality Act (PL 92-500 and PL 95-217) and other State laws and regulations. The Los Angeles Regional Board has found that adoption of these amendments will not have a significant adverse effect on the environment.
7. A Basin Plan amendment does not become effective until approved by SWRCB and until the regulatory provisions are approved by OAL.
8. A TMDL must be approved by USEPA.
9. The numeric targets in this TMDL are not water quality objectives and do not create new bases for enforcement against dischargers apart from the water quality objectives they translate. The targets merely establish the bases through which load allocations and wasteload allocations (WLAs) are calculated. WLAs are only enforced for a discharger's own discharges, and then only in the context of its National Pollutant Discharge Elimination System (NPDES) permit, which must be consistent with the assumptions and requirements of the WLA. The Regional Board will develop permit requirements through a subsequent permit action that will allow all interested persons, including but not limited to municipal storm water dischargers, to provide input as to how the waste load allocations will be translated into permit requirements.
10. If a municipal permittee, through diversions, source reduction, or other means, eliminates discharges from the municipal separate storm sewer system (MS4) to the Santa Monica Bay Beaches (waters of the United States) that would otherwise be subject to the requirements of an NPDES permit, that permittee is not responsible under the MS4 permit for exceedances of beach water quality standards at the Santa Monica Bay Beaches. The receiving-water limitations

contained in municipal storm water permits only apply to the extent there is actually a discharge from the MS4; however, an MS4 permit does place obligations on the permittees to ensure that any best management practices (including diversions) are properly maintained and functioning. Notwithstanding the aforesaid, apart from this TMDL and the MS4 permit, municipalities may nonetheless be subject to other statutory requirements respecting the health of the beaches under their control, including, e.g., A.B. 411 (Stats. 1997, ch. 765), irrespective of any discharge subject to the Clean Water Act, and if appropriate, A.B. 538 (Stats. 1999, ch. 488).

11. The Regional Board has the authority to authorize compliance schedules through the basin planning process. In this Basin Plan amendment, the Regional Board establishes a schedule for implementation that affords the municipal storm water NPDES dischargers up to three or six years, respectively for summer dry and winter dry weather, to implement this TMDL.

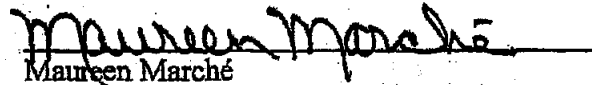
THEREFORE BE IT RESOLVED THAT:

SWRCB:

1. Approves the amendment to the Los Angeles Regional Board Basin Plan to incorporate a dry weather TMDL for bacteria at Santa Monica Bay beaches, contingent on OAL and USEPA approval of the bacterial objectives adopted by the Los Angeles Regional Board in Resolution No. 01-018.
2. Authorizes the Executive Director or designee to transmit the amendment and administrative record for this action to OAL and the TMDL to USEPA 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 September 19, 2002.


Maureen Marché
Clerk to the Board