

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2013-0008**

APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO REVISE THE TOTAL MAXIMUM DAILY LOADS FOR BACTERIA FOR (1) SANTA MONICA BAY BEACHES; (2) MARINA DEL REY HARBOR, MOTHERS' BEACH, AND BACK BASINS; (3) LOS ANGELES HARBOR, INNER CABRILLO BEACH, AND MAIN SHIP CHANNEL; (4) BALLONA CREEK, BALLONA ESTUARY, AND SEPULVEDA CHANNEL; AND (5) MALIBU CREEK AND LAGOON; AND TO AMEND CHAPTER 3 TO MODIFY THE IMPLEMENTATION PROVISIONS FOR WATER CONTACT RECREATION BACTERIA OBJECTIVES

WHEREAS:

1. On June 7, 2012, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution Nos. R12-007](#), [R12-008](#), and [R12-009](#) (Attachment III), amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan amendments), to revise the Total Maximum Daily Loads for bacteria for (1) Santa Monica Bay Beaches; (2) Marina del Rey Harbor, Mothers' Beach, and Back Basins; (3) Los Angeles Harbor, Inner Cabrillo Beach, and Main Ship Channel; (4) Ballona Creek, Ballona Estuary, and Sepulveda Channel; and (5) Malibu Creek and Lagoon; and to amend Chapter 3 to modify the Implementation Provisions for Water Contact Recreation Bacteria Objectives.
2. The Los Angeles Water Board previously prepared California Environmental Quality Act (CEQA) "substitute environmental documents" for the establishment of the original TMDLs adopted by Los Angeles Water Board [Resolution Nos. 2002-004](#), [2002-022](#), [2003-012](#), [2004-011](#), [R06-011](#), and [R04-019R](#). These documents contained the required environmental documentation under the State Water Board's regulations for the implementation of CEQA, as set forth in the California Code of Regulations, Title 23, section 3775 through 3781. The Los Angeles Water Board found that the Basin Plan amendments adopted by Resolution Nos. R12-007, R12-008, and R12-009 did not alter the environmental analysis that was previously prepared for the establishment of these TMDLs because the TMDL revisions will not result in different implementation actions than those previously analyzed, or different effects upon the environment. Moreover, no additional reasonably foreseeable methods of compliance warrant environmental analysis pursuant to Public Resources Code section 21159 and California Code of Regulations, Title 14, section 15187. As such, the Los Angeles Water Board found that the Basin Plan amendments are consistent with the prior CEQA documentation and determined that no subsequent environmental documents shall be prepared consistent with California Code of Regulations, Title 14, section 15162. The State Water Board concurs with the Los Angeles Water Board's findings and determinations.
3. The Los Angeles Water Board also adopted these Basin Plan amendments pursuant to the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
4. The Los Angeles Water Board found the Basin Plan amendments are consistent with the Statement of Policy with Respect to Maintaining High Quality of Waters in California ([State Water Board Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 C.F.R. § 131.12), in that they do not allow degradation of water quality, but require restoration of water quality and attainment of water quality standards during dry weather and wet weather.

5. The State Water Board finds that the Basin Plan amendments are in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise basin plans, and section 13242, which requires a program of implementation for achieving water quality objectives. The State Water Board also finds that the TMDL revisions, as reflected in the Basin Plan amendments, are consistent with the requirements of section 303(d) of the federal Clean Water Act.
6. These Basin Plan amendments do not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The TMDL revisions must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).
7. Los Angeles Water Board staff determined that minor, non-substantive changes to the language of the Basin Plan amendment adopted by Resolution R12-008 were necessary to correct minor clerical errors or to improve clarity and consistency. The Los Angeles Water Board's Executive Officer made these minor non-substantive changes in a [memorandum](#) dated January 24, 2013. The memorandum contains correcting language to the Basin Plan amendment in order to correct typographical errors.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendments adopted under Los Angeles Water Board Resolution Nos. R12-007, R12-008, and R12-009.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendments adopted under Los Angeles Water Board Resolution Nos. R12-007, R12-008, and R12-009 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL revisions.

CERTIFICATION

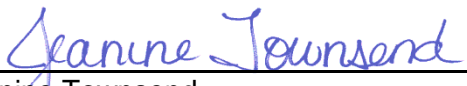
The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 19, 2013.

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

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board