

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2013-0005**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE
LOS ANGELES REGION TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD FOR
ALGAE, EUTROPHIC CONDITIONS, AND NUTRIENTS IN THE VENTURA RIVER,
INCLUDING THE ESTUARY, AND ITS TRIBUTARIES

WHEREAS:

1. On December 6, 2012, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R12-011](#), an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan amendment), to incorporate a Total Maximum Daily Load (TMDL) for algae, eutrophic conditions, and nutrients in the Ventura River, including the Estuary, and its tributaries.
2. The Los Angeles Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) "[Substitute Environmental Documents](#)" for the proposed Basin Plan amendment, including the CEQA Checklist, the final staff report entitled "Algae, Eutrophic conditions, and Nutrients Total Maximum Daily Loads for Ventura River and its Tributaries," and the responses to comments complies with the State Water Board's regulations for the implementation of CEQA, as set forth in the California Code of Regulations, Title 23, sections 3775 through 3781. The State Water Board has reviewed the Substitute Environmental Documents for the Basin Plan amendment and concurs with the Los Angeles Water Board's findings and determinations, including the Statement of Overriding Considerations.
3. The Los Angeles Water Board also adopted the Basin Plan amendment 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 amendment is 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 it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards during dry weather and maintenance of existing water quality and attainment of water quality standards in wet weather.
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 basin plans, and section 13242, which requires a program of implementation for achieving water quality objectives, and section 13141, which requires an estimate of the total cost of the implementation of an agricultural water quality control program, along with an identification of potential sources of financing. The State Water Board also finds that the TMDL as reflected in the Basin Plan amendment is consistent with the requirements of section 303(d) of the federal Clean Water Act.

6. A Basin Plan amendment does 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 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 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 8, 2013. The memorandum contains correcting language to the Implementation Plan section of the Basin Plan amendment in order to be consistent with the total phosphorus load and waste load allocations and to accurately reflect the intention of the Los Angeles Water Board.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R12-011.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R12-011 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of 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 February 19, 2013.

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

NAY: None

ABSENT: Board Member Steven Moore

ABSTAIN: None



 Jeanine Townsend
 Clerk to the Board