

**DRAFT**

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2014- (TBD)**

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO REGION TO INCORPORATE A SEDIMENT TOTAL MAXIMUM DAILY LOAD (TMDL) FOR LOS PEÑASQUITOS LAGOON, SAN DIEGO COUNTY, CALIFORNIA.

WHEREAS:

1. On June 13, 2012, the Regional Water Quality Control Board for the San Diego Region (San Diego Water Board) adopted Resolution No. R9-2012-0033, an amendment to the Water Quality Control Plan for the San Diego Region (Basin Plan amendment), to incorporate a Sediment Total Maximum Daily Load (TMDL) for Los Peñasquitos Lagoon (Attachment I).
2. The San Diego 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 “Sediment TMDL for Los Peñasquitos Lagoon”, 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 San Diego Water Board’s findings and determinations, including the Statement of Overriding Considerations.
3. The San Diego 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 San Diego 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.
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. 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).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under San Diego Water Board Resolution No. R9-2012-0033.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under San Diego Water Board Resolution No. R9-2012-0033 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 January 21, 2014.

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Jeanine Townsend  
Clerk to the Board