

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2008-0024**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE LOS ANGELES REGION (BASIN PLAN) TO INCORPORATE A
TOTAL MAXIMUM DAILY LOAD (TMDL) FOR TRASH IN THE
LOS ANGELES RIVER WATERSHED

WHEREAS:

1. On September 19, 2001, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted a Basin Plan amendment (Resolution No. 01-013) incorporating the Los Angeles River Watershed Trash TMDL for the Coastal Watersheds of Los Angeles and Ventura Counties. The TMDL was approved by the State Water Resources Control Board (State Water Board) on February 19, 2002 and by the Office of Administrative Law (OAL) on July 16, 2002. The United States Environmental Protection Agency (U.S. EPA) approved the Los Angeles River Watershed Trash TMDL on August 1, 2002.
2. The City of Los Angeles and the County of Los Angeles filed petitions in Los Angeles Superior Court challenging the Los Angeles River Watershed Trash TMDL. Negotiations led to a settlement agreement, which became effective on September 23, 2003.
3. On January 26, 2006 following a lawsuit by 22 cities to set aside the TMDL, a California Appellate Court affirmed that the Los Angeles Water Board had not complied with the California Environmental Quality Act (CEQA). On June 8, 2006, the Los Angeles Water Board set aside the trash TMDL, pursuant to the writ of mandate.
4. On August 9, 2007, the Los Angeles Water Board adopted [Resolution No. 07-012](#) amending the Basin Plan to incorporate a TMDL for trash in the Los Angeles River Watershed.
5. The TMDL for trash in the Los Angeles River Watershed is designed to protect the aquatic life habitat, water contact recreation, and non-contact water recreation beneficial uses of the Los Angeles River Watershed and to achieve the narrative water quality objectives set to protect those uses.
6. The Los Angeles Water Board found that the analysis contained in the Final Project Report, the CEQA "substitute documentation" for the proposed Basin Plan amendment, including the CEQA Checklist, the staff report, and the responses to comments prepared by Los Angeles Water Board staff complies with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in the California Code of Regulations, Title 23, section 3775 et seq.
7. The State Water Board finds that in amending the Basin Plan to establish this TMDL, the Los Angeles Water Board complied with the requirements set forth in sections 13240 and 13242 of the California Water Code. The State Water Board also finds that the TMDL is consistent with the requirements of federal Clean Water Act section 303(d).

8. The Los Angeles Water Board found that adoption of this amendment is consistent with the State Antidegradation Policy ([State Water Board Resolution No. 68-16](#)), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies.
8. The Los Angeles Water Board established a loading capacity, represented as a numeric target for the Los Angeles River Watershed, at zero trash. Compliance with this trash load will be based on a nine-year implementation schedule.
9. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The TMDL must also be approved by U.S. EPA.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan as adopted under Los Angeles Water Board [Resolution No. 07-012](#).
2. Authorizes the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board [Resolution No. 07-012](#) to OAL for approval of the regulatory provisions and to USEPA 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 April 15, 2008.

AYE: Chair Tam M. Doduc
 Vice Chair Gary Wolff, P.E., Ph.D
 Charles R. Hoppin
 Frances Spivy-Weber

NAY: None

ABSENT: Arthur G. Baggett, Jr.

ABSTAIN: None

Jeanine Townsend
 Clerk to the Board