

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2011-0048**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE LOS ANGELES REGION TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD
FOR INDICATOR BACTERIA IN THE SANTA CLARA RIVER ESTUARY AND
REACHES 3, 5, 6 AND 7

WHEREAS:

1. On July 8, 2010, the Los Angeles Water Quality Control Board (Los Angeles Water Board) adopted Resolution No. R10-006 ([Attachment](#)) amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate a Total Maximum Daily Load (TMDL) for Indicator Bacteria in the Santa Clara River Estuary and Santa Clara River reaches 3, 5, 6 and 7.
2. The Los Angeles Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) "substitute documentation" for the proposed Basin Plan amendment, including the CEQA Checklist, the staff report, and the response to comments, 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. The State Water Board has reviewed the Substitute Environmental Documentation and concurs with the Los Angeles Water Board's findings.
3. 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 CFR section 131.12).
4. The State Water Board finds that the Basin Plan amendment is in conformance with California Water Code sections 13141, 13240, and 13242. The State Water Board also finds that the TMDL as reflected in the Basin Plan amendment is consistent with the requirements of Federal Clean Water Act section 303(d).
5. 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).
6. Los Angeles Water Board staff determined that minor, non-substantive changes to the language of the amendment were necessary to clarify, correct, or improve consistency. The Los Angeles Water Board's Executive Officer made these minor changes in a [memorandum](#), dated September 14, 2011.
7. Pursuant to the proposed nonsubstantive changes, the amendment contains clarifying language that the cities and counties that have comingled storm water in the MS4 are only responsible for discharges from the municipal separate storm sewers for which they are operators and are responsible for implementing programs pertaining to such discharges to meet the waste load allocations in such comingled storm water. The amendment also clarifies that the Caltrans MS4 permit is assigned the same waste load allocations and monitoring and implementation requirements as the non-MS4 permittees.

8. The State Water Board is concerned about the reasonableness of the obligations the TMDL imposes on the Statewide Stormwater Permit for Caltrans Activities in light of the implementation provisions for bacteria objectives for municipal permittees in the Los Angeles Region.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under Los Angeles Water Board Resolution No. R10-006.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board Resolution No. R10-006 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL.
3. Directs the Los Angeles Water Board to evaluate the reasonableness of the obligations imposed by the TMDL as they are to be incorporated as permit requirements for the Statewide Stormwater Permit for Caltrans Activities, and to report the results of that evaluation to the State Water Board within one year of the effective date 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 October 4, 2011.

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

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board