

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2013-0016**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR
THE LOS ANGELES REGION (BASIN PLAN) TO REVISE THE TOTAL MAXIMUM DAILY
LOAD FOR NITROGEN COMPOUNDS AND RELATED EFFECTS IN THE
LOS ANGELES RIVER WATERSHED

WHEREAS:

1. On December 6, 2012, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R12-010](#), an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan amendment), to revise the Total Maximum Daily Load (TMDL) for Nitrogen Compounds and Related Effects in the Los Angeles River Watershed.
2. The Los Angeles Water Board previously prepared a California Environmental Quality Act (CEQA) “substitute environmental document” for the establishment of the original TMDL adopted by [Los Angeles Water Board Resolution No. R03-009](#). This document 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, sections 3775 through 3781. The Los Angeles Water Board found that the Basin Plan amendment adopted by Resolution No. R12-010 did not alter the environmental analysis that was previously prepared for the establishment of this TMDL because the revised TMDL 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 amendment is 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 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 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. Further, the Basin Plan amendment specifies that regardless of the site-specific objectives (SSOs) and SSO-derived wasteload allocations (WLAs), for discharges regulated under the TMDL with effluent concentrations below SSOs, effluent limitations shall ensure effluent concentrations do not exceed the level of water quality that can be reliably maintained by the facility’s applicable treatment technologies existing at the time of permit issuance, reissuance, or modification unless anti-backsliding requirements in Clean Water Act section 402(o) and State and federal anti-degradation requirements are met.

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 revised TMDL, as reflected in the Basin Plan amendment, is consistent with the requirements of section 303(d) of the federal Clean Water Act.
6. This 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 revised 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 Los Angeles Water Board Resolution No. R12-010.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R12-010 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the revised 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 June 4, 2013.

AYE: Chair Felicia Marcus
 Vice Chair Frances Spivy-Weber
 Board Member Tam M. Doduc
 Board Member Steven Moore
 Board Member Dorene D'Adamo

NAY: None

ABSENT: None

ABSTAIN: None

Jeanine Townsend
 Clerk to the Board