

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2014-0030**

APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE
LOS ANGELES REGION (BASIN PLAN) TO REVISE THE TOTAL MAXIMUM DAILY LOADS
FOR METALS IN BALLONA CREEK AND THE TOTAL MAXIMUM DAILY LOADS FOR
TOXIC POLLUTANTS IN THE BALLONA CREEK ESTUARY

WHEREAS:

1. On December 5, 2013, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R13-010](#), to revise the Total Maximum Daily Loads for Metals in Ballona Creek and the Total Maximum Daily Loads for Toxic Pollutants in the Ballona Creek Estuary.
2. The Los Angeles Water Board previously prepared California Environmental Quality Act (CEQA) “substitute environmental documents” for the establishment of the original TMDLs adopted by Los Angeles Water Board [Resolution Nos. R05-008](#) and [R07-015](#). These documents 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 amendments adopted by Resolution No. R13-010 did not alter the environmental analysis that was previously prepared for the establishment of these TMDLs because the TMDL revisions 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 amendments are 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 these Basin Plan amendments 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 amendments are 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.

5. The State Water Board finds that the Basin Plan amendments are 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 revisions, as reflected in the Basin Plan amendments, are consistent with the requirements of section 303(d) of the federal Clean Water Act.
6. These Basin Plan amendments do 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 revisions 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 amendments adopted under Los Angeles Water Board Resolution No. R13-010.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendments adopted under Los Angeles Water Board Resolution No. R13-010 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL revisions.

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 17, 2014.

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

NAY: None

ABSENT: Board Member Dorene D'Adamo

ABSTAIN: None



Jeanine Townsend
Clerk to the Board