

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2006 - 0092**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE LOS ANGELES REGION INCORPORATING A
TOTAL MAXIMUM DAILY LOAD FOR BACTERIA IN BALLONA CREEK,
BALLONA ESTUARY, AND SEPULVEDA CHANNEL

WHEREAS:

1. On June 8, 2006 the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted Resolution No. 2006-011 ([Attachment](#)) amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate a total maximum daily load (TMDL) for bacteria in Ballona Creek, Ballona Estuary, and Sepulveda Channel.
2. A consent decree between the U.S. Environmental Protection Agency (USEPA), Heal the Bay, Inc., and BayKeeper, Inc. was approved on March 22, 1999. This court order directs USEPA to complete TMDLs for all impaired waters within 13 years, including this TMDL, or USEPA will be required to establish TMDLs.
3. Los Angeles Water Board found that the analysis contained in the Final Project Report, the California Environmental Quality Act (CEQA) "Substitute Document" 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 Resources Control Board (State Water Board's) certified regulatory CEQA process, as set fourth in the California Code of Regulations, Title 23, section 3775 et seq.
4. The Los Angeles Water Board found the proposed amendment could have a significant adverse effects on water public services, utilities, and recreation. However, there are feasible alternatives, mitigation measures, or both that would substantially lessen any significant adverse impact. To the extent the alternatives, mitigation measures, or both are not deemed feasible by responsible public agencies, the necessity of implementing the federally required bacteria TMDL and the benefits to the public for enjoying surface waters with reduced bacteria densities in Ballona Creek, Ballona Estuary, and Sepulveda Channel outweighs the unavoidable adverse environmental effects, which may result from implementation of this TMDL.
5. Ballona Creek, Ballona Estuary, and Sepulveda Channel are listed on California's 1996 and 1998 Clean Water Act (CWA) section 303(d) lists as impaired due to high coliform bacteria counts.
6. The proposed amendment sets numeric water quality targets for Water Contact Recreation (REC-1) and Non-contact Water Recreation (REC-2), and Limited Water Contact Recreation LREC-1 equal to bacteriological water quality objectives for marine and fresh water, which are set forth in the Basin Plan.
7. The proposed amendment establishes an implementation program to reduce bacteria loadings to achieve the loading capacity and allocation requirements of a TMDL.

8. The proposed amendment includes monitoring requirements to allow the Los Angeles Water Board to assess progress in reducing bacteria loadings.
9. 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 Plan sections, and section 13242, which requires a program of implementation of water quality standards. The State Water Board also finds that the TMDL as reflected in the Basin Plan amendment is consistent with the requirements of CWA section 303(d).
10. 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). USEPA must also approve the TMDL.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Los Angeles Water Board Basin Plan to incorporate a TMDL for bacteria in Ballona Creek, Ballona Estuary, and Sepulveda Channel as adopted in Los Angeles Water Board Resolution No. 2006-011.
2. Authorizes the Executive Director or designee to transmit the amendment and administrative record for this action to OAL and the TMDL to USEPA for approval.

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 Board held on November 15, 2006.

AYE: Tam M. Doduc
Gerald D. Secundy
Arthur G. Baggett, Jr.
Charles R. Hoppin
Gary Wolff, P.E., Ph.D.

NO: None

ABSENT: None

ABSTAIN: None



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Clerk to the Board