

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

Resolution No. R11-013

Non-Regulatory Amendments to the *Water Quality Control Plan for the Los Angeles Region* to Add Chapter 7 "Total Maximum Daily Loads" (TMDLs) by Incorporating Previously Adopted Amendments

December 8, 2011

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds that:

1. The *Water Quality Control Plan for the Los Angeles Region* (Basin Plan) is the Regional Board's master water quality control planning document for the coastal watersheds of Los Angeles and Ventura Counties. The Basin Plan contains the region's water quality standards, which consist of beneficial uses, water quality objectives to protect those uses, and an anti-degradation policy along with a program of implementation, and non-regulatory descriptions of the region covered by the plan.
2. The Basin Plan may be amended in accordance with California Water Code section 13240 *et seq.*
3. The current Basin Plan was adopted by the Regional Board on June 13, 1994, and approved by the State Water Resources Control Board (State Water Board) on November 17, 1994 and by the State Office of Administrative Law (OAL) on February 23, 1995. Since then, numerous Basin Plan amendments have been adopted by the Regional Board, and approved by the State Water Board, OAL, and US EPA. Included in these Basin Plan amendments are 30 Total Maximum Daily Loads (TMDLs). These TMDLs have not been incorporated into the Basin Plan.
4. Recognizing the value of having a current Basin Plan, its administrative update was identified as a priority project to be addressed during the most recent triennial review (Resolution No. R10-001). This administrative update is being conducted in phases, the second of which is the addition of Chapter 7 "Total Maximum Daily Loads" (TMDLs).
5. Chapter 7 of the Basin Plan: (i) explains details on the legal basis and authority for establishing TMDLs, (ii) describes the components of a TMDL, and (iii) contains TMDL summaries and tables for the 30 TMDLs that have been adopted and approved since the last update of the Basin Plan.
6. This update to the Basin Plan to add Chapter 7 is non-regulatory in nature and does not involve changes to any of the already approved TMDLs. It does not modify nor delete any component of the 30 existing TMDLs in the Los Angeles region. It is part of a multi-step plan to administratively update the entire Basin Plan. The non-substantive changes are intended solely to improve the clarity and convenience of the Basin Plan.

7. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Regional Boards' basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 *et seq.*) requirements for preparing environmental documents (14 Cal. Code Regs. § 15251(g); 23 Cal. Code Regs. § 3782). While the Regional Board generally prepares "substitute environmental documents" for amendments to its Basin Plan that contain the required environmental documentation under the State Water Board's CEQA regulations (23 Cal. Code Regs. § 3777), these amendments are non-regulatory administrative updates to the Basin Plan. Therefore, these amendments are exempt from CEQA as they are purely ministerial, do not constitute a "project", and will have no impact on the environment.
8. Regional Board staff has prepared a staff report titled Administrative Update of the Water Quality Control Plan for the Los Angeles Region – Chapter 7 "Total Maximum Daily Loads" that identifies the 30 previously adopted TMDLs, as well as the process for incorporating these TMDLs into the Basin Plan through the addition of Chapter 7.
9. The public has had a reasonable opportunity to participate in the review of the proposed amendments to add Chapter 7 to the Basin Plan. A draft of the Staff Report, the tentative Resolution, and the compiled Chapter 7, were released for public comment on September 30, 2011 to allow a 45-day public comment period in advance of the public hearing. Regional Board staff responded to written comments received from the public. The proposed amendments and staff report have been revised as appropriate in response to comments.
10. A Notice of Hearing was published and circulated 45 days preceding Regional Board action.
11. On December 8, 2011, prior to the Regional Board's action on this Resolution, a public hearing was held to consider adoption of the proposed administrative update to add Chapter 7 to the Basin Plan. Notice of the hearing was published in the Los Angeles Times and Ventura County Star on September 30, 2011, in accordance with the requirements of Water Code section 13244.
12. The amendments are non-regulatory administrative updates to the Basin Plan and the Regional Board is not adopting or revising water quality objectives. Therefore, sections 13241 and 13242 of the Water Code do not apply to this action. While the Regional Board is not required to consider the factors in Water Code section 13241, the Regional Board nevertheless finds that these amendments will have no impact on any of the factors set forth in Water Code section 13241.
13. The Regional Board finds that these non-regulatory administrative updates do not have scientific elements requiring independent, external scientific peer review in accordance with Health and Safety Code section 57004.
14. A non-regulatory Basin Plan amendment does not become effective until approved by the State Water Board and until OAL has concurred on its non-regulatory status.
15. If during the approval process, Regional Board staff, the State Water Board or State Water Board staff, or OAL determines that minor, non-substantive modifications to

the language of the amendment are needed for clarity or consistency, the Executive Officer should make such changes consistent with the Regional Board's intent in adopting this amendment, and should inform the Regional Board of any such changes.

16. This Basin Plan amendment does not involve adoption or revision of water quality standards for surface water. Thus, US Environmental Protection Agency (USEPA) approval is not required.

THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to Water Code section 13240, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby approves the Staff Report and adopts the amendments to the *Water Quality Control Plan for the Los Angeles Region* to add Chapter 7 "Total Maximum Daily Loads" as an administrative update to incorporate the 30 previously adopted TMDLs as set forth in Attachment A hereto.
2. The Regional Board is taking this action pursuant to Regional Board Resolution No. R10-001 (Resolved Clause 1(c)), in which the Regional Board identified the administrative update of the Basin Plan as a basin planning priority to be addressed during the 2008-2010 Triennial Review. Adding Chapter 7 "Total Maximum Daily Loads" is one phase of the update.
3. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Water Board in accordance with the requirements of Water Code section 13245.
4. The Regional Board requests that the State Water Board approve the Basin Plan amendment in accordance with the requirements of Water Code sections 13245 and 13246.
5. The Regional Board authorizes the Executive Officer or his designee to submit the amendments adopted by this Resolution to OAL for concurrence on its non-regulatory status and to USEPA for informational purposes.
6. If during the approval process, Regional Board staff, the State Water Board or State Water Board staff, or OAL determines that minor, non-substantive modifications to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Regional Board of any such changes.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on December 8, 2011.


Samuel Unger, P.E.
Executive Officer