

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2020-0017**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION TO UPDATE THE BACTERIA OBJECTIVES FOR FRESH, ESTUARINE, AND MARINE WATERS DESIGNATED FOR WATER CONTACT RECREATION, BASED ON THE STATEWIDE BACTERIA PROVISIONS

WHEREAS:

1. On August 7, 2018, the State Water Board adopted [Resolution No. 2018-0038](#), adopting bacteria provisions and a water quality variance policy as (1) Part 3 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (ISWEBE); and (2) an amendment to the Water Quality Control Plan for Ocean Waters of California. The bacteria provisions established new statewide numeric water quality objectives for bacteria to protect water contact recreation (REC-1), based on U.S. EPA's 2012 Recreational Criteria. The statewide numeric objectives supersede any numeric water quality objective for bacteria for the REC-1 beneficial use contained in Regional Water Boards' water quality control plans, but they do not affect any existing narrative bacteria objectives. Resolution No. 2018-0038 was approved by the Office of Administrative Law on February 4, 2019 and U.S. EPA on March 22, 2019.
2. On February 13, 2020 the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R20-001](#). This Resolution amends the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to update the numeric bacteria objectives for fresh, estuarine, and marine waters designated for water contact recreation, based on the Statewide Bacteria Provisions.
3. The Los Angeles Water Board generally prepares "substitute environmental documents" (SEDs) for amendments to its Basin Plan that contain the required environmental documentation under the State's California Environmental Quality Act (CEQA) regulations (23 Cal. Code Regs. § 3777). However, the Basin Plan amendments adopted by Resolution No. R20-001 are wholly within the scope of the Statewide Bacteria Provisions (Statewide Provisions) as analyzed by the State Water Board in the SED for the Statewide Provisions. No substantive changes or modifications to the Statewide Provisions were made, no substantial changes with respect to the circumstances under which the provisions apply occurred, and no new information triggered the need for supplemental or subsequent CEQA analysis. As such, the Los Angeles Water Board determined that this amendment did not require further environmental review pursuant to the certified regulatory program or CEQA (Pub. Resources Code § 21166; Cal. Code Regs., title 14, §§ 15162 & 15163). The State Water Board concurs with the Los Angeles Water Board's findings and determinations that this amendment is exempt from CEQA. Accordingly, the State's CEQA regulations do not apply to this action. (23 Cal. Code Regs. § 3720.)

4. 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), because the Statewide Bacteria Provisions supersede the current bacteria objectives for water contact recreation in the Los Angeles Region's Basin Plan, and Water Code section 13240 requires each regional water board's basin plan to conform with any State policy for water quality control.
5. In establishing the Bacteria Water Quality Objectives contained in the Statewide Bacteria Provisions, the State Water Board considered the factors contained in Water Code section 13241. Since the amendments adopted by Resolution No. R20-001 are based on the Statewide Provisions, the Los Angeles Water Board determined that further consideration of these factors was not necessary. The State Water Board concurs with the Los Angeles Water Board's findings and determinations.
6. This Basin Plan amendment does not become effective until approved by the State Water Board and until regulatory provisions are approved by the Office of Administrative Law (OAL).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R20-001.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R20-001 and the administrative record for this action to OAL 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 Resources Control Board held on May 19, 2020.

AYE: Chair E. Joaquin Esquivel
 Vice Chair Dorene D'Adamo
 Board Member Tam M. Doduc
 Board Member Sean Maguire
 Board Member Laurel Firestone

NAY: None

ABSENT: None

ABSTAIN: None



 Jeanine Townsend
 Clerk to the Board