

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2015-0069**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO ADOPT SITE-SPECIFIC OBJECTIVES FOR LEAD AND COPPER IN THE LOS ANGELES RIVER WATERSHED AND TO REVISE THE TOTAL MAXIMUM DAILY LOAD (TMDL) FOR METALS IN THE LOS ANGELES RIVER AND TRIBUTARIES

WHEREAS:

1. On April 9, 2015, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R15-004](#) (Attachment I), an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan amendment), to adopt site-specific objectives for lead and copper in the Los Angeles River Watershed and to revise the TMDL for metals in the Los Angeles River and Tributaries.
2. The Los Angeles Water Board previously prepared California Environmental Quality Act (CEQA) "substitute environmental documents" for the establishment of the original TMDL, and a subsequent revision to the TMDL, adopted by Los Angeles Water Board [Resolution Nos. R2007-014](#) and [R10-003](#). 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 amendment adopted by Resolution No. R15-004 did not alter the environmental analysis that was previously prepared for Resolutions Nos. R2007-014 and R10-003 because the addition of site-specific copper Water-Effects Ratios (WERs), as well as recalculated lead criteria, 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. section 131.12), in that it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards.
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 TMDL revision as reflected in the Basin Plan amendment is consistent with the requirements of section 303(d) of the federal Clean Water Act.

6. 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). The Basin Plan amendment must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).
7. The triennial review process provides a logical checkpoint to assess the efficacy and adequacy of the WERs in protecting beneficial uses. If, however, monitoring data related to the WERs, including downstream compliance with water quality standards, shows that the WERs are not adequately protecting beneficial uses or in-stream data is not consistent with the WER studies, the State Water Board expects the Los Angeles Water Board would schedule for consideration, within 9 months of such determination, an amendment to the Basin Plan to address the shortcoming.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R15-004.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R15-004 to OAL for approval of the regulatory provisions and to U.S. EPA for approval.
3. Directs the Los Angeles Water Board to provide to the Executive Director of the State Water Board on an annual basis an update on the implementation of this Basin Plan amendment for inclusion into an Executive Director's report.

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 November 17, 2015.

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

NAY: Chair Felicia Marcus

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board