

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2017-0008**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE
LOS ANGELES REGION TO ESTABLISH AN IMPLEMENTATION PLAN FOR THE
MALIBU CREEK NUTRIENTS TMDL AND THE MALIBU CREEK AND LAGOON TMDL
FOR SEDIMENTATION AND NUTRIENTS TO ADDRESS
BENTHIC COMMUNITY IMPAIRMENTS

WHEREAS:

1. On December 8, 2016, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R16-009](#), an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan amendment), to establish an Implementation Plan for the Malibu Creek Nutrients TMDL and the Malibu Creek and Lagoon TMDL for Sedimentation and Nutrients to address Benthic Community Impairments.
2. The Los Angeles Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) “Substitute Environmental Documents” for the proposed Basin Plan amendment, including the CEQA Checklist, the final staff report entitled “Implementation Plan for the Malibu Creek Watershed Nutrients TMDL (2003) and the Malibu Creek and Lagoon Sedimentation and Nutrients TMDL to Address Benthic Community Impairments (2013),” and the responses to comments complies with 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 State Water Board has reviewed the Substitute Environmental Documents for the Basin Plan amendment and concurs with Los Angeles Water Board’s findings and determinations, including the Statement of Overriding Considerations.
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. § 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, section 13242, which requires a program of implementation for achieving water quality objectives, and section 13141, which requires an estimate of the total cost of the implementation of an agricultural water quality control program, along with an identification of potential sources of financing. The State Water Board also finds that the TMDL 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).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R16-009.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R16-009 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL.

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 February 22, 2017.

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

NAY: None

ABSENT: Board Member Steven Moore

ABSTAIN: None



Jeanine Townsend
Clerk to the Board