

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2022-0053**

CONSIDERATION OF A PROPOSED RESOLUTION TO APPROVE
AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE LOS
ANGELES REGION (BASIN PLAN) TO INCORPORATE A TOTAL MAXIMUM
DAILY LOAD (TMDL) FOR INDICATOR BACTERIA IN LOS CERRITOS CHANNEL
AND ESTUARY, ALAMITOS BAY, AND COLORADO LAGOON, AND TO
SUSPEND THE RECREATIONAL USES IN LOS CERRITOS CHANNEL DURING
UNSAFE WET WEATHER CONDITIONS

WHEREAS:

1. On March 10, 2022, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R22-002](#), amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan amendments) to incorporate a Total Maximum Daily Load (TMDL) for indicator bacteria in Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon ([Attachment A to Resolution No. R22-002](#)) and to suspend the recreational uses in Los Cerritos Channel during unsafe wet weather conditions ([Attachment B to Resolution No. R22-002](#)).
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 “Total Maximum Daily Load for Indicator Bacteria in Los Cerritos Channel and Estuary, Alamitos Bay, and Colorado Lagoon”, 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 amendments and concurs with the 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 amendments pursuant to the “Necessity” standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).

4. The Los Angeles Water Board found that the Basin Plan amendments are 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 they do not allow degradation of water quality but require restoration of water quality and attainment of water quality standards.
5. The State Water Board finds that the Basin Plan amendments are in conformance with California 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 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 TMDL and suspension of the recreational uses in Los Cerritos Channel during unsafe wet weather conditions must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).
7. In adopting this TMDL, the Los Angeles Water Board exercised its discretion to not utilize the reference system approach with the geometric mean and statistical threshold value, in part over concerns about the geometric mean and statistical threshold value not being adequately protective of human health when used in conjunction with the Los Angeles Water Board's reference system approach. The State Water Board's bacteria objectives afford this discretion. The State Water Board's consideration of the TMDL and approval of the TMDL by this resolution is simply the approval of the TMDL and does not create binding precedent in future regulatory proceedings. Nothing in the State Water Board's approval of this TMDL prevents further actions by the regional water boards to harmonize the reference system approach with the statistical threshold value, and the State Water Board encourages further efforts to harmonize these approaches.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendments adopted under Los Angeles Water Board Resolution No. R22-002.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendments adopted under Los Angeles Water Board Resolution No. R22-002 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL and suspension of the recreational uses in Los Cerritos Channel during unsafe wet weather conditions.

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 December 6, 2022.

AYE: Chair E. Joaquin Esquivel
Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None

ABSENT: None

ABSTAIN: None

 for
Jeanine Townsend
Clerk to the Board