

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2012-0041**

APPROVING NON-REGULATORY AMENDMENTS TO ADMINISTRATIVELY UPDATE THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION TO: (1) UPDATE CHAPTER 2 “BENEFICIAL USES” BY INCORPORATING PREVIOUSLY ADOPTED AMENDMENTS, AND UPDATED SURFACE AND GROUNDWATER MAPS AND CORRESPONDING BENEFICIAL USE TABLES, AND (2) ADD CHAPTER 7 “TOTAL MAXIMUM DAILY LOADS” (TMDLs) BY INCORPORATING PREVIOUSLY ADOPTED TMDLs

WHEREAS:

1. On November 10, 2011 and December 8, 2011, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution Nos. R11-011](#) and [R11-013](#), respectively. These non-regulatory amendments administratively update the Water Quality Control Plan for the Los Angeles Region (Basin Plan). Los Angeles Water Board Resolution No. R11-011 administratively updates Chapter 2 “Beneficial Uses” by incorporating previously adopted Basin Plan amendments, and updated surface and groundwater maps and corresponding beneficial use tables. Los Angeles Water Board Resolution No. R11-013 adds Chapter 7 “Total Maximum Daily Loads” (TMDLs) by incorporating previously adopted Basin Plan amendments.
2. While the Los Angeles Water Board generally prepares “substitute environmental documents” for amendments to its Basin Plan that contain the required environmental documentation under the State Water Resources Control Board’s (State Water Board’s) California Environmental Quality Act (CEQA) regulations (23 Cal. Code Regs. § 3777), the Los Angeles Water Board found that these two amendments are non-regulatory administrative updates to the Basin Plan. Therefore, the Los Angeles Water Board determined that these two amendments are exempt from CEQA as they are purely ministerial, do not constitute a “project”, and will have no impact on the environment. The State Water Board concurs with the Los Angeles Water Board’s findings and determinations that these two amendments are exempt from CEQA. Accordingly, the State Water Board’s CEQA regulations do not apply to this action. (23 Cal. Code Regs. § 3720.)
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. As these amendments are non-regulatory administrative updates to the Basin Plan, the Los Angeles Water Board did not adopt or revise water quality objectives. Therefore, the Los Angeles Water Board determined that sections 13241 and 13242 of the Water Code did not apply to these actions. The State Water Board concurs with the Los Angeles Water Board’s findings and determinations. While consideration of the factors in Water Code section 13241 is not required, the State Water Board nevertheless finds that these amendments will have no impact on any of the factors set forth in Water Code section 13241.

5. These Basin Plan amendments do not become effective until approved by the State Water Board and until the Office of Administrative Law (OAL) has concurred on their non-regulatory status.
6. Los Angeles Water Board staff determined that minor, non-substantive changes to the language of the Basin Plan amendment associated with Los Angeles Water Board Resolution No. R11-011 were necessary to improve clarity and consistency. The Los Angeles Water Board's Executive Officer made these minor non-substantive changes in a [memorandum dated May 11, 2012](#). The memorandum clarified that some water bodies and their associated beneficial uses were inadvertently left off of updated tables.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendments adopted under Los Angeles Water Board Resolution Nos. R11-011 and R11-013.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution Nos. R11-011 and R11-013 to OAL for concurrence with their non-regulatory status.

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 August 21, 2012.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Steven Moore
Board Member Felicia Marcus

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board