

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2012-0051**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SANTA ANA REGION TO INCORPORATE ORGANOCHLORINE COMPOUNDS TOTAL MAXIMUM DAILY LOADS (TMDLS) FOR SAN DIEGO CREEK, UPPER AND LOWER NEWPORT BAY, ORANGE COUNTY, CALIFORNIA

WHEREAS:

1. On September 7, 2007, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) adopted [Resolution No. R8-2007-0024](#) approving an amendment to the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) to incorporate organochlorine compounds Total Maximum Daily Loads (TMDLs) for San Diego Creek, Upper Newport Bay and Lower Newport Bay. On July 16, 2011, the Santa Ana Water Board adopted [Resolution No. R8-2011-0037](#), approving revised organochlorine compounds TMDLs. The revised TMDLs include a revised final TMDL compliance date and other minor, non-substantive grammatical modifications and corrections.
2. The Santa Ana Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) "Substitute Environmental Document" for the proposed Basin Plan amendment, including the CEQA Checklist, staff report, and the responses to public comments, complies with the requirements of the State Water Resources Control Board's (State Water Board's) certified regulatory CEQA process, as set forth in California Code of Regulations Title 23, section 3775 et seq. The State Water Board has reviewed the Substitute Environmental Document for the Basin Plan amendment and concurs with the Santa Ana Water Board's findings and determinations, including the Statement of Overriding Considerations.
3. The State Water Board finds that, in amending the Basin Plan, the Santa Ana Water Board complied with the requirements set forth in sections 13141, 13240, 13242, and 13245 of the Water Code. The State Water Board also finds that the regulatory action meets the "necessity" standard of the Administrative Procedures Act, Government Code section 11353, Subdivision (b).
4. The Santa Ana Water Board found that 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 CFR 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. The State Water Board agrees with this determination.
5. The 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 must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan as adopted under Santa Ana Water Board Resolution No. R8-2011-0037.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Santa Ana Water Board R8-2011-0037 to the OAL and to U.S. EPA.

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 October 16, 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