

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2024-0005**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR
THE LOS ANGELES REGIONAL TO REVISE THE TOTAL MAXIMUM DAILY LOAD
FOR TOXIC POLLUTANTS FOR THE DOMINGUEZ CHANNEL AND GREATER LOS
ANGELES AND LONG BEACH HARBOR WATERS

WHEREAS:

1. On October 13, 2022, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. 22-005](#), an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan amendment), to revise the Total Maximum Daily Load (TMDL) for Toxic Pollutants for Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters.
2. The Los Angeles Water Board previously prepared California Environmental Quality Act (CEQA) “substitute environmental documents” for the establishment of the original TMDLs adopted by Los Angeles Water Board Resolution No. R11-008. 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. R22-005 did not alter the environmental analysis that was previously prepared for the establishment of these TMDLs because the TMDL revisions 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. § 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. Effective January 1, 2023, Water Code section 189.7 set forth new requirements for the Water Boards to conduct equitable, culturally relevant outreach when considering proposed discharges of waste that may have disproportionate impacts on water quality in disadvantaged communities or tribal communities. In addition, Water Code section 13149.2 requires the Regional Boards to make findings on anticipated water quality impacts in disadvantaged or tribal communities as a result of a permitted activity or facility, any environmental justice concerns within a Water Board's authority that are raised by interested persons regarding those water quality impacts, and available measures within the Water Board's authority to address those water quality impacts when adopting water quality control plans. The Basin Plan amendment was adopted by the Los Angeles Water Board before January 1, 2023.
6. The Basin Plan amendment regulates activities that may impact disadvantaged and tribal communities.
7. The Los Angeles Water Board has satisfied the outreach requirements set forth in Water Code section 189.7 by conducting outreach in tribal communities and disadvantaged communities during the Basin Plan amendment adoption process. The Los Angeles Water Board reviewed readily available information and any anticipated water quality impacts in disadvantaged or tribal communities resulting from adoption of the Basin Plan amendment. The Los Angeles Water Board also considered environmental justice concerns within its authority and raised by interested persons with regard to those impacts. The Los Angeles Water Board found the Basin Plan amendment as revised in 2022 does not pose anticipated water quality impacts in disadvantage or tribal communities as a result of implementation actions.
8. 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 revisions, as reflected in the Basin Plan amendment, are consistent with the requirements of section 303(d) of the federal Clean Water Act.

9. 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 revisions 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 Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R22-005.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R22-005 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL revisions.

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 January 17, 2024.

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



Courtney Tyler
Clerk to the Board