

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – LOS ANGELES REGIONAL WATER BOARD
AUGUST 21, 2012**

ITEM 4

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION 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

DISCUSSION

On November 10, 2011 and December 8, 2011 the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted Resolution No. R11-011 ([Attachment 1](#)) and Resolution No R11-013 ([Attachment 2](#)), 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.

Background

The *Water Quality Control Plan for the Los Angeles Region* (Basin Plan) is the Los Angeles Water Board’s master water quality control planning document for the coastal watersheds of Los Angeles and Ventura Counties. The Basin Plan contains the region’s water quality standards, which consist of beneficial uses, water quality objectives to protect those uses, and an anti-degradation policy along with a program of implementation, and non-regulatory descriptions of the region covered by the plan. The current Basin Plan was adopted by the Los Angeles Water Board on June 13, 1994, and approved by the State Water Resources Control Board (State Water Board) on November 17, 1994 then by the State Office of Administrative Law (OAL) on February 23, 1995. Since then, several Basin Plan amendments have been adopted (and fully approved) and more current background and geographical information has become available. These changes have yet to be reflected in the current Basin Plan.

Recognizing the importance of a current planning document, an administrative update of the Basin Plan was identified as a priority project to be addressed during the 2008-2010 triennial review (Resolution No. R10-001), and again during the most recent triennial review for 2011-2013 (Resolution No. R12-001). The administrative update is being conducted in phases, and the current proposed amendments cover the administrative update of Chapters 2 and 7 of the Basin Plan. These non-regulatory amendments serve to enhance the utility of the Basin Plan by providing a more current planning resource for use by Los Angeles Water Board staff, the regulated community, and other stakeholders.

Update of Chapter 2 “Beneficial Uses” Update

The first of the administrative updates to the Basin Plan covers the update of Chapter 2: “Beneficial Uses,” which lists and provides standard definitions for the beneficial uses assigned to water bodies in the Los Angeles Region. This chapter also contains beneficial use tables in which major surface waters, groundwater basins, coastal features, and wetlands are listed - each with their assigned hydrologic unit, and designated beneficial uses. Detailed maps of these features are included in this chapter.

The amendments to Chapter 2 update the surface water, groundwater, and coastal features maps contained in Figures 2-1 to 2-22 of Chapter 2. These updated maps are created from more current, higher resolution data sets that possess greater accuracy and complexity, and offer better ways to process and display data. In addition, the updated maps reflect changes in reach boundaries as a result of total maximum daily loads (TMDLs) and other Basin Plan amendments. The amendments also update the Beneficial Use Tables (Tables 2-1 to 2-4) in Chapter 2 to align them with the higher resolution maps, and to reflect reach name changes that have occurred as a result of TMDLs and other Basin Plan amendments. Information from the higher resolution geographical data sets has allowed the identification of previously unnamed water bodies. These water bodies have been included in the tributary table contained in Appendix 1 of the Basin Plan.

Finally, as part of the update, the language from three previously adopted amendments to beneficial uses (Los Angeles Water Board Resolution No. 98-018, Los Angeles Water Board Resolution No. 2003-010, and [State Water Board Resolution No. 2005-0015](#)) has been incorporated into Chapter 2 of the Basin Plan. These previously adopted Basin Plan amendments have gone through the full approval process and are currently in effect; however, they have not been physically integrated into the Basin Plan.

The update to Chapter 2 of the Basin Plan is non-regulatory in nature and does not involve changes to beneficial uses definitions. Neither does it assign, modify, or delete beneficial uses to any surface or ground waters within the Los Angeles Region. It is part of a multi-step plan to administratively update the entire Basin Plan.

Addition of Chapter 7: “TMDLs”

The second administrative update is the addition of Chapter 7, “Total Maximum Daily Loads” (TMDLs) to the Basin Plan. Chapter 7 explains the legal basis and authority for establishing TMDLs, and describes the components of a TMDL. In addition, this chapter includes the TMDL summaries and tables for the 30 TMDLs that have been adopted and approved since the last update of the Basin Plan. The TMDLs are summarized in Sections 7-1 to 7-37 (Sections 7-15, 7-20, and 7-32 through 7-36 were intentionally omitted) of Chapter 7. All of the incorporated TMDLs have gone through the full approval process (State Water Board, OAL, and U.S. Environmental Protection Agency) and are currently in effect; however, they have not been physically integrated into the Basin Plan.

This update to the Basin Plan to add Chapter 7 is non-regulatory in nature and does not involve changes to any of the already approved TMDLs. It neither modifies nor deletes any component of the 30 existing TMDLs in the Los Angeles region. It is part of a multi-step plan to administratively update the entire Basin Plan.

POLICY ISSUE

Should the State Water Board approve the non-regulatory amendments to the Basin Plan to administratively update the Water Quality Control Plan for the Los Angeles Region as adopted by Los Angeles Water Board Resolution Nos. R11-011 and R11-013?

FISCAL IMPACT

Los Angeles Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources

REGIONAL BOARD IMPACT

Approval of Los Angeles Water Board Resolution Nos. R11-011 and R11-013 will amend and administratively update the Los Angeles Water Board's Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

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

State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012 to implement strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030. In particular, approval of this item will assist in fulfilling Action 1 to prepare, adopt, and take steps to carry out Total Maximum Daily Loads (TMDLs), designed to meet water quality standards, for all impaired water bodies on the 2006 list.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2012-

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.

DRAFT

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.

Jeanine Townsend
Clerk to the Board