

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2021-0037**

APPROVING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO REVISE THE IMPLEMENTATION SCHEDULES FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) DISCHARGERS, INCLUDING CALTRANS, SUBJECT TO SANTA MONICA BAY BEACHES BACTERIA TOTAL MAXIMUM DAILY LOAD (TMDL); THE MARINA DEL REY HARBOR MOTHERS' BEACH AND BACK BASINS BACTERIA TMDL; THE MALIBU CREEK AND LAGOON BACTERIA TMDL; THE MALIBU CREEK NUTRIENTS TMDL; THE MALIBU CREEK AND LAGOON SEDIMENTATION AND NUTRIENTS TMDL TO ADDRESS BENTHIC COMMUNITY IMPAIRMENTS; THE BALLONA CREEK ESTUARY TOXIC POLLUTANTS TMDL; THE MARINA DEL REY HARBOR TOXIC POLLUTANTS TMDL; THE BALLONA CREEK, BALLONA ESTUARY, AND SEPULVEDA CHANNEL BACTERIA TMDL; AND THE BALLONA CREEK METALS TMDL

WHEREAS:

1. On March 11, 2021, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R21-001](#), an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan amendment), to revise the implementation schedules for MS4 dischargers, including Caltrans, subject to TMDLs in the Los Angeles Region (the Santa Monica Bay Beaches Bacteria TMDL; the Marina del Rey Harbor Mothers' Beach and Back Basins Bacteria TMDL; the Malibu Creek and Lagoon Bacteria TMDL; the Malibu Creek Nutrients TMDL; the Malibu Creek and Lagoon Sedimentation and Nutrients TMDL to Address Benthic Community Impairments; the Ballona Creek Estuary Toxic Pollutants TMDL; the Marina del Rey Harbor Toxic Pollutants TMDL; the Ballona Creek, Ballona Estuary, and Sepulveda Channel Bacteria TMDL; and the Ballona Creek Metals TMDL).
2. The Los Angeles Water Board previously prepared "substitute environmental documentation" pursuant to California Code of Regulations, title 23, sections 3775 et seq., and Public Resources Code section 21159 for these nine TMDLs. This documentation contained the required environmental documentation required by the State Water Board's CEQA regulations. (23 Cal. Code Regs. §§ 3777, 3779.5.). In preparing the previous substitute environmental documentation, the Los Angeles Water Board considered the requirements of Public

Resources Code section 21159 and California Code of Regulations, title 14, section 15187. The previous substitute environmental documentation contained significant environmental analysis and numerous findings related to the reasonably foreseeable methods of compliance, the impacts of the methods of compliance, feasible mitigation measures, and alternative means of compliance.

3. In adopting the Basin Plan amendment, the Los Angeles Water Board found that the TMDL revisions 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. The Los Angeles Water Board also found that no additional reasonably foreseeable methods of compliance warranted environmental analysis pursuant to Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187. The State Water Board concurs with the Los Angeles Water Board's findings and determinations.
4. 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). 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. 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.
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). Generally, revisions of TMDLs must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA). However, revisions to TMDL programs of implementation do not require U.S. EPA approval.

THEREFORE, BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R21-001.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendments adopted under Los Angeles Water Board Resolution No. R21-001 to OAL for approval of the regulatory provisions.

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 September 21, 2021.

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

NAY: None

ABSENT: Chair E. Joaquin Esquivel

ABSTAIN: None



Jeanine Townsend
Clerk to the Board