

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2010-0045**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR
THE LOS ANGELES REGION (BASIN PLAN) TO PROHIBIT ON-SITE WASTEWATER
DISPOSAL SYSTEMS IN THE MALIBU CIVIC CENTER AREA

WHEREAS:

1. On November 5, 2009, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted an amendment to the Basin Plan, [Resolution No. R4-2009-007](#), to prohibit on-site wastewater disposal systems (OWDSs) in the Malibu Civic Center Area.
2. For the purposes of this Basin Plan amendment, the “Malibu Civic Center area” is defined as the area within the lower Winter Canyon watershed, Malibu Valley watershed, and adjacent coastal strips, which include Amarillo and Surfrider Beaches.
3. The Los Angeles Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) Substitute Environmental Documentation for the proposed Basin Plan amendment, including the CEQA Checklist, the environmental and technical staff reports, and the responses to comments prepared by Los Angeles Water Board staff and Resolution R4-2009-007 adopted by the Los Angeles Water Board complies with the requirements of the State Water Board’s certified regulatory CEQA process, as set forth in the California Code of Regulations, Title 23, section 3775 et seq.
4. The State Water Board finds that in amending the Basin Plan, the Los Angeles Water Board complied with the requirements set forth in sections 13240 and 13241, of the California 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).
5. The State Water Board finds that the Basin Plan amendment is in accordance with California Water Code sections 13280, 13281 and 13283. The Los Angeles Water Board staff presented technical evidence in a public hearing on November 5, 2009, demonstrating that discharges of wastewater from OWDSs in the Civic Center area fail to meet water quality objectives established in the *Basin Plan*, contribute to impairments of present or future beneficial uses of water resources, and cause pollution, nuisance or contamination.
6. The Los Angeles Water Board found that adoption of this 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 Federal Antidegradation Policy (40 CFR 131.12).
7. The State Water Board finds that peer reviews of the scientific portions of the technical staff report were conducted pursuant to California Health and Safety Code section 57004. The peer reviewers confirmed that the technical staff report was based upon sound scientific knowledge, methods and practices.
8. The regulatory action would immediately prohibit all new OWDS in the Malibu Civic Center area, and establish a phased schedule to cease discharges from Phase One systems by November 5, 2015 and Phase Two systems by November 5, 2019.

9. A Basin Plan amendment does not become effective until approved by the State Water Board and the regulatory provisions are approved by Office of Administrative Law (OAL).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan as adopted under Los Angeles Water Board Resolution No. R4-2009-007.
2. Directs the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board Resolution No. R4-2009-007 to the Office of Administrative Law for approval of the regulatory provisions.

CERTIFICATION

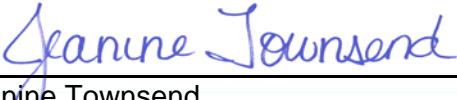
The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 21, 2010.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Arthur G. Baggett, Jr.
Board Member Tam M. Doduc
Board Member Walter G. Pettit

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board