

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – LOS ANGELES REGIONAL WATER BOARD
OCTOBER 21, 2014**

ITEM 4

SUBJECT

CONSIDERATION OF PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION TO REVISE TABLE 4-ZZ OF THE PROHIBITION ON ON-SITE WASTEWATER DISPOSAL SYSTEMS IN THE MALIBU CIVIC CENTER AREA.

DISCUSSION

On November 5, 2009 the Regional Water Quality Control Board, Los Angeles Region (Los Angeles Regional Board) adopted, by [Resolution No. R4-2009-007](#), an amendment to Chapter 4 of the *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) prohibiting on-site wastewater disposal systems (OWDSs) in the Malibu Civic Center Area (2009 Basin Plan Amendment or 2009 BPA). On September 21, 2010, the State Water Resources Control Board (State Water Board) adopted [Resolution No. 2010-0045](#) approving the 2009 BPA. On December 23, 2010, the Office of Administrative Law (OAL) approved the regulatory provisions of the 2009 BPA. The 2009 BPA became effective on December 23, 2010.

The 2009 BPA prohibits all new discharges from OWDSs in the Malibu Civic Center Area, with the exception of certain specific projects identified in Table 4-zz, which were deemed by the Los Angeles Regional Board to be existing OWDSs. The 2009 BPA prohibits discharges from existing OWDSs, including those projects identified on Table 4-zz, in accordance with a phased schedule. Phase I (commercial areas) existing OWDSs must cease discharges by November 5, 2015 and Phase II (residential areas) existing OWDSs must cease discharges by November 5, 2019.

On February 6, 2014, the Los Angeles Regional Board adopted [Resolution R14-003](#) revising Table 4-zz, the list of properties temporarily exempt from the prohibition on on-site wastewater disposal systems. Resolution R14-003 also (a) clarifies the Los Angeles Water Board's intent regarding the criteria for including properties on Table 4-zz by specifying the meaning of the phrase "progressed through the entitlement process" as set forth in Resolved 2 of Resolution No. R4-2009-007; (b) modifies Table 4-zz by deleting four duplicate listings with incorrect assessor parcel numbers (APNs); (c) ratifies Table 4-zz as modified by Los Angeles Water Board staff following adoption of the 2009 BPA by the Los Angeles Water Board and subsequently approved by the State Water Board and OAL; and (d) adds to Table 4-zz one additional property (4000 Malibu Canyon Road) to Table 4-zz where sufficient evidence was presented that the project had progressed through the appropriate agency's entitlement process as of November 5, 2009.

POLICY ISSUE

Should the State Water Board approve Resolution R14-003 modifying Table 4-zz as adopted by Los Angeles Water Board?

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 No. R14-003 will correct the 2009 Basin Plan Amendment.

STAFF RECOMMENDATION

That the State Water Board:

1. Approve Los Angeles Water Board Resolution No. R14-003.
2. Authorize and direct the Executive Director or designee to submit Los Angeles Water Board Resolution No. R14-003 to OAL for approval of the regulatory provisions.

<p>State Water Board action on this item will assist the Water Boards in reaching Goal 4 of the Strategic Plan Update: 2008-2012 to comprehensively address water quality protection, restoration throughout California's water planning process, and Goal 6: to enhance consistency across the Water Boards to ensure fair application of laws, regulations, policies and procedures.</p>
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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2014-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION TO REVISE TABLE 4-ZZ OF THE PROHIBITION ON ON-SITE WASTEWATER DISPOSAL SYSTEMS IN THE MALIBU CIVIC CENTER AREA.

WHEREAS:

1. On February 6, 2014, the Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R14-003](#), an amendment to the Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan), revising Table 4-zz of the prohibition on on-site wastewater disposal systems (OWDSs) in the Malibu Civic Center Area.
2. The Los Angeles Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) "Substitute Environmental Documents" for Los Angeles Water Board [Resolution No. R4-2009-007](#), adopting an amendment to the Basin Plan prohibiting OWDSs in the Malibu Civic Center Area (2009 Basin Plan Amendment), including the CEQA Checklist, the staff report, and the responses to comments and found that these analyses comply with the requirements of the State Water Resources Control Board's (State Water Board's) certified regulatory CEQA process as set forth in the California Code of Regulations, Title 23, sections 3775 through 3781. The State Water Board reviewed the Substitute Environmental Documents for the 2009 Basin Plan Amendment and concurred with the Los Angeles Water Board's findings and determinations.
3. The Los Angeles Water Board determined that adoption of Resolution R14-003 revising Table 4-zz did not require any additional environmental review. The State Water Board has reviewed the Los Angeles Water Board's analysis for R14-003 and concurs with the Los Angeles Water Board's findings and determinations that no additional environmental analysis is necessary.
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).
5. The Los Angeles Water Board determined 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](#)).
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).
7. On August 23, 2014, prior to the State Water Board's approval of this resolution, a Notice of Opportunity to Comment was published with the Regional Board Resolution R14-003 and the revised Table 4-zz. The deadline to receive public comments was September 15, 2014. No comments were received.

D R A F T

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R14-003.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R14-003 as approved and the administrative record 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 October 21, 2014.

Jeanine Townsend
Clerk to the Board