

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2017-0059**

APPROVING THE CLEAN WATER ACT SECTION 303(d) LIST
FOR THE LOS ANGELES REGION AND THE CLEAN WATER ACT SECTION
303(d) LIST PORTION OF THE PROPOSED 2014 AND 2016 CALIFORNIA
INTEGRATED REPORT

WHEREAS:

1. Section 303(d)(1) of the Clean Water Act (CWA) (33 U.S.C. § 1313(d)) requires states to regularly identify surface waters that do not meet applicable water quality standards (beneficial uses and water quality objectives) after technology-based controls have been implemented (referred to as the 303(d) List) and prioritize such surface waters for the purposes of developing total maximum daily loads (40 C.F.R. § 130.7(b)). The 303(d) List must include a description of the pollutants causing impairment and a completion date for ranking the development of a total maximum daily load (TMDL). States are required to submit their respective 303(d) Lists biennially to the United States Environmental Protection Agency (U.S. EPA) (40 C.F.R. § 130.7(d)).
2. In addition to submitting the 303(d) List, section 305(b) of the CWA requires states to report to U.S. EPA on the health of all their surface waters (referred to as the 305(b) Report). The State Water Resources Control Board (State Water Board) combines its reporting requirements under CWA sections 303(d) and 305(b) into a single "Integrated Report."
3. Only the 303(d) List requires approval by the State Water Board and U.S. EPA.
4. The process for developing and approving the 303(d) List is described in the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy):
 - a. A Regional Water Quality Control Board (Regional Water Board) administers the listing process for the listing cycle applicable to the region or the State Water Board may administer the listing process for the region on behalf of a Regional Water Board.
 - b. After approving the 303(d) List (region-specific lists are referred to as 303(d) lists) at a public hearing, the Regional Water Board submits the region-specific 303(d) List recommendations to the State Water Board. If the State Water Board administers the listing process on behalf of a Regional Water Board, the State Water Board consolidates that region's 303(d) List into the statewide list submitted to U.S. EPA without further consideration.
 - c. The State Water Board consolidates the lists approved by the Regional Water Boards into a statewide 303(d) List.

- d. Before the State Water Board approves the statewide 303(d) List, the public is provided with notice of the proposed approval and an opportunity to submit written comment limited to those listing recommendations that are timely requested for review and the Regional Water Board listing recommendations that the State Water Board proposes to modify.
5. On behalf of the Regional Water Boards, by letter dated January 14, 2010, the State Water Board solicited water quality information and data from the public for the 2012 water quality assessment under CWA sections 303(d) and 305(b). The deadline of August 30, 2010 was specified for submittal of written comments, information, and water quality data for consideration for the Integrated Report. The State Water Board subsequently directed that, due to the volume of data received during the 2010 data solicitation period, only water quality data received through August 30, 2010 were to be evaluated for the 2012, 2014, and 2016 listing cycles.
6. The State Water Board has combined its reporting obligations under CWA sections 303(d) and 305(b) for the 2014 and 2016 listing cycles into a report titled, "2014 and 2016 California Integrated Report," which is available at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml.
7. The proposed statewide 303(d) List portion of the 2014 and 2016 California Integrated Report is a compilation of the 303(d) listing recommendations for the Regional Water Boards for San Francisco Bay, Central Coast, Los Angeles, Central Valley, Santa Ana, and San Diego.

The proposed 303(d) List for the Los Angeles Region

8. The State Water Board administered the listing process for the waters within the Los Angeles Regional Water Board's region in accordance with section 6.2 of the Listing Policy.
 - a. On June 9, 2017, the State Water Board provided notice to the public in the affected region of the draft staff report and proposed 303(d) listing and delisting recommendations, the hearing date, and the opportunity to comment on the proposed listing and delisting recommendations pertaining to all waterbodies within the Los Angeles Region.
 - b. On October 3, 2017, after providing written responses to all written comments received during the comment period, the State Water Board held a public hearing to consider and approve the proposed 303(d) List for the Los Angeles Region. Upon approval by the State Water Board, the listing recommendations on behalf of the Los Angeles Regional Water Board are compiled into the 303(d) List portion of the 2014 and 2016 California Integrated Report and submitted to U.S. EPA without further consideration by the State Water Board.

The Statewide 2014 and 2016 303(d) List

9. On October 3, 2017, and in accordance with section 6.3 of the Listing Policy, the State Water Board held a public meeting to consider approving the 303(d) List comprised of the recommendations from the Regional Water Boards for the San Francisco Bay, Central Coast, Central Valley, and San Diego regions.
 - a. The State Water Board evaluated the Regional Water Board's waterbody fact sheets for completeness and consistency with the Listing Policy.
 - b. The State Water Board consolidated the approved Regional Water Boards' lists into the statewide 303(d) List portion of the 2014 and 2016 California Integrated Report.
 - c. The State Water Board considered timely requests for review from interested parties of specific listing recommendations made by the Regional Water Boards consistent with Sections 6.2 and 6.3 of the Listing Policy.
 - d. On June 9, 2017, the State Water Board provided the public with notice of the draft staff report and proposed 2014 and 2016 303(d) List, the opportunity to submit written comments, and the date at which the board would consider approving the 303(d) List.
 - e. The State Water Board limited written comment to the State Water Board's proposed changes to the listing and delisting recommendations submitted by the Regional Water Boards and the Regional Water Board's listing and delisting recommendations that were timely requested for review.
 - f. The State Water Board responded in writing to written comments submitted during the comment period.
10. The State Water Board's approval of the 303(d) List portion of the 2014 and 2016 Integrated Report does not constitute an "approval" of a "project" subject to the California Environmental Quality Act. The 303(d) List, while formally approved by resolution, constitutes recommendations to U.S. EPA of the water quality limited segments within its boundaries, and a priority ranking of such waters in accordance with the CWA. U.S. EPA conducts an independent review of the State Water Board 303(d) List and either approves or disapproves the board's recommendations. Such recommendations have no potential to result in a "direct physical change in the environment, or a reasonably foreseeable indirect physical change on the environment" (Pub. Res. Code, § 21065). The 303(d) List satisfies reporting requirements of the CWA and provides information for setting priorities for future actions.

THEREFORE, BE IT RESOLVED THAT:

The State Water Board:

1. Approves the [303\(d\) List](#) on behalf of the Los Angeles Regional Board for inclusion into the 2014 and 2016 California Integrated Report.
2. Approves the 303(d) List portion of the 2014 and 2016 California Integrated Report.
3. Authorizes the Executive Director or designee to transmit the 2014 and 2016 California Integrated Report and other supporting information to U.S. EPA for approval of the 303(d) List portion of the 2014 and 2016 California Integrated Report.

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 approved at a meeting of the State Water Resources Control Board held on October 3, 2017.

AYE: Chair Felicia Marcus
Vice Chair Steven Moore
Board Member Tam M. Doduc
Board Member Dorene D'Adamo
Board Member Joaquin Esquivel

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board