

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – LOS ANGELES REGIONAL WATER BOARD
NOVEMBER 17, 2015**

ITEM 4

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION (BASIN PLAN) TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR INDICATOR BACTERIA IN THE SAN GABRIEL RIVER, ESTUARY AND TRIBUTARIES

DISCUSSION

On June 10, 2015, the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted [Resolution No. R15-005](#) amending the Basin Plan to establish a TMDL for indicator bacteria in the San Gabriel River, Estuary and Tributaries (hereinafter Bacteria TMDL). The TMDL addressed federal Clean Water Act (CWA) section 303(d) listings for indicator bacteria in the San Gabriel River watershed.

The San Gabriel River watershed includes approximately 689 square miles within three counties, Los Angeles, Orange, and San Bernardino. The main tributaries of the river are Big and Little Dalton Wash, San Dimas Wash, Walnut Creek Wash, San Jose Creek, and Coyote Creek. Part of the Coyote Creek subwatershed is in Orange County and San Bernardino County, and is under the authority of the Santa Ana Water Board.

The goal of the Bacteria TMDL is to address the impairment of water quality due to elevated bacteria densities. Recreating in waters with elevated bacterial indicator densities has long been associated with adverse human health effects. The Bacteria TMDL established numeric targets and waste load allocations (WLAs) and load allocations (LAs) for sources of bacteria within the watershed that are protective of the designated water contact recreation use, and specified a program of implementation.

The Bacteria TMDL used previously approved approaches, including the reference system/anti-degradation approach and the corresponding allowable exceedance day approach. The Bacteria TMDL also included a scheduled “reconsideration” as part of its implementation program:

The Regional Water Board will reconsider and may revise the TMDL based upon data and information submitted under the MS4 permits on progress towards achieving WLAs, or other monitoring data, reference system studies, or new information. The reconsideration will include an evaluation of the need for interim WLAs that would be applicable to MS4 discharges, regardless of whether an MS4 permittee is implementing the TMDL through a WMP/EWMP or through the baseline provisions of the MS4 permit.

The detailed analysis supporting the Bacteria TMDL adoption is contained in the TMDL staff report.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan to establish a TMDL for Indicator Bacteria in the San Gabriel River, Estuary and Tributaries?

FISCAL IMPACT

The 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

Yes, approval of this resolution will amend the Los Angeles Water Board's Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan adopted under Los Angeles Water Board Resolution No. R15-005.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board Resolution No. R15-005 as approved and the administrative record for this action to the Office of Administrative Law and the TMDL adoption to the U.S. Environmental Protection Agency for approval.

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 Objective 1.1 to implement a statewide strategy to efficiently prepare, adopt, and implement TMDLs, which result in water bodies meeting water quality standards, and adopt and begin implementation of TMDLs for all 2006-listed water bodies by 2019.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2015-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD FOR INDICATOR BACTERIA IN THE SAN GABRIEL RIVER, ESTUARY AND TRIBUTARIES

WHEREAS:

1. On June 10, 2015, the Regional Water Quality Control Board for the Los Angeles Region (Los Angeles Water Board) adopted [Resolution No. R15-005](#) an amendment the Water Quality Control Plan for the Los Angeles Region (Basin Plan amendment) to incorporate a Total Maximum Daily Load (TMDL) for indicator bacteria in the San Gabriel River, Estuary and Tributaries.
2. The Los Angeles Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) "Substitute Environmental Documents" for the proposed Basin Plan amendment, including the CEQA Checklist, the final staff report entitled "Total Maximum Daily Loads for Indicator Bacteria in San Gabriel River, Estuary and Tributaries", and the response to comments, complies with the State Water Board's regulations for the implementation of CEQA, as set forth in the California Code of Regulations, Title 23, sections 3775 through 3781. The State Water Board has reviewed the Substitute Environmental Documents for the Basin Plan amendment and concurs with the Los Angeles Water Board's findings and determinations, including the Statement of Overriding Considerations.
3. 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).
4. The Los Angeles Water Board found 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](#)) and the federal Antidegradation Policy (40 C.F.R. section 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 California Water Code section 13240, which specified that regional water quality control boards may revise Basin Plans, and section 13242, which requires a program of implementation for achieving water quality objectives. The State Water Board also finds that the TMDL as reflected in the Basin Plan amendment is consistent with the requirements of section 303(d) of the federal Clean Water Act.
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). The TMDL must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).

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7. Los Angeles Water Board staff determined that minor, non-substantive changes to the language of the Basin Plan amendment were necessary to correct minor clerical errors or to improve clarity and consistency. The Los Angeles Water Board's Executive Officer made these minor non-substantive changes in a [memorandum](#) dated September 2, 2015. The memorandum contains clarifying language that, to be consistent with staff report, golf courses shall be assigned Load Allocations in the Basin Plan amendment. In addition, the memorandum also clarifies that the staff report has been revised to correct typographical errors and to include appropriate references relied upon.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendments adopted under Los Angeles Water Board Resolution No. R15-005.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under Los Angeles Water Board Resolution No. R15-005 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL.

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 November 17, 2015.

Jeanine Townsend
Clerk to the Board