

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

Resolution No. R13-0XX

Non-Regulatory Amendments to the *Water Quality Control Plan for the Los Angeles Region* to Administratively Update Chapter 3 “Water Quality Objectives” by Incorporating Previously Adopted Amendments and Updated Tables

May 2, 2013

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds that:

1. The *Water Quality Control Plan for the Los Angeles Region* (Basin Plan) is the Regional Board’s master water quality control planning document for the coastal watersheds of Los Angeles and Ventura Counties. The Basin Plan contains the region’s water quality standards, which consist of beneficial uses, water quality objectives to protect those uses, and an anti-degradation policy along with a program of implementation, and non-regulatory descriptions of the region covered by the plan.
2. The Basin Plan may be amended in accordance with California Water Code section 13240 *et seq.*
3. The current Basin Plan was adopted by the Regional Board on June 13, 1994, and approved by the State Water Resources Control Board (State Water Board) on November 17, 1994 and by the State Office of Administrative Law (OAL) on February 23, 1995. Since then, numerous Basin Plan amendments have been adopted and more current background and geographical information has become available. These changes have yet to be physically reflected in the current Basin Plan.
4. Recognizing the value of having a Basin Plan that reflects all applicable amendments, its administrative update was identified as a priority project to be addressed during the most recent triennial review (Resolution No. R10-001). This administrative update is being conducted in phases, the first of which was the update to Chapter 2 “Beneficial Uses”, and the second was the addition of Chapter 7 “Total Maximum Daily Loads”.
5. The administrative update to Chapter 3 of the Basin Plan specifically includes: (i) the incorporation of language from sixteen previously adopted Basin Plan amendments to some of the region’s water quality objectives and their application as contained in Regional Board Resolution Nos. R97-002, R99-014, R01-014, R01-018, R02-011, R02-22, R03-015, R04-22, R05-014, R06-003, R06-022, R07-005, R07-12, R08-012, and R10-005, and State Water Board Resolution No. 2005-0015, (ii) updates to water quality objective tables containing Maximum Contaminant Levels established in Title 22 of the California Code of Regulations (CCR), and (iii) revisions to the water quality objectives table for groundwater basins and sub-basins to reflect the changes in basin grouping and nomenclature that was part of the Chapter 2 administrative update.

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6. In January 2003, the Regional Board adopted Resolution No. 2003-001, an amendment to the Basin Plan that incorporated language authorizing compliance schedules in NPDES permits. The amendment was subsequently approved by the State Water Board in June 2003, OAL in August 2003, and the U.S. Environmental Protection Agency (USEPA) in February 2004. In April 2008, the State Water Board adopted Resolution No. 2008-0025, which established a state-wide *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits*. State Water Board Resolution No. 2008-0025 superseded all existing provisions authorizing compliance schedules in Basin Plans, including Regional Board Resolution No. 2003-001, except for existing compliance schedule provisions in TMDL implementation plans that are in effect as of the effective date of Resolution No. 2008-0025. As the Basin Plan amendment language in Regional Board Resolution No. 2003-001 has no regulatory effect, that language is not being included in the Basin Plan as part of this administrative update. An explanation to this effect is included in Chapter 3 as part of this administrative update.
7. This administrative update is non-regulatory in nature and imposes no new regulatory requirements. These amendments do not involve changes to water quality objectives beyond those contained in the previously adopted amendments being incorporated. The non-substantive changes are intended solely to improve the clarity and convenience of the Basin Plan.
8. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Regional Boards' basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 *et seq.*) requirements for preparing environmental documents (14 Cal. Code Regs. § 15251(g); 23 Cal. Code Regs. § 3782). While the Regional Board generally prepares "substitute environmental documents" for amendments to its Basin Plan that contain the required environmental documentation under the State Water Board's CEQA regulations (23 Cal. Code Regs. § 3777), these amendments are non-regulatory administrative updates to the Basin Plan. Therefore, these amendments are exempt from CEQA as they are purely ministerial, do not constitute a "project", and will have no impact on the environment. Accordingly, the State Water Board's CEQA regulations do not apply to this action. (23 Cal. Code Regs. § 3720.)
9. Regional Board staff has prepared a staff report that describes the proposed amendments, as well as the specific necessity and rationale for this administrative update to Chapter 3 of the Basin Plan. The staff report titled "Administrative Update of the Water Quality Control Plan for the Los Angeles Region – Chapter 3: Water Quality Objectives" is an integral part of this Regional Board action and was reviewed, considered, and accepted by the Regional Board before acting.
10. The public has had a reasonable opportunity to participate in the review of the proposed amendments to the Basin Plan. A draft of the Staff Report, the tentative Resolution and the language of previously adopted amendments to Chapter 3 along with the updated tables, was released for public comment on February 19, 2013 to allow a 45-day public comment period in advance of the public hearing. Regional Board staff responded to written comments received from the public. The proposed

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amendments and staff report have been revised as appropriate in response to comments.

11. A Notice of Hearing was published and circulated 45 days preceding Regional Board action.
12. On May 2, 2013, prior to the Regional Board's action on this Resolution, a public hearing was held to consider adoption of the proposed administrative update of Chapter 3 of the Basin Plan. Notice of the hearing was published in the Los Angeles Times and Ventura County Star on February 20, 2013, in accordance with the requirements of Water Code section 13244.
13. The amendments are non-regulatory administrative updates to Chapter 3 of the Basin Plan. The Regional Board is physically incorporating previously adopted amendments, and is not adopting or revising any water quality objectives in this action. Therefore, sections 13241 and 13242 of the Water Code do not apply to this action. While the Regional Board is not required to consider the factors in Water Code section 13241, the Regional Board nevertheless finds that these amendments will have no impact on any of the factors set forth in Water Code section 13241.
14. The Regional Board finds that these non-regulatory administrative updates do not have scientific elements requiring independent, external scientific peer review in accordance with Health and Safety Code section 57004.
15. A non-regulatory Basin Plan amendment does not become effective until approved by the State Water Board and until OAL has concurred on its non-regulatory status.
16. If during the approval process, Regional Board staff, the State Water Board or State Water Board staff, or OAL determines that minor, non-substantive modifications to the language of the amendment are needed for clarity or consistency, the Executive Officer should make such changes consistent with the Regional Board's intent in adopting this amendment, and should inform the Regional Board of any such changes.
17. This Basin Plan amendment does not involve adoption or revision of water quality standards for surface water. Thus, USEPA approval is not required.

THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to Water Code section 13240, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby approves the Staff Report and adopts the amendments to Chapter 3 of the *Water Quality Control Plan for the Los Angeles Region* to incorporate the language of previously adopted amendments to Chapter 3, update water quality tables containing Maximum Contaminant Levels established in Title 22 of the CCR, and update the table of water quality objectives for groundwater basins and sub-basins to reflect the changes in basin grouping and nomenclature that was part of the Chapter 2 administrative update; as set forth in Attachment A hereto.
2. The Regional Board is taking this action pursuant to Regional Board Resolution No. R10-001 (Resolved Clause 1(c)), in which the Regional Board identified the

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administrative update of the Basin Plan as a basin planning priority to be addressed during the 2008-2010 Triennial Review. Updating Chapter 3 "Water Quality Objectives" is one phase of the update.

3. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Water Board in accordance with the requirements of Water Code section 13245.
4. The Regional Board requests that the State Water Board approve the Basin Plan amendment in accordance with the requirements of Water Code sections 13245 and 13246.
5. The Regional Board authorizes the Executive Officer or his designee to submit the amendments adopted by this Resolution to OAL for concurrence on its non-regulatory status and to USEPA for informational purposes.
6. If during the approval process, Regional Board staff, the State Water Board or State Water Board staff, or OAL determines that minor, non-substantive modifications to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Regional Board of any such changes.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on May 2, 2013.

Samuel Unger, P.E.
Executive Officer

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