

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

Resolution No. R11-011

Non-Regulatory Amendments to the *Water Quality Control Plan for the Los Angeles Region* to Administratively Update Chapter 2 "Beneficial Uses" by Incorporating Previously Adopted Amendments, and Updated Surface and Groundwater Maps and Corresponding Beneficial Use Tables

November 10, 2011

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 reflected in the current Basin Plan.
4. Recognizing the value of having a current Basin Plan, 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 is the update to Chapter 2 "Beneficial Uses", which contains the region's maps and beneficial use tables.
5. The administrative update to Chapter 2 of the Basin Plan specifically includes: (i) revisions to all surface water, groundwater, and coastal features maps based on higher resolution geographical information; (ii) revisions to the beneficial use tables to reconcile them with the higher resolution maps, and to reflect reach name changes that have occurred as a result of total maximum daily loads or other Basin Plan amendments; and (iii) the incorporation of previously adopted Basin Plan amendments to the region's municipal and recreational beneficial uses as contained in Regional Board Resolution No. R98-018, Regional Board Resolution No. R03-010, and State Water Board Resolution No. 2005-0015.

6. This administrative update is non-regulatory in nature and imposes no new regulatory requirements. These amendments do not involve changes to beneficial use definitions, nor do they assign, modify, or delete beneficial use designations to any surface or ground waters within the region. The non-substantive changes are intended solely to improve the clarity and convenience of the Basin Plan.
7. 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.
8. 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 2 of the Basin Plan. The staff report titled "Administrative Update of the Water Quality Control Plan for the Los Angeles Region – Chapter 2: Beneficial Uses" is an integral part of this Regional Board action and was reviewed, considered, and accepted by the Regional Board before acting.
9. 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 higher resolution maps and corresponding beneficial use tables, along with the language of previously adopted amendments to Chapter 2, was released for public comment on August 19, 2011 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 amendments and staff report have been revised as appropriate in response to comments.
10. A Notice of Hearing was published and circulated 45 days preceding Regional Board action.
11. On November 10, 2011, 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 2 of the Basin Plan. Notice of the hearing was published in the Los Angeles Times and Ventura County Star on August 19, 2011, in accordance with the requirements of Water Code section 13244.
12. The amendments are non-regulatory administrative updates to Chapter 2 of the Basin Plan and the Regional Board is not adopting or revising water quality objectives. 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.

13. 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.
14. 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.
15. 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.
16. This Basin Plan amendment does not involve adoption or revision of water quality standards for surface water. Thus, US Environmental Protection Agency (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 2 of the *Water Quality Control Plan for the Los Angeles Region* to administratively update the maps and align the beneficial use tables with the higher resolution maps, and to incorporate the language of previously adopted amendments to Chapter 2 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 administrative update of the Basin Plan as a basin planning priority to be addressed during the 2008-2010 Triennial Review. Updating Chapter 2 "Beneficial Uses" 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 November 10, 2011.

Samuel Unger
Samuel Unger, P.E.
Executive Officer