

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2022-0023**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR
THE CENTRAL COASTAL BASIN TO ESTABLISH TOTAL MAXIMUM DAILY LOADS
FOR TURBIDITY IN THE GABILAN CREEK WATERSHED, MONTEREY COUNTY

WHEREAS:

1. On February 18, 2022, the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) adopted [Resolution No. R3-2022-0002](#) to amend the Water Quality Control Plan for the Central Coastal Basin (Basin Plan) to establish Total Maximum Daily Loads (TMDLs) for turbidity in the Gabilan Creek watershed, Monterey County.
2. The Central Coast Water Board found the Basin Plan amendment was consistent with the provisions of the State Water Resources Control Board (State Water Board) [Resolution No. 68-16](#), "Statement of Policy with Respect to Maintaining High Quality of Waters in California," and 40 Code of Federal Regulations (CFR) section 131.12.
3. The elements of a TMDL are described in CFR, title 40, sections 130.2 and 130.7, section 303(d) of the federal Clean Water Act, and U.S. Environmental Protection Agency guidance documents. A TMDL is defined as "[t]he sum of individual [waste load allocations] for point sources and [load allocations] for nonpoint sources and natural background" (CFR, title 40, section 130.2(i)). The Central Coast Water Board determined that the TMDLs for turbidity in the Gabilan Creek watershed are set at the levels necessary to attain and maintain the applicable water quality standards, taking into account seasonal variations and any lack of knowledge concerning the relationship between effluent limitations and water quality (CFR, title 40, section 130.7(c)(1)). The Central Coast Water Board determined that the TMDLs account for seasonal variation and critical conditions as required by CFR, title 40, section 130.7(c)(1).
4. The Central Coast Water Board concurred with the analyses contained in the TMDL technical report, the California Environmental Quality Act (CEQA) "Substitute Environmental Documents" for the Basin Plan amendment (including the CEQA Checklist and Analysis), the staff report, and staff responses to public comments, and found that these analyses comply with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in California Code of Regulations, title 23, section 3775 et seq. Furthermore, the Central Coast Water Board found that these analyses fulfill the Central Coast Water Board's obligations related to the adoption of regulations "requiring the installation of pollution control equipment, or a performance standard or treatment requirement," as set forth in section 21159 of the Public Resources Code. The Central Coast Water Board's environmental analysis accounts for a reasonable range of environmental, economic, and technical factors.
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise water quality control plans, and with section 13242, which requires a program of implementation to achieve water quality objectives.

The State Water Board also finds that the Basin Plan amendment, is consistent with the requirements of Clean Water Act section 303(d).

6. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b). The necessity of developing the TMDLs is established in the TMDL technical report, the Clean Water Act section 303(d) List, and the data contained in the administrative record documenting turbidity water quality impairments in the Gabilan Creek watershed.
7. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the California Office of Administrative Law. The TMDL must also receive approval from the U.S. Environmental Protection Agency.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under Central Coast Water Board Resolution No. R3-2022-0002.
2. Authorizes and directs the Executive Director or designee to submit the amendment adopted under Central Coast Water Board Resolution No. R3-2022-0002 and the administrative record for this action to the California Office of Administrative Law and the TMDL to the U.S. Environmental Protection Agency for approval.

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 June 7, 2022.

AYE: Chair E. Joaquin Esquivel
Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board