

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2022-0046**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE COLORADO RIVER BASIN REGION TO ESTABLISH A TOTAL MAXIMUM DAILY LOADS AND IMPLEMENTATION PLAN FOR ORGANOPHOSPHATE AND ORGANOCHLORINE COMPOUNDS IN IMPERIAL VALLEY WATERS, IMPERIAL COUNTY

WHEREAS:

1. On May 10, 2022, the California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) adopted [Resolution R7-2022-0032](#), including [Attachment A](#) and [Attachment B](#), thereby amending the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) to establish Total Maximum Daily Loads (TMDLs) for organophosphate (OP) and organochlorine (OC) compounds in Imperial Valley waters.

2. Water Quality Standards (WQSs) consist of designated beneficial uses, numeric and narrative Water Quality Criteria¹ that protect beneficial uses, as well as the state and federal antidegradation policies. (See State Water Resources Control Board [Resolution No. 68-16](#) [state policy]; 40 C.F.R. § 131.12 [federal policy].)

3. Under the Basin Plan, the Alamo River, Imperial Valley Drains, and the New River are designated for the following beneficial uses:
 - a. Warm Freshwater Habitat (WARM);
 - b. Wildlife Habitat (WILD);
 - c. Preservation of Rare, Threatened, or Endangered Species (RARE);
 - d. Water Contact Recreation (REC I);
 - e. Noncontact Water Recreation (REC II); and
 - f. Freshwater Replenishment (FRSH).

¹ Under California law, Water Quality Criteria are referred to as Water Quality Objectives (WQOs). (See Wat. Code, § 13241.)

4. The Basin Plan also designates Wiest Lake for the following beneficial uses:
 - g. REC I²;
 - h. REC II;
 - i. WARM;
 - j. WILD;
 - k. Municipal and Domestic Supply (MUN) [Potential]; and
 - l. Cold Freshwater Habitat (COLD) [Intermittent].
5. The proposed Basin Plan Amendment is part of a certified regulatory program that is exempt from the procedural requirements of the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq. (Cal. Code Regs., tit. 14, § 15251, subd. (g).)
6. The Staff Report constitutes a Substitute Environmental Document (SED) for the purposes of the CEQA Guidelines. (Cal. Code Regs., tit. 14, § 15252; id., tit. 23, § 3777.) In accordance with California Code of Regulations, title 23 (Title 23), section 3777, the Staff Report includes an Environmental Checklist that identifies any reasonably foreseeable environmental impacts resulting from Basin Plan Amendment implementation (§ 3777, subd. (b)(2)), and also analyzes reasonably foreseeable means of compliance (§ 3777, subd. (b)(4)). The impact analysis considers reasonable range of environmental, economic, and technical factors, population and geographic areas, and specific sites. (§ 3777, subd. (c).) Additionally, the Staff Report contains a determination that the proposed Basin Plan Amendment will have no potential for adverse effects. (§ 3777, subds. (b)(2), (e).)
7. The proposed Basin Plan Amendment is consistent with state and federal and antidegradation policies, as well as with all applicable state policies for water quality control.
8. As reflected in the Staff Report, the proposed Basin Plan Amendment will not have any significant or potentially significant effects on the environment. Accordingly, no alternatives or mitigation measures are included in the Staff Report. (Cal. Code Regs., tit. 23, § 3777, subd. (e).)
9. In accordance with Water Code section 13245, the Basin Plan Amendment is now submitted to the State Water Resources Control Board

² Wiest Lake is managed by the Department of Fish and Wildlife, which does not permit swimming in the lake.

(State Water Board) approval. The Basin Plan Amendment does not take effect until State Water Board approval via this Resolution.

10. Following State Water Board approval, the Basin Plan Amendment will be submitted to the California Office of Administrative Law (OAL), and the U.S. Environmental Protection Agency (USEPA). The Basin Plan Amendment also does not take effect until these approvals occur.

11. This regulatory action meets the “necessity” standard of the Administrative Procedure Act. (See Gov. Code, § 11353, subd. (b)(1)(C).)

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the subject Basin Plan Amendment, as adopted per Colorado River Basin Water Board Resolution R7-2022-0032.
2. Authorizes and directs the Executive Director or her designee to submit the subject Basin Plan Amendment, adopted per Colorado River Basin Water Board Resolution R7-2022-0032, as well as the administrative record for this action, to the OAL 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 November 15, 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

 for

Jeanine Townsend
Clerk to the Board