

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF WATER QUALITY  
DECEMBER 6, 2011**

**ITEM 9**

**SUBJECT**

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE COLORADO RIVER BASIN REGION TO REVISE INDICATOR BACTERIA FOR THE COACHELLA VALLEY STORM WATER CHANNEL.

**DISCUSSION**

On May 20, 2010, the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) adopted [Resolution No. R7-2010-0027](#) amending the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) to revise water quality objectives for bacteria for a 17-mile reach of the Coachella Valley Storm Water Channel (CVSC).

To ensure human health is protected when the public engages in REC-I beneficial uses in the CVSC, the Basin Plan prescribes bacterial limits using bacterial indicators. The Basin Plan currently prescribes three bacterial indicators for the CVSC: E. coli, enterococci, and fecal coliform. Because the use of all three indicators is not necessary, is contrary to United States Environmental Protection Agency (U.S. EPA) recommendations issued 25 years ago, and may lead to erroneous results regarding whether the REC-I beneficial uses of the CVSC are being reasonably protected, the Colorado River Basin Water Board proposes to amend the Basin Plan to remove the bacterial indicators of enterococci and fecal coliform. The bacterial indicator E. coli and the previously prescribed limits for that indicator would be retained in the Basin Plan as the best indicator to evaluate risk of human illness due to exposure to pathogens.

In early 2007, Regional Water Board staff was developing a Total Maximum Daily Load (TMDL) for this same 17-mile reach of the CVSC since it was on the Clean Water Act section 303(d) list as being impaired for pathogens. A draft of the TMDL was submitted to the U.S. EPA and State Water Board TMDL staff for their respective review and comment. The draft specified only one bacterial indicator, E. coli, in lieu of the three indicators of E. coli, enterococcus, and fecal coliform specified in the Basin Plan. Both U.S. EPA and State Water Board TMDL staff questioned the rationale and basis for listing only E. coli, given the Basin Plan's specification of three indicators. U.S. EPA TMDL staff provided comments on this issue in a letter dated April 30, 2007, to which Regional Water Board staff responded by letter dated May 9, 2007.

A conference call was held on May 10, 2007, with TMDL staff from the U.S. EPA, State Water Board, and Regional Water Board to discuss this issue further. Agreement was reached in the call that it was appropriate for the Regional Water Board to consider adoption at its May 16, 2007 hearing of the TMDL using only E. coli for the numeric target, LAs, WLAs, and monitoring so long as the Regional Water Board directed its staff to prepare an amendment to the Basin Plan that: (a) rectifies current limitations of having three bacteria indicator organisms (fecal coliform, E. coli, and enterococcus); (b) clarifies which indicators apply to which surface waters of the Region, and, as necessary; (c) develops site-specific objectives. This proposed Basin Plan amendment is consistent with that agreement.

U.S. EPA approval of this amendment is required (CWA Section 303(c)(2); 40 CFR 131.5, 131.6.) because the amendment proposes a change in water quality criteria necessary to protect the designated beneficial use of REC-1. The amendment will effectively remove water quality objectives for fecal coliforms and enterococci from the Basin Plan, thereby leaving E. coli as the sole bacterial indicator for protecting human health.

### **POLICY ISSUE**

Should the State Water Board approve the amendment to the Basin Plan to revise water quality objectives for bacteria for the 17-mile reach of the Coachella Valley Storm Water Channel?

### **FISCAL IMPACT**

There are no fiscal impacts expected to result from this amendment.

### **REGIONAL BOARD IMPACT**

Yes, approval of this resolution will amend the Colorado River Basin Water Quality Control Plan (Basin Plan).

### **STAFF RECOMMENDATION**

That the State Water Board:

1. Approve the proposed amendment to the Basin Plan adopted under Colorado River Basin Water Board Resolution No. R7-2010-0027.
2. Authorize the Executive Officer or designee to submit the amendment adopted under Colorado River Basin Water Board Resolution No. R7-2010-0027, as approved, and the administrative record for this action to the Office of Administrative Law for approval of the regulatory provisions and to U.S. EPA for approval of the change in water quality criteria specified for pathogens to reduce the number of bacterial indicators from three to one (E. coli).

State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012 which seeks to implement strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030.

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2011-

### APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE COLORADO RIVER BASIN REGION TO REVISE INDICATOR BACTERIA FOR THE COACHELLA VALLEY STORM WATER CHANNEL

#### WHEREAS:

1. On May 20, 2010, the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) adopted [Resolution No. R7-2010-0027](#) and [Appendix I](#) incorporated by reference therein amending the Basin Plan to revise indicator bacteria for a 17-mile reach of the Coachella Valley Storm Water Channel.
2. The Basin Plan Amendment adopted by the Colorado River Basin Water Board removes two of the three bacterial indicators for pathogens for the subject reach of the Coachella Valley Storm Water Channel, in accordance with 1986 U.S. Environmental Protection Agency water quality criteria guidelines and recommendations, leaving E. coli as the sole indicator.
3. The Colorado River Basin Water Board found that the analysis contained in the Staff Report, the California Environmental Quality Act (CEQA) substitute environmental documentation for the proposed Basin Plan amendment, including the CEQA Checklist and the responses to comments prepared by Colorado River Basin Water Board staff, complies with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in the California Code of Regulations, Title 23, section 3775 et seq.
4. The Colorado River Basin Water Board found the Basin Plan amendment would not have a significant adverse effect on the environment and is consistent with the Antidegradation Policy ([State Water Board Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 CFR part 131.12).
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 Basin Plans; and section 13242, which requires a program of implementation of water quality objectives.
6. The State Water Board also finds that this regulatory action meets the "Necessity" standard set forth in Government Code section 11353, subdivision (b)(2)(C) of the Administrative Procedure Act.
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 Office of Administrative Law (OAL).

# **D R A F T**

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under Colorado River Basin Water Board Resolution No. R7-2010-0027.
2. Authorizes the Executive Officer or designee to submit the amendment adopted under Colorado River Basin Water Board Resolution No. R7-2010-0027, as approved, and the administrative record for this action to OAL for approval of the regulatory provisions.

## **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 December 6, 2011.

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Jeanine Townsend  
Clerk to the Board