

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

RESOLUTION NO. R7- 2010- 0027

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, The California Regional Water Quality Control Board, Colorado River Basin Region (hereinafter Regional Water Board), finds that:

1. An updated Water Quality Control Plan for the Colorado River Basin (Basin Plan) was adopted by the Regional Water Board on November 17, 1993, approved by the State Water Resources Control Board (State Water Board) on February 17, 1994, and approved by the Office of Administrative Law (OAL) on August 3, 1994. The Basin Plan includes amendments adopted by the Regional Water Board through May 2007.
2. The Federal Clean Water Act (CWA) Section 303 requires the Regional Water Board to develop Water Quality Objectives (WQOs), sufficient to protect Beneficial Uses designated for each water body within its Region.
3. CWA Section 303(c) requires the Regional Water Board to review their Basin Plan at least every three years, and modify WQOs or Beneficial Uses if appropriate.
4. California Water Code (CWC) Section 13240 authorizes the Regional Water Board to amend the Basin Plan. CWC Section 13241 authorizes the Regional Water Board to establish WQOs, and CWC Section 13242 provides requirements for implementation programs to achieve WQOs.
5. Beneficial Uses for the Coachella Valley Storm Water Channel (CVSC) designated in the Basin Plan include:
 - Warm Freshwater Habitat (WARM),
 - Wildlife Habitat (WILD),
 - Preservation of Rare, Threatened, or Endangered Species (RARE),
 - Water Contact Recreation (REC I),
 - Non-contact Recreation (REC II), and
 - Freshwater Replenishment (FRSH)
6. To protect the REC I Beneficial Use, the Basin Plan specifies bacterial objectives for fecal coliforms, E. coli, and enterococci, which are general pathogenic microorganisms (i.e., pathogen indicator bacteria).
7. In 1986, the United States Environmental Protection Agency (USEPA) published a guidance document titled "Ambient Water Quality Criteria for Bacteria." The document designates E. coli as the sole indicator bacterium for protecting the REC I beneficial use for fresh waters. This document was based upon several studies conducted and sponsored by the USEPA.

8. The guidance document indicates that for fresh recreational waters, E. coli and enterococcus equally demonstrate a greater correlation between bacterial densities and gastrointestinal illnesses in humans, than do fecal coliforms.
9. The USEPA 1986 bacteria criteria represent the best available science, and provide equivalent protection of the REC I Beneficial Use as WQOs in the current Basin Plan.
10. Consistent with USEPA's guidance document, this Amendment proposes to revise Chapter III "WATER QUALITY OBJECTIVES" of the Basin Plan to designate E. coli (i.e., eliminate fecal colliforms) as the sole indicator bacteria/WQO to protect the REC I Beneficial Use *specifically* for CVSC.
11. A duly-noticed public California Environmental Quality Act (CEQA) Scoping Meeting was held in Palm Desert, California for the subject amendment on August 7, 2008.
12. The Secretary for Natural Resources has certified the basin planning process as exempt from certain environmental review requirements of CEQA (Public Resources Code (PRC) Section 21000 et seq.), including preparation of an Initial Study, Negative Declaration, and Environmental Impact Report (EIR). (California Code of Regulations (CCR), Title 14, Section 15251(g).) Regional Water Board staff prepared a draft Basin Plan Amendment (Appendix 1), a Staff Report in support of the amendment, an Environmental Checklist and Determination, an assessment of the environmental impacts of the Basin Plan Amendment, and a discussion of alternatives, among other analyses. The proposed Basin Plan Amendment, Staff Report, Environmental Checklist and Determination, and supporting documentation are considered Substitute Environmental Documents that may be relied on in lieu of the Initial Study, Negative Declaration, and EIR (CCR, Title 14, Section 15252). The Regional Water Board has complied with these exempt certified regulatory program procedures.
13. Regional Water Board staff has prepared and distributed the Substitute Environmental Documents and other supporting written materials regarding adoption of the Basin Plan Amendment in compliance with applicable state and federal laws (PRC Section 21080.5; CWC Section 13240 et seq.; CCR, Title 14, Section 15252, and Title 23, Section 3775 et seq.; 40 Code of Federal Regulations (CFR) Parts 25, 130, 131).
14. In accordance with CCR Title 23 Sections 3778 through 3779, Regional Water Board staff consulted about the proposed action with stakeholders in the Region and potentially affected parties, and considered and addressed their comments.
15. The proposed Basin Plan amendment is consistent with State Water Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California", also known as the State's "Anti-degradation Policy," in that the changes to WQOs:
 - i. consider maximum benefits to the people of the state,
 - ii. will not unreasonably affect present and anticipated beneficial use of waters, and
 - iii. will not result in water quality less than that prescribed in policies.

Likewise, the amendment is consistent with the federal Anti-degradation Policy (Title 40 Code of Federal Regulations (40 CFR) Section 131.12).

16. The Regional Water Board held a Public Hearing on May 20, 2010, to consider and hear testimony on the draft Basin Plan Amendment. Notice of the Public Hearing was given to all interested persons, and published in accordance with CWC Section 13244. The Regional Water Board heard and considered all comments.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Regional Water Board adopts the proposed Basin Plan amendment to the Water Quality Control Plan for the Colorado River Basin as set forth in Appendix 1.
2. The Executive Officer is directed to forward copies of the Basin Plan Amendment to the State Water Board in accordance with the requirement of CWC Section 13245.
3. The Regional Water Board requests the State Water Board to approve the Basin Plan Amendment in accordance with CWC Sections 13245 and 13246, and forward the Basin Plan Amendment to OAL and USEPA for approval.
4. The Executive Officer is directed to transmit to the California Department of Fish and Game payment of its required CEQA filing fee for certified regulatory programs, which include this Basin Plan Amendment, as prescribed by California Fish and Game Code Section 711.4 and implementing regulations set forth at CCR, Title 14, Section 753.5.
5. If, during the approval process, the State Water Board or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Regional Water Board of any such changes.
6. After USEPA approval of the Basin Plan Amendment, the Executive Officer is directed to file a Notice of Decision (NOD) with the Secretary for Natural Resources in accordance with PRC Section 21080.5, subdivision (d)(2)(E), and CCR, Title 23, Section 3781, and to include with the NOD a copy of the CEQA filing fee paid to the California Department of Fish and Game.

I, ROBERT PERDUE, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin, on May 20, 2010.


ROBERT PERDUE
Executive Officer