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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2021-

APPROVING A NON-REGULATORY AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE COLORADO RIVER BASIN REGION TO UPDATE BACTERIA WATER QUALITY OBJECTIVES FOR WATERS DESIGNATED FOR WATER CONTACT RECREATION

WHEREAS:

1. On August 8, 2018, the State Water Resources Control Board (State Water Board) adopted [Resolution No. 2018-0038](#), *Part 3 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California – Bacteria Provisions and a Water Quality Standards Variance Policy and an Amendment to the Water Quality Control Plan for Ocean Waters of California – Bacteria Provisions and a Water Quality Standards Variance Policy* (Statewide Bacteria Provisions), which revised the bacteria water quality objectives for coastal and non-coastal waters designated for water contact recreation. These numeric objectives are already effective statewide and supersede the objectives listed in the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan), except for site-specific objectives and narrative water quality objectives. Resolution No. 2018-0038 was approved by the Office of Administrative Law (OAL) on February 4, 2019 and United States Environmental Protection Agency (U.S. EPA) on March 22, 2019.
2. On September 3, 2020, the California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) adopted [Resolution R7-2020-0028](#). The resolution would amend the Basin Plan to update the numeric bacteria water quality objectives for water contact recreation in accordance with the Statewide Bacteria Provisions, as adopted by the State Water Board in Resolution No. 2018-0038. Additionally, site-specific objectives for bacteria in the Colorado River would be moved to a different section of the Basin Plan and a new beneficial use definition for limited water contact recreation (LREC I) included.
3. Pursuant to Public Resources Code section 21080.5, the Natural Resources Agency has approved the basin planning process of the State Water Board and Regional Water Quality Control Boards as a “certified regulatory program” that satisfies California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) requirements for preparing environmental documents. (14 Cal. Code Regs. § 15251, subd. (g).) As an amendment consisting of non-regulatory, administrative updates to the Basin Plan, the amendment will have no impact on the environment and is not a “project” under CEQA. Additionally, the amendment is wholly within the scope of the Statewide Bacteria Provisions, for which the State Water Board

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already prepared a Substitute Environmental Document. No substantive changes or modifications to the previously-approved bacteria provisions are proposed, no changed circumstances have occurred, and no new information has triggered the need for supplemental or subsequent CEQA analysis. As such, the amendment does not require further environmental review. (See Pub. Resources Code, § 21166; Cal. Code Regs., title 14, §§ 15162-15163.)

4. The amendment meets the “necessity” standard of the Administrative Procedure Act in Government Code section 11353, subdivision (b)(2)(C). The amendment is necessary to incorporate the Statewide Bacteria Provisions that supersede current bacteria objectives in the Basin Plan, ensuring the most up-to-date information is available to maintain clarity among users.
5. Because the amendment consists of non-regulatory, administrative updates to the Basin Plan, this action is not subject to Water Code sections 13241 and 13242. However, the State Water Board finds that this amendment will have no impact on any factors set forth in Water Code section 13241.
6. The amendment does not become effective until approved by the State Water Board and the OAL has concurred in its non-regulatory status. Because the amendment does not involve the adoption of any new water quality standards for surface water, approval by the U.S. EPA is not required.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Colorado River Basin Water Board Resolution R7-2020-0028.
2. Authorizes and directs the Executive Director or her designee to submit the Basin Plan amendment adopted under Colorado River Basin Water Board Resolution R7-2020-0028 and the administrative record for this action to 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 March 16, 2021.

Jeanine Townsend
Clerk to the Board