

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD COLORADO RIVER BASIN REGION

Office
73-720 Fred Waring Dr. #100
Palm Desert, CA 92260

[Colorado River Water Board Webpage](#)

RESOLUTION R7-2020-0028



I, PAULA RASMUSSEN, Executive Officer, hereby certify that the following is a full, true, and correct copy of the resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on September 3, 2020.

Original signed by

PAULA RASMUSSEN,
Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

RESOLUTION R7-2020-0028

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

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

1. The Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) is the central document outlining the Colorado River Basin Water Board's plan for preserving and enhancing water quality in the region for the protection of beneficial uses for present and future generations. The Basin Plan contains the region's beneficial uses for groundwaters and surface waters, water quality objectives to protect those beneficial uses, and implementation programs to achieve the water quality objectives.
2. The Basin Plan was adopted by the Colorado River Basin Water Board on November 17, 1993 (Resolution 93-145) and last amended on January 8, 2019.
3. 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*, 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 Basin Plan, except for site-specific objectives and narrative water quality objectives.
4. This Resolution outlines a non-regulatory amendment to the Basin Plan to update the numeric bacteria water quality objectives for water contact recreation in accordance with provisions adopted by the State Water Board (Amendment). The Amendment also makes other administrative, non-regulatory changes, including adding a new beneficial use of limited contact recreation (LREC I) and moving the location of site-specific bacteria objectives for the Colorado River to a different section of the Basin Plan.
5. The Amendment was developed in accordance with Water Code section 13240 et seq. and meets the "necessity" standard of the Administrative Procedure Act in Government Code section 11353, subdivision (b)(2)(C). The Amendment is

necessary to ensure that the Basin Plan has the most up-to-date information available to maintain clarity among users.

6. Colorado River Basin Water Board staff have prepared a detailed Staff Report describing the Amendment, as well as the specific necessity of and rationale for this administrative update to the Basin Plan. The Colorado River Basin Water Board reviewed, considered, and accepted the Staff Report before taking action on the Amendment.
7. The Amendment is non-regulatory in nature and imposes no new regulatory requirements. The Amendment does not establish any new water quality standards or implementation provisions, but instead updates the Basin Plan to incorporate statewide water quality objectives already in effect. The non-regulatory, administrative changes are intended solely to provide more current information and to improve the clarity and convenience of the Basin Plan.
8. 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).)
9. 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 amendment for which the State Water Board 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.
10. 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 Regional Water Board finds that this Amendment will have no impact on any factors set forth in Water Code section 13241.
11. The Amendment does not include scientific elements requiring independent, external scientific peer review in accordance with Health and Safety Code section 57004.
12. The public has had a reasonable opportunity to participate in the review of the Amendment to the Basin Plan. The Amendment package, including the draft Resolution and Staff Report, was released for public comment on July 10, 2020, to allow a 30-day public comment period in advance of the public hearing.

13. The Colorado River Basin Water Board held a public hearing on September 3, 2020 to consider adoption of the Amendment. The Colorado River Basin Water Board considered all evidence provided by staff and the public at the hearing.
14. A non-regulatory Basin Plan amendment such as the Amendment does not become effective until approved by the State Water Board and until the Office of Administrative Law has concurred in its non-regulatory status.
15. The Amendment does not involve the adoption of any new water quality standards for surface water. Approval of the Amendment by the United States Environmental Protection Agency (USEPA) is therefore not required.

THEREFORE, BE IT RESOLVED THAT,

1. Pursuant to Water Code section 13240 et seq., the Colorado River Basin Water Board, after considering the whole of the record, including oral testimony at the hearing, hereby approves the Staff Report and adopts the Amendment to the Basin Plan to update the bacteria water quality objectives for water contact recreation and to make other administrative, non-regulatory changes, as set forth in **Attachment A** of this Resolution.
2. The Executive Officer is directed to submit the Amendment to the State Water Board in accordance with the requirements of Water Code section 13245.
3. The Colorado River Basin Water Board requests that the State Water Board approve the Amendment in accordance with the requirements of Water Code sections 13245 and 13246.
4. The Executive Officer is authorized to submit the Amendment adopted by this Resolution to the Office of Administrative Law for concurrence on its non-regulatory status and to the United States Environmental Protection Agency for informational purposes.
5. If during the approval process, Colorado River Basin Water Board staff, the State Water Board, or the Office of Administrative Law determines that minor, non-substantive modifications to the language of the Amendment are needed for clarity or consistency, the Executive Officer may make such changes and shall inform the Colorado River Basin Water Board of any such changes.

Any person aggrieved by this Colorado River Basin Water Board action may petition the State Water Board for review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 p.m. on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the statutes and regulations applicable to filing petitions are available on the State Water Board's website and can be provided upon request.

ATTACHMENT A

Changes to the language in Chapter 3, Section II.I of the Basin Plan are as follows:

I. BACTERIA

In waters designated for water contact recreation (REC I) or non-contact water recreation (REC II), the following bacterial objectives apply.

1. REC I

For all waters where the salinity is equal to or less than 1 part per thousand (ppth) 95 percent or more of the time during the calendar year, the bacteria objective is:

A six-week rolling geometric mean of *Escherichia coli* (*E. coli*) not to exceed 100 colony forming units (cfu) per 100 milliliters (mL), calculated weekly and a statistical threshold value (STV) of 320 cfu/100 mL not to be exceeded by more than 10 percent of the samples collected in a calendar month, calculated in a static manner.

For all waters where the salinity is greater than 1 ppth more than 5 percent of the time during the calendar year, the bacteria objective is:

A six-week rolling geometric mean of enterococci not to exceed 30 cfu/100 mL calculated weekly, with an STV of 110 cfu/100 mL not to be exceeded by more than 10 percent of the samples collected in a calendar month, calculated in a static manner.

Table 3-1: REC I Bacteria Objectives

Applicable Waters	Indicator	GM ¹ (cfu/100 mL ²)	STV ³ (cfu/100 mL)
All waters where salinity is equal to or less than 1 ppth 95 percent or more of the time	<i>E. coli</i>	100	320
All waters where salinity is greater than 1 ppth more than 5 percent of the time	Enterococcus	30	110

¹ GM = geometric mean, a six-week rolling geometric mean calculated weekly

² cfu/100 mL= Colony forming units per 100 milliliters

³ STV = statistical threshold value, not to be exceeded by more than 10 percent of the samples collected in a calendar month, calculated in a static manner

2. REC II

Based on a statistically sufficient number of samples (generally not less than five samples equally spaced over a 30-day period), the geometric mean of the indicated bacterial densities shall not exceed one or the other of the following: *E. coli* of 630 MPN/100 mL or enterococci of 165 MPN/100 mL.

No sample shall exceed the following maximum allowables: *E. coli* of 2000 MPN/100 mL or enterococci of 500 MPN/100 mL.

Table 3-2: REC II Bacteria Objectives

Indicator	GM ¹ (MPN/100 mL ²)	Maximum Allowable (MPN/100 mL)
<i>E. coli</i>	630	2000
Enterococcus	165	500

¹ GM = geometric mean, based on a statistically sufficient number of samples (generally not less than five samples equally spaced over a 30-day period)

² MPN/100 mL= Most probable number per 100 milliliters

The location of the site-specific objectives for bacteria in the Colorado River will move from Chapter 3, Section II.I of the Basin Plan to Chapter 3, Section III.A.3. Changes to the Basin Plan language are as follows:

3. Bacteria

The bacterial objectives identified in the General Surface Water Objectives section of this Basin Plan (Chapter 3, Section II.I) apply to the Colorado River. Additionally, the following site-specific bacterial objectives also apply to the Colorado River:

For water contact recreation (REC I), no sample shall exceed the following maximum allowables: *Escherichia coli* (*E. coli*) of 235 most probable number (MPN) per 100 milliliters (mL) or enterococci of 61 MPN/100 mL.

For non-water contact recreation (REC II), no sample shall exceed the following maximum allowables: *E. coli* of 1175 MPN/100 mL or enterococci of 305 MPN/100 mL.

Colorado River Site-Specific Bacteria Objectives

Beneficial Use	<i>E. coli</i> (MPN/100 mL)	Enterococcus (MPN/100 mL)
REC I	235	61
REC II	1175	305

A new beneficial use definition for limited contact water recreation (LREC I) will be added to Table 2-1 of the Basin Plan, as follows:

TABLE 2-1: DEFINITIONS OF THE BENEFICIAL USES OF WATER

	CATEGORY	DEFINITION
LREC I	Limited Water Contact Recreation	Uses of water that support limited recreational activities involving body contact with water, where the activities are predominantly limited by physical conditions and, as a result, body contact with water and ingestion of water is infrequent or insignificant.