

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

RESOLUTION ORDER NO. R7-2007-0039

A Resolution Amending the Water Quality Control Plan
of the Colorado River Basin Region to Establish the Total Maximum Daily Load
and Implementation Plan for
Bacterial Indicators in the Coachella Valley Storm Water Channel
Riverside County, California

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

1. An updated Water Quality Control Plan for the Colorado River Basin (Basin Plan) was adopted by the Regional 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 on August 3, 1994. This Basin Plan includes amendments adopted by the Regional Board through October 2005.
2. Warm freshwater habitat (WARM), wildlife habitat (WILD), preservation of rare, threatened, and endangered species (RARE), fresh water replenishment (FRSH), water contact recreation (REC I), and non-contact recreation (REC II) are the beneficial uses designated for the Coachella Valley Storm Water Channel.
3. The Basin Plan includes numeric bacteria water quality objectives, expressed as E. coli and Enterococci bacterial indicators, to protect REC I and REC II beneficial uses. Applicable Basin Plan objectives include general surface water objectives for all surface waters of the Region.
4. E. coli bacterial indicator water quality objectives are not being met in the Coachella Valley Storm Water Channel for the REC 1 beneficial use. Limited available water quality data suggest urban runoff contributes to violations of the water quality objectives. Other potential sources of bacterial indicators include, natural background sources, agricultural runoff, bacteria re-growth, and septic system discharges. However, the extent of their contributions is not known.
5. Pursuant to Section 303(d) of the Clean Water Act [42 U.S.C. § 1313(d)], the section of the Coachella Valley Storm Water Channel from approximately Indio to the Salton Sea is listed as water quality impaired due to pathogens of unknown sources. Section 303(d) of the Clean Water Act requires the establishment of a Total Maximum Daily Load (TMDL) for the impaired portion of the Coachella Valley Storm Water Channel to ensure compliance with water quality standards.
6. Section 303(d) requires TMDL allocations among sources of pathogens to ensure the TMDL is met and compliance with water quality standards is achieved according to an implementation plan and schedule.

7. Existing data are not sufficient to identify the extent to which sources contribute to the impairment. Therefore, this TMDL has been divided into two phases. The first phase will last three years following TMDL approval by the USEPA and includes further data collection and analysis to assess critical conditions, sources, and source controls. If water quality objectives are not achieved by the end of Phase 1, the second phase will be initiated. Phase 2 will last approximately four years, and may include implementation of additional management practices, and/or revision of the water quality objectives. Appropriate and required regulatory procedures will be followed prior to implementing Phase 2 actions.
8. Regional Board staff prepared and distributed a Draft Project Report, titled "Total Maximum Daily Load and Implementation Plan for Bacterial Indicators in the Coachella Valley Storm Water Channel, Riverside County, California", and supporting documents regarding adoption of the Basin Plan Amendment in compliance with applicable state and federal environmental regulations (California Code of Regulations., Title 23, § 3775 et seq.; 40 C.F.R. §§ 25, 130, 131 (2006).)
9. The Project Report and the Basin Plan Amendment, which establishes the TMDL and the Implementation Plan, are attached to this Resolution, and meet the requirements of Section 303(d) of the Clean Water Act.
10. The Regional Board has reviewed the Project Report and supporting documents, and proposed Basin Plan Amendment.
11. The Secretary for Resources certified the basin planning process as being exempt from certain environmental review requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.). Therefore, an Initial Study, Negative Declaration, and Environmental Impact Report are not required (Pub. Resources Code § 21080.5; California Code of Regulations., Title 14, § 15251, subd. (g)). In accordance with Section 3777 of Title 23 of the California Code of Regulations, the Project Report-Basin Plan Amendment package includes a CEQA Environmental Checklist and Determination that assesses the potential environmental impacts of the Basin Plan Amendment and discusses alternatives, among other analyses. The Project Report, Basin Plan Amendment, and CEQA Environmental Checklist and Determination, and supporting documentation are considered substitute environmental documents that may be relied on in lieu of an Initial Study, Negative Declaration, and Environmental Impact Report (California Code of Regulations., Title 14, § 15252).
12. The adoption of the Basin Plan Amendment, based on the Project Report, is a regulatory action subject to the requirements of Public Resources Code Section 21159. Consistent with the requirements of that Section, the CEQA Environmental Checklist and Determination includes an analysis of reasonably foreseeable environmental impacts resulting from project implementation, an analysis of reasonably foreseeable feasible mitigation measures, and an analysis of reasonably foreseeable alternative means of compliance (Pub. Resources Code § 21159, subd. (a)(1)-(3); California Code of Regulations., Title 14, § 15187, subds. (b), (c)(1)-(3)). The analysis in the CEQA Environmental Checklist and Determination takes into account a reasonable range of environmental, economic, and technical factors,

population and geographic areas, and specific sites. The CEQA analysis determined that the proposed Basin Plan Amendment would not have a significant adverse effect on the environment. Regional Board staff has presented the CEQA Environmental Checklist and Determination to the Regional Board, which reviewed and considered the analysis before adopting this amendment.

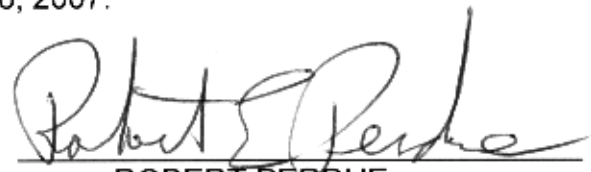
13. The Regional Board has considered federal and state anti-degradation policies and other relevant water quality control policies and finds the Basin Plan amendment consistent with those policies.
14. On January 30, 2003, a Public CEQA Scoping Meeting for the subject TMDL was held in Palm Desert, CA. Also, a public information meeting regarding the TMDL process was conducted in Palm Desert on February 24, 2004.
15. In a letter dated April 30, 2007, USEPA informed the Regional Board that while the TMDL contains numeric targets, loading capacity, and allocations expressed in only the E. coli bacterial indicator, the Basin Plan water quality objectives include both fecal coliform and E. coli as bacterial indicators to support the designated beneficial uses. USEPA therefore recommended that the TMDL and Basin Plan Amendment contain numeric targets, load allocations (LAs), and waste load allocations (WLAs) in terms of both E. coli and fecal coliform.
16. In a letter dated May 10, 2007, the Regional Board responded to USEPA's comments and provided the rationale for selecting E. coli as the only indicator for the subject TMDL. The rationale included written guidance from USEPA about using such indicators. Further, the rationale explained that E. coli is being used in the TMDL as a surrogate for fecal coliforms. Consequently, a load reduction in E. coli into the CVSC will result in a load reduction in fecal coliforms into the CVSC.
17. On May 11, 2007, State Water Resources Control Board TMDL staff, USEPA TMDL staff, and Regional Board TMDL staff reached agreement that it was appropriate for the Regional Board to consider adoption of the TMDL using only E. coli for the numeric target, load allocations (LAs), waste load allocations (WLAs), and monitoring so long as the Regional 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 enterocci), (b) clarifies which indicators apply to which surfaces waters of the Region, and, as necessary, (c) develops site-specific objectives. Accordingly, the TMDL Basin Plan amendment has been revised consistent with that agreement.
18. Consistent with Sections 3778 and 3779 of Title 23, California Code of Regulations, Regional Board staff consulted with stakeholders in the region and with other potentially affected parties about the proposed action, and considered and addressed comments on the matter.
19. On May 16, 2007, the Regional Board held a Public Hearing to consider the Project Report and Basin Plan Amendment. Notice of the Public Hearing was given to all interested persons and published in accordance with Water Code Section 13244, and 40 Code of Federal Regulations Part 25.

20. The Basin Plan Amendment must be reviewed and approved by the State Water Board. Once approved by the State Water Board, the amendment is submitted to the State Office of Administrative Law (OAL) for its concurrence that the amendment meets State Administrative Procedure Act requirements. A Notice of Decision is filed with the Secretary for Resources after the State Water Board and OAL have acted on this matter, where it is posted for public inspection for at least 30 days. Following State Water Board and OAL approval, the Basin Plan Amendment is forwarded to the U.S. Environmental Protection Agency for its review and approval.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Regional Board adopts the amendment to the Water Quality Control Plan for the Colorado River Basin as set forth in the attached Basin Plan Amendment.
2. The Executive Officer is directed to forward copies of the adopted Basin Plan Amendment to the State Water Board in accordance with the requirement of Section 13245 of the California Water Code.
3. The Regional Board requests the State Water Board approve the Basin Plan Amendment, as adopted, in accordance with Sections 13245 and 13246 of the California Water Code and forward the approved Basin Plan Amendment to the OAL and U.S. Environmental Protection Agency for their approvals.
4. The Executive Officer is directed to file a Notice of Decision with the California Secretary for Resources after OAL approval of the Basin Plan Amendment in accordance with Section 21080.5, Subdivision (d)(2)(E), of the Public Resources Code, and Section 3781 of Title 23 of the California Code of Regulations.
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 Board of any such changes.

I, Robert Perdue, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on May 16, 2007.



ROBERT PERDUE
Executive Officer