

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2018-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SANTA ANA RIVER BASIN TO REVISE THE COMPLIANCE SCHEDULE FOR THE FECAL COLIFORM TOTAL MAXIMUM DAILY LOAD FOR SHELLFISH HARVESTING IN NEWPORT BAY; REVISE THE SHELLFISH HARVESTING BENEFICIAL USE DEFINITION; ADD ANTIDEGRADATION TARGETS FOR NON-CONTACT WATER RECREATION ONLY WATERS; ADD CERTAIN WATERS TO TABLES 3-1 AND 4-1 AND DESIGNATE BENEFICIAL USES FOR THOSE AND OTHER SELECT WATERS; ADD A TMDL SPECIFIC CHAPTER TO THE BASIN PLAN AND INCLUDE AN INTRODUCTORY NARRATIVE TO THIS CHAPTER, AND REVISE SUBSEQUENT CHAPTER NUMBERING; AND ADD FECAL INDICATOR BACTERIA FOOTNOTES TO CHAPTERS 4 AND 5

### WHEREAS:

1. On June 16, 2017, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) adopted [Resolution No. R8-2017-0019](#), approving amendments to the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) that revise the compliance schedule for the fecal coliform total maximum daily load (TMDL) for shellfish harvesting (SHEL) in Newport Bay; revise the SHEL beneficial use definition; add antidegradation targets for non-contact water recreation (REC2) only waters; add certain waters to Tables 3-1 and 4-1 and designate beneficial uses for those and other select waters; add a new Basin Plan Chapter 6 specific to TMDLS and include an introductory narrative for Chapter 6, and revise subsequent chapter numbering; and add fecal indicator bacteria footnotes to Chapters 4 and 5.
2. On November 27, 2017, the Santa Ana Water Board received a comment from the City of Riverside requesting that a footnote be added to the amendment to clarify the boundaries of Hole Lake Creek, a proposed water to be added to the Basin Plan. In response to the comment, an Executive Officer Correction was made to the amendments approved by the Regional Water Board Resolution No. R8-2017-0019 to add the requested footnote to clarify the boundaries of Hole Lake Creek. The correction is a minor technical change.
3. The State Water Resources Control Board (State Water Board) finds that, in amending the Basin Plan, the Santa Ana Water Board complied with the requirements set forth in sections 13240, 13241, 13242, and 13244 of the Water Code.
4. The Santa Ana Water Board found that the amendments would not result in a lowering of water quality and were, thus, consistent with State and federal antidegradation policies (State Water Board's [Resolution No. 68-16](#); 40 CFR 131.12). The State Water Board agrees with these determinations.
5. The Santa Ana Water Board conducted analyses of the amendments pursuant to the California Environmental Quality Act (CEQA) and implementing regulations, including those regulations established by the State Water Board (California Code of Regulations, Title 23, Division 3, Chapter 27, commencing with sections 3720). In adopting the amendments, the Santa Ana Water Board found that no fair argument

exists that the amendments could have any reasonably foreseeable significant adverse effects on the environment and certified the environmental checklist and analysis included as part of the Substitute Environment Document prepared for the amendments. The State Water Board concurs with the Santa Ana Water Board's findings and determination.

6. The Santa Ana Water Board found that the amendments meet the necessity standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b). The State Water Board agrees with this determination.
7. The Basin Plan amendments do not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The revisions to water quality standards specified in the amendments must also be approved by the U.S. Environmental Protection Agency (U.S. EPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendments to the Basin Plan adopted by Santa Ana Water Board Resolution No. R8-2017-0019; and
2. Authorizes the Executive Director or designee to submit the amendment adopted under Santa Ana Water Board Resolution No. R8-2017-0019 and the administrative record for this action to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the water quality standards amendments.

### **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 February 6, 2018.

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Jeanine Townsend  
Clerk to the Board