

California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. 01- 59

Resolution Approving a Work Plan for a Beneficial Use Assessment for Shellfish
Harvesting in Newport Bay

WHEREAS, the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

1. On April 9, 1999, the Regional Board adopted Resolution No. 99-10, which amended the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) to incorporate a Total Maximum Daily Load (TMDL) for fecal coliform in Newport Bay. The TMDL was subsequently approved by the State Water Resources Control Board, the Office of Administrative Law, and the U.S. Environmental Protection Agency.
2. The TMDL includes a fecal coliform implementation plan and schedule (Table 5-9g). The implementation plan requires the submittal of a proposed plan to conduct a shellfish harvesting beneficial use assessment in the Bay (Task 3 (b)). The TMDL requires that the shellfish harvesting beneficial use assessment plan be implemented within 13 months after Regional Board approval of the plan.
3. The County of Orange, the Cities of Irvine, Tustin, Newport Beach, Lake Forest, Santa Ana, Orange and Costa Mesa, The Irvine Company and agricultural operators in the watershed were identified as parties responsible for fecal coliform discharges to Newport Bay.
4. In a January 7, 2000 letter to the responsible parties, the Regional Board's Executive Officer requested the submittal of the shellfish harvesting beneficial use assessment plan and other plans required by the TMDL. This request was made pursuant to the authority provided by Water Code Section 13267.
5. On behalf of the responsible parties, the Orange County Public Facilities and Resources Department (OCPF&RD) submitted a "Beneficial Use Assessment for Shellfish Harvesting in Newport Bay, Work Plan", dated March 1, 2001.
6. Staff reviewed this proposed work plan and found it generally acceptable. However, staff identified some additional comments and recommendations concerning the study design that needed to be addressed before staff could recommend approval of the work plan. These comments/recommendations were discussed with OCPF&RD staff and appropriate revisions to the work plan were submitted.
7. OCPF&RD requested that the time for completion of the assessment be extended from 13 months to 24 months. Such an extension is reasonable given the comprehensive nature of the shellfish harvesting beneficial use assessment.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Regional Board approves the "Beneficial Use Assessment for Shellfish Harvesting in Newport Bay, Work Plan" dated March 1, 2001, as amended by OCPF&RD. The assessment shall be completed no later than June 1, 2003.

I, Gerard J. Thibeault, 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, Santa Ana Region, on June 1, 2001.

A handwritten signature in black ink, appearing to read "Gerard J. Thibeault", written over a horizontal line.

Gerard J. Thibeault
Executive Officer