

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

Resolution No. R7-2010-0028

Revising a Basin Plan Amendment Adopted by Regional Board  
Resolution No. R7-2007-0039 on May 16, 2007

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

1. An updated Water Quality Control Plan for the Colorado River Basin (Basin Plan) was adopted by the Regional Water 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 Water Board through June 2006.
2. The federal Clean Water Act (33 U.S.C., § 1251 et seq.) requires the Regional Water Board to develop water quality objectives sufficient to protect beneficial uses designated for each water body found within its region.
3. The Basin Plan includes numeric bacteria water quality objectives, expressed as E. coli, Fecal Coliform, 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. Pursuant to Section 303(d) of the Clean Water Act (33 U.S.C. § 1313(d)), the section of the Coachella Valley Storm Water Channel from Valley Sanitary District Wastewater Treatment Plant in 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.
5. Regional Water Board staff prepared and circulated 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 a Basin Plan Amendment in compliance with applicable state and federal environmental regulations (Cal. Code Regs., tit. 23, § 3775 et seq.; 40 C.F.R. §§ 25, 130, 131 (2009).)

6. The Secretary for Natural 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; Cal. Code Regs., tit. 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 (Cal. Code Regs., tit. 14, § 15252).
7. The Regional Water 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.
8. 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.
9. On May 24, 2005, the Draft Project Report was submitted for external scientific peer review, in accordance with Health and Safety Code Section 57004. The draft final TMDL Project Report has been changed to conform to the recommendations of the peer reviewers or staff has provided an explanation of why any particular change was not made, as required by Health and Safety Code Section 57004, subdivision (d)(2).
10. The Regional Water Board has determined that the scientific portions of the draft TMDL Project Report are based on sound scientific knowledge, methods, and practices in accordance with Health and Safety Code Section 57004.
11. In a letter dated April 30, 2007, the United States Environmental Protection Agency (USEPA) informed the Regional Water Board that while the TMDL contains numeric targets, loading capacity, and allocations expressed only in terms of 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. Therefore, the USEPA 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.

12. In a letter dated May 10, 2007, the Regional Water 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 the 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.
13. On May 11, 2007, TMDL staff from the State Water Board, USEPA, and Regional Water Board staff reached agreement that it was appropriate for the Regional Water Board to consider adoption of the TMDL using only E. coli for the numeric target, LAs, WLAs, and monitoring so long as the Regional Water 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 surface waters of the Region, and, as necessary; (c) develops site-specific objectives. The TMDL Basin Plan amendment has been revised to be consistent with that agreement.
14. Consistent with Sections 3778 and 3779 of Title 23, California Code of Regulations, Regional Water 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.
15. On May 16, 2007, the Regional Water Board adopted Resolution No. R7-2007-0039 amending the Basin Plan to establish a TMDL for Bacterial Indicators in the impaired portion of the Coachella Valley Storm Water Channel to ensure compliance with water quality standards. 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.
16. The Regional Board directed staff to hold three stakeholder workshops in the interim period between when the Basin Plan Amendment was adopted and when it was finally approved to further explain the objectives and requirements of the TMDL.
17. On July 25, 2007, November 19, 2007, and April 23, 2008 Regional Board staff held stakeholder workshops as directed.
18. On January 18, 2008, the Regional Board Executive Officer requested that the Coachella Valley Storm Water Channel Bacterial Indicators TMDL be withdrawn from State Water Board consideration for adoption based on comments received from affected stakeholders and to allow Coachella Valley Agricultural Stakeholders to conduct early implementation monitoring on their discharges.
19. On February 22, 2008, the State Water Board returned the Coachella Valley Storm Water Channel Bacterial Indicators TMDL to the Regional Board.

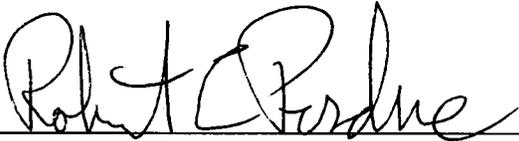
20. On May 15, 2008 the Coachella Valley Agricultural Stakeholder Water Quality Task Force (CVAS) submitted a project plan describing an E. coli bacterial indicator monitoring program of subsurface drain collectors serving agricultural lands that discharge to the Coachella Valley Storm Water Channel.
21. On August 17, 2009, a Final Report prepared for CVAS, titled "Bacterial Indicator Monitoring for Coachella Valley Subsurface Drainage Entering the Coachella Valley Stormwater Channel," was submitted to the Regional Water Board by the Coachella Valley Water District. The overall results of this monitoring program appears to indicate that bacterial indicators entering the CVSC in flows from subsurface drain collectors serving agricultural lands have only de minimis effect on the bacterial indicator impairment in CVSC. The TMDL Basin Plan amendment has been revised to be consistent with these monitoring results.
22. On June 17, 2010, the Regional Water Board held a Public Hearing to consider the revisions to the amendment language of the CVSC Bacterial Indicators TMDL. 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.
23. 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 Natural 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 USEPA for its review and approval.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to the California Water Code, Sections 13240 and following, the Regional Water Board, after considering the entire record, including oral comments provided at the hearing, hereby reaffirms the Project Report for Resolution No. R7-2007-0039 and adopts the revisions to the Basin Plan Amendment as set forth in Attachment 1.
2. The Executive Officer is directed to forward copies of the adopted, revised Basin Plan Amendment to the State Water Board in accordance with the requirements of Section 13245 of the California Water Code.
4. The Regional Water Board requests the State Water Board approve the revised Basin Plan Amendment, as adopted, in accordance with Sections 13245 and 13246 of the California Water Code and forward the approved, revised Basin Plan Amendment to the OAL and USEPA for their respective approvals.

5. The Substitute Environmental Documents prepared by Regional Water Board staff pursuant to Public Resources Code Section 21080.5 were previously certified and revisions are also hereby certified.
6. The Executive Officer is directed to file a Notice of Decision with the Secretary for Natural Resources after OAL approval of the Basin Plan Amendment in accordance with Public Resources Code Section 21080.5, subdivision (d)(2)(E), and the California Code of Regulations, Title 23, Section 3781.
7. 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 Water 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 June 17, 2010.

A handwritten signature in black ink, appearing to read "Robert Perdue", written over a horizontal line.

Robert Perdue  
Executive Officer