

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2022-0047**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE SANTA ANA RIVER BASIN TO REVISE THE SCHEDULE FOR
ATTAINING THE FECAL COLIFORM TOTAL MAXIMUM DAILY LOADS FOR
THE SHELLFISH HARVESTING BENEFICIAL USE IN NEWPORT BAY

WHEREAS:

1. On June 3, 2022, the Regional Water Quality Control Board for the Santa Ana River Basin Region (Santa Ana Water Board) adopted [Resolution No. R8-2022-0017](#), an amendment to the Water Quality Control Plan for the Santa Ana River Basin Region (Basin Plan amendment), to extend the attainment date for meeting the water quality objectives for protection of the shellfish harvesting beneficial use required by the Fecal Coliform Total Maximum Daily Loads (TMDLs) for Newport Bay.
2. On June 16, 2017, the Santa Ana Water Board approved an amendment to the Fecal Coliform TMDLs established in 1999 to revise the attainment date for meeting the SHEL water quality objectives from December 30, 2019, to December 31, 2022. That amendment was adopted pursuant to [Resolution No. R8-2017-0019](#) and approved by the State Water Board on February 6, 2018. The Basin Plan amendment adopted through Resolution No. R8-2022-0017 would further extend the attainment date for the Fecal Coliform TMDLs to December 31, 2030.
3. The Santa Ana Water Board adopted a Substitute Environmental Document (SED) for the Fecal Coliform TMDLs under Resolution No. R8-1999-0010 and for the first revised attainment schedule under Resolution No. R8-2017-0019. The Santa Ana Water Board found that none of the revisions from the amendment adopted through Resolution No. R8-2022-0017 will result in any new significant environmental effects not disclosed in the prior SED. The Santa Ana Water Board further found that there have been no changes in circumstances or new information that would otherwise warrant any subsequent or supplemental environmental review of the Basin Plan amendment under Public Resources Code section 21166 or California Environmental Quality Act (CEQA) Guidelines sections 15162 or 15163. The State Water Board has reviewed the Santa Ana Water Board's

findings that no additional environmental review for the Basin Plan amendment revising the Fecal Coliform TMDLs is necessary and concurs with Santa Ana Water Board's findings and determinations.

4. The Santa Ana Water Board also adopted the Basin Plan amendment pursuant to the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise basin plans, and section 13242, which requires a program of implementation for achieving water quality objectives. The State Water Board also finds that the Basin Plan amendment is consistent with the requirements of section 303(d) of the federal Clean Water Act.
6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL) and the United States Environmental Protection Agency (U.S. EPA) as appropriate.
7. Following adoption of Resolution No. R8-2022-0017, Santa Ana Water Board staff determined that minor, non-substantive changes to the language of the Basin Plan amendment and its staff report were necessary to correct minor clerical errors or to improve clarity and consistency. The Santa Ana Water Board's Executive Officer made these minor non-substantive changes and notified the Santa Ana Water Board members of the changes in a [memorandum](#) dated August 12, 2022.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Santa Ana Water Board Resolution No. R8-2022-0017 as modified through the Santa Ana Water Board Executive Officer memorandum dated August 12, 2022.

2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted by the Santa Ana Water Board to OAL for approval of the regulatory provisions and to U.S. EPA for approval.

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 November 15, 2022.

AYE: Chair E. Joaquin Esquivel
Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None

ABSENT: None

ABSTAIN: None

Courtney Tyler for
Jeanine Townsend
Clerk to the Board