

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2026-0029**

**APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR
THE SAN DIEGO REGION TO INCORPORATE A WATER QUALITY OBJECTIVE FOR
BIOLOGICAL CONDITION**

WHEREAS:

1. On December 8, 2020, the California Water Quality Control Board, San Diego Region (San Diego Water Board) adopted [Resolution No. R9-2020-0234](#), an amendment to the Water Quality Plan for the San Diego Region (Basin Plan) to incorporate [a water quality objective for biological condition](#) and [a program of implementation](#) (Basin Plan Amendment).
2. In its 2014 triennial review of water quality standards, the San Diego Water Board identified as a priority the amendment of the Basin Plan to incorporate biological water quality objectives in order to protect and restore beneficial uses associated with aquatic and aquatic dependent wildlife. On May 13, 2015, the San Diego Water Board adopted Resolution No. R9-2015-0043, which directed staff to begin working on the project to amend the Basin Plan to incorporate biological water quality objectives. Following the subsequent triennial Basin Plan review, the San Diego Water Board reaffirmed its commitment to developing biological objectives on October 18, 2018, in Resolution No. R9-2018-0123.
3. The San Diego Water Board identified biology based water quality objectives, or biological objectives, as a critical component of the San Diego Water Board's regional water quality assessment and management strategy. The San Diego Water Board determined that a chemistry-based approach has had limited success for the protection and restoration of aquatic life beneficial uses. The San Diego Water Board determined that the use of biological objectives in addition to existing applicable chemical, physical, or toxicological water quality objectives represents a more holistic approach to evaluating water quality by providing a metric to assess the relationship between chemical, physical, and biological conditions.
4. The Basin Plan Amendment establishes a biological objective for a specified subset of inland streams using the California Stream Condition Index (CSCI) to evaluate the Warm Freshwater Habitat (WARM) and Cold Freshwater Habitat (COLD) beneficial uses. The CSCI is recognized as a reliable index of biological condition in wadable streams in the San Diego Region that uses stream benthic macroinvertebrates to assess stream condition. The CSCI was published in a reputable, peer-reviewed scientific journal after being

developed in large part by financial support from the United States Environmental Protection Agency (U.S. EPA) Region IX and the State Water Resources Control Board (State Water Board) funds associated with the California Surface Water Ambient Monitoring Program. The San Diego Water Board determined that, given the scientific advancements in biological metrics for streams, the use of biological criteria is needed to protect and improve the state's surface waters.

5. The San Diego Water Board found that the analysis and components supporting the Basin Plan Amendment, including the final staff report entitled "[Staff Report for Biological Objectives for the San Diego Region](#)," which includes the California Environmental Quality Act (CEQA) Checklist and the Substitute Environmental Documentation (collectively referred to as the Final Staff Report), and the responses to comments, comply with the State Water Board) regulations for the implementation of CEQA. (See Cal. Code Regs., tit. 23, §§ 3775-3781.) Additionally, the San Diego Water Board conducted a public hearing and public meeting to adopt the Basin Plan Amendment and otherwise satisfied the procedural requirements in the CEQA Certified Regulations. The State Water Board has reviewed the aforementioned documents and process for the Basin Plan Amendment and concurs with the San Diego Water Board's findings and determinations.
6. The San Diego Water Board also adopted the Basin Plan Amendment pursuant to the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
7. The San Diego Water Board found that the Basin Plan Amendment is consistent with the Statement of Policy with Respect to Maintaining High Quality of Waters in California (State Water Board Resolution No. 68-16) and the federal Antidegradation Policy (40 C.F.R. §131.12), in that it does not allow degradation of water quality but requires restoration of water quality and attainment of water quality standards.
8. The State Water Board finds that the Basin Plan Amendment conforms with California Water Code sections 13240, 13241, and 13242, which specify that regional water quality control boards may revise basin plans, establish water quality objectives for the reasonable protection of beneficial uses, and establish a program of implementation to achieve the water quality objectives.
9. Effective January 1, 2023, Water Code section 189.7 sets forth new requirements for the State Water Board and the regional water boards (collectively, Water Boards) to conduct equitable, culturally relevant outreach when considering proposed discharges of waste that may have

disproportionate impacts on water quality in disadvantaged communities or tribal communities. The State Water Board finds that the extensive public engagement conducted for the Basin Plan Amendment is consistent with Water Code section 189.7. Public engagement included the following.

- a. The San Diego Water Board provided public engagement opportunities to communities, multiple non-governmental organizations, and local, state, and federal agencies beginning with the 2014 Basin Plan triennial review public workshop and continuing through to the 2020 adoption. Public outreach and workshops for the Basin Plan Amendment were held in 2016, 2017, 2018, 2019, and 2020, and three public comment periods were provided in 2018, 2019, and 2020, each resulting in project revisions and refinements.
 - b. The San Diego Water Board's public process included engagement opportunities and outreach to potentially affected disadvantaged and tribal communities concerning the proposed Basin Plan Amendment. These events allowed viewpoints, concerns, and recommendations to be considered by staff developing the Basin Plan Amendment and by the San Diego Water Board when considering its adoption. For instance, public outreach included discussions at an Environmental Justice Symposium in 2017 and an Environmental Justice Town Hall in 2019. Consistent with Assembly Bill No. 52, the San Diego Water Board offered formal consultation in 2016 to three Tribes regarding the Biological Objective project, although none of these Tribes elected to consult. The San Diego Water Board's engagement on its 2018 Basin Plan triennial review reached tribal representatives. In 2019 San Diego Water Board staff directly mailed the notice of opportunity to comment and public workshop for the Basin Plan Amendment to all forty-two contacts on the Native American Heritage Commission Tribal Consultation List within the San Diego Region and emailed the notice to those 42 and an additional 19 tribal contacts from the board's own prior communications. The San Diego Water Board's April 2019 public workshop for the Basin Plan Amendment was attended by tribal representatives.
10. Following adoption of Resolution No. R9-2020-0234, and as authorized therein, the San Diego Water Board Executive Officer made minor, non-substantive corrections to the language of the Basin Plan Amendment, Chapter 4, necessary to correct minor clerical errors or to improve clarity and consistency. These corrections were made in a June 30, 2026, [memorandum](#) to the State Water Board.

11. On July 19, 2021, the State Water Board issued a notice of opportunity to comment on its consideration to approve the Basin Plan Amendment. The State Water Board received timely written comment letters from ten entities and individuals. The initial public comment deadline of August 23, 2021, was extended to September 22, 2021, in response to public requests. The State Water Board provided [written responses to comments](#) on July 15, 2024.
12. On January 22, 2025, the State Water Board issued a public notice of 1) opportunity to add to the public record, 2) opportunity to comment, and 3) a public workshop to be held on May 6, 2025. The State Water Board reopened the administrative record to accept new evidence relevant to the use of the proposed biological objective in anthropogenically and physically modified soft-bottom streams in the San Diego Region, with new evidence required to be submitted by February 24, 2025. On April 1, 2025, the State Water Board posted a summary of accepted new evidence on the San Diego Water Board website and made accepted new evidence available for public review and comment. The deadline for public comment on new evidence was May 19, 2025. The State Water Board provided written responses to comments received on the new evidence on July 13, 2026.
13. On May 6, 2025, the State Water Board held a public workshop on 1) new evidence accepted by the State Water Board relevant to the use of the proposed biological objective in anthropogenically and physically modified soft-bottom streams in the San Diego Region, and 2) how the San Diego Water Board intends to implement the Basin Plan Amendment for modified soft-bottom streams.
14. At the May 6, 2025, public workshop, the State Water Board directed Water Boards staff to work with stormwater and flood control representatives to develop potential findings for State Water Board consideration regarding the intended implementation of the biological objective for stormwater and flood control activities. Since the May 6, 2025, public workshop, staff met six times with representatives to develop language to provide additional detail regarding the intended implementation of the biological objective. Language specifying the intended implementation was included in the letter from David Gibson, Executive Officer of the San Diego Regional Water Board, dated June 30, 2026.
15. The State Water Board's expectation of how the San Diego Water Board will apply the biological objective to Phase I municipal separate storm sewer system ("MS4") permittees and other entities that conduct flood control activities is based on the letter from David Gibson, Executive Officer of the San Diego Water Board, dated June 30, 2026, as follows:

- a. The San Diego Water Board will incorporate the biological objective into its Phase 1 Regional MS4 Permit covering all Phase 1 dischargers in the San Diego Region except for California Department of Transportation (hereinafter known as “Regional MS4 Permit”) as a receiving water limitation no sooner than five years after approval of the Biological Objective by the State Water Board, the Office of Administrative Law, and the United States Environmental Protection Agency.
- b. The Regional MS4 Permit will explain that, consistent with other water quality objectives, not meeting the Biological Objective in a receiving water does not result in noncompliance with a receiving water limitation in the Regional MS4 Permit if the MS4 discharge does not cause or contribute to the Biological Objective not being met.
- c. Once incorporated into the Regional MS4 Permit, if the Biological Objective is not met in waters that receive MS4 discharges, then the MS4 permittee will need to conduct an evaluation to determine whether discharges from the MS4 are causing or contributing to a CSCI score less than 0.79. This evaluation may, as examples, include comparing the concentration of chemicals, nutrients, and other pollutants in the MS4 discharges to applicable water quality objectives; evaluating the CSCI score; considering the permittee’s implementation of management practices and other MS4 permit requirements; and considering other information such as findings from the MS4’s illicit discharge detection and elimination program. Causal assessment information may also be used to determine whether one or more pollutants is causing or contributing to a CSCI score less than 0.79.
- d. The Regional MS4 Permit will specify the process that the permittee will be required to undertake if discharges from the MS4 are causing or contributing to a CSCI score less than 0.79, including reviewing its BMP [Best Management Practice] implementation, making improvements if necessary, and using monitoring to assess the results.
- e. If actions taken consistent with the Regional MS4 Permit under the preceding step do not result in attainment of the Biological Objective, then the Regional MS4 Permit will specify the process by which the MS4 permittee will need to consider prioritizing the pollutant that is contributing to CSCI scores less than 0.79 (e.g., within an annual water quality improvement plan update), subject to San Diego Water Board approval, until evidence indicates that the MS4 discharges are not causing or contributing to a CSCI score less than 0.79.

- f. The San Diego Water Board will not require MS4 permittees to make modifications to channel engineering to address CSCI scores less than 0.79 to comply with the Regional MS4 Permit, although a permittee may choose to do so. Similarly, the San Diego Water Board will not require MS4 permittees to take any actions to address a CSCI score less than 0.79 to comply with the Regional MS4 Permit that would impede the ability of the permittee to meet flood control obligations.
- g. The Regional MS4 permit will explain that, consistent with other water quality objectives, if the evidence is inconclusive or supports a finding that discharges from the MS4 are not causing or contributing to CSCI scores less than 0.79, then the permittee is not violating the receiving water limitation for the Biological Objective.
- h. Discharges of dredged or fill material associated with flood control activities, including discharges associated with maintaining stream channel capacity, would continue to be permitted in accordance with the avoid, minimize, and compensate framework within the State Water Board's "Procedures for Discharges of Dredged or Fill Material to Waters of the State ("Dredge and Fill Procedures")."
- i. Where a flood control maintenance project could result in a discharge of dredged or fill material in a stream that is not meeting a water quality objective pre-project, the flood control maintenance entity is not required to restore the stream's water quality to the water quality objective (i.e., improve the CSCI score to at least 0.79) as a condition of project approval (unless proposed or accepted by a project applicant as conditional mitigation for project impacts). The Dredge and Fill Procedures require that the impacts from the project not contribute to a net loss of the overall abundance, diversity, and condition of the aquatic resources in the watershed, and that the discharges from the project not cause or contribute to significant degradation of the waters. The Dredge and Fill Procedures also require actions be taken to minimize adverse effects to the aquatic ecosystem associated with the dredge and fill activities, and these actions, such as implementation of best management practices appropriate to the activity, are conditionally certified by the San Diego Water Board as complying with water quality standards, even when water quality standards are not attained in a pre-project condition. In addition, some emergency maintenance activities are exempt from certification under Clean Water Act section 404(f).
- j. The San Diego Water Board recognizes that some flood control maintenance activities by publicly owned and operated flood control

entities will likely result in a CSCI score less than 0.79 that is unavoidable and temporary. The San Diego Water Board will, consistent with Chapter 4 of the existing Basin Plan, allow for the conditional certification of such projects even if the project would result in the Biological Objective not being met. The San Diego Water Board will not use an existing pre-project CSCI score that is less than 0.79 or the possibility of an unavoidable, temporary CSCI score of less than 0.79 resulting from the maintenance activity to disapprove such projects. Additionally, the San Diego Water Board will not require pre-project or post-project bioassessment for flood control maintenance projects, including emergency activities, that are expected to have only temporary impacts. The San Diego Water Board will continue to work with flood control agencies to obtain jurisdiction-wide permits for flood control maintenance activities with only temporary impacts.

- k. The San Diego Water Board continues to have the discretion to approve or deny applications for projects that result in permanent impacts to beneficial uses, such as permanent impacts to the benthic community that is protected by the Warm Freshwater Habitat ("WARM") or Cold Freshwater Habitat ("COLD") use. The San Diego Water Board may require pre-project or post-project bioassessment for flood control maintenance projects that may have permanent impacts.
- l. The San Diego Water Board will continue to use biological assessments, including CSCI scores where appropriate, to evaluate the success of any required compensatory mitigation for permanent impacts to beneficial uses associated with flood control activities, (e.g., existing 401 certifications), consistent with the Dredge and Fill Procedures.

16. The State Water Board expects that the San Diego Water Board will reprint this Resolution in the San Diego Water Board Basin Plan, which may be done by adding the Resolution as a new appendix or by incorporating it into Chapter 5 of the Basin Plan. Chapter 5 of the Basin Plan includes State Water Board Plans and Policies and reprints of other State Water Board resolutions. When the Biological Objective and the Program of Implementation is added to the Basin Plan, the Basin Plan language will refer to this Resolution. The State Water Board, therefore, expects that the San Diego Water Board will implement the Biological Objective consistent with this Resolution.

17. The Biological Objective is not a water quality objective for a pollutant, so it will not be used as the basis to list a stream or river in the San Diego Region as impaired for benthic community effects on the Clean Water Act section

303(d) list. As with other streams and rivers in California, benthic community data for all streams and rivers in the San Diego Region will be assessed for the California Integrated Report in accordance with Section 3.9 (“Degradation of Biological Populations and Communities”) of the Water Quality Control Policy for Developing California’s Clean Water Act Section 303(d) List (“Listing Policy”). CSCI data will not be used to place waterbodies to which the Biological Objective does not apply in Category 4 or 5-bio. Any such excluded waterbody being assessed using CSCI data will be placed into Category 3 if the waterbody otherwise qualifies for listing in Category 4 or 5-bio under Section 3.9 of the Listing Policy. Category 3 is not part of the 303(d) list. Category 3 is for waterbodies for which there is insufficient data and/or information to make a beneficial use support determination, but data and/or information indicate beneficial uses may be potentially threatened. This approach may change if Section 3.9 of the Listing Policy is amended in the future.

18. The State Water Board is not currently developing a statewide plan or policy to establish a biological objective. However, the State Water Board encourages the use of biological assessment tools, including the CSCI, as a key measure of biological condition. The State Water Board also recognizes that the application of biological assessment tools may vary across the state. The San Diego Water Board’s approach reflects its familiarity with the waterbodies in its region and provides a targeted approach to address water quality challenges within its region—specifically tailored to a subset of inland surface waters. Moreover, the targeted approach was crafted upon consideration of feedback from public comments asserting the biological objective should not apply to streams with hardened bottoms. The smaller scope of the Basin Plan Amendment, as compared to its earlier iterations, enhances close implementation and monitoring of outcomes. The State Water Board acknowledges that the San Diego Water Board is able to concentrate its effort and resources on the development of the biological objective it has deemed a priority.
19. The San Diego Water Board performed triennial reviews of its basin plan and identified and affirmed the development of a biological objective as a high priority. Those reviews demonstrate a focused attention on, and responsiveness to, public participation to addressing water quality issues in their region.
20. The State Water Board finds the Basin Plan Amendment to be a sound, targeted approach for water quality management, supports the idea that the San Diego Water Board’s work in this area can lead to more effective water quality management in the region, and recognizes the San Diego Water Board’s prerogative in taking a regional approach.

21. 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). Changes to water quality standards must also receive approval from the U.S. EPA.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Adopts this Resolution approving the Basin Plan Amendment adopted under San Diego Water Board Resolution No. R9-2020-0234, as modified through the San Diego Water Board's Executive Officer's June 30, 2026, memorandum.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan Amendment adopted under San Diego Water Board Resolution No. R9-2020-0234 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the water quality standard.
3. If, during the approval process, State Water Board staff, the Executive Officer of the San Diego Water Board, or OAL determines that minor, non-substantive modifications to the Basin Plan Amendment are needed for clarity or consistency, the Executive Director or designee may make such changes and shall inform the State Water Board of any such changes.

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 August 18, 2026.

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

NAY: None

ABSENT: None

ABSTAIN: None


Courtney Tyler
Clerk to the Board