

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2025-0023**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR
THE SANTA ANA RIVER BASIN TO INCORPORATE TOTAL MAXIMUM DAILY
LOADS FOR COPPER IN NEWPORT BAY, ORANGE COUNTY, CALIFORNIA

WHEREAS:

1. On December 2, 2022, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) adopted [Resolution No. R8-2022-0012](#), an amendment to the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan amendment), to incorporate total maximum daily loads (TMDLs) for copper for Newport Bay (Copper TMDLs).
2. The Copper TMDLs will supersede United States Environmental Protection Agency's (U.S. EPA) technical TMDLs for copper that were established as part of the TMDLs for toxic pollutants in 2002 for the San Diego Creek/Newport Bay Watershed. Technical TMDLs do not include an implementation plan.
3. The Copper TMDLs include dissolved copper targets (the California Toxics Rule criteria for copper) and a sediment numeric target (Effects Range Low of 34 µg/g dry weight), as well as an alternative sediment target that may be used instead of the sediment numeric target. The alternative target is based on the triad approach (sediment chemistry, toxicity, and benthic community health) of the State Water Resources Control Board's (State Water Board) Water Quality Control Plan for Enclosed Bays and Estuaries of California – Sediment Quality Provisions. The Copper TMDLs also include an implementation plan with a compliance schedule.
4. The Santa Ana Water Board approved the Substitute Environmental Documentation accompanying the Basin Plan amendment, including the environmental checklist, and found the information and analysis satisfy the requirements of the State Water Board's certified regulatory program to comply with the California Environmental Quality Act (CEQA) as set forth in California Code of Regulations, title 23, sections 3720 through 3781. The State Water Board reviewed the Substitute Environmental Documentation and concurs with the Santa Ana Water Board's findings and determinations, including the Statement of Findings of Fact and Overriding Considerations.

5. The State Water Board concurs with the Santa Ana Water Board's summary of the necessity of the Basin Plan amendment required under Government Code section 11353, subdivision (b).
6. The State Water Board further 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 satisfies the requirement of federal Clean Water Act section 303(d) to develop TMDLs for impaired waterbodies.
7. Effective January 1, 2023, Water Code section 189.7 sets forth new requirements for the 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 outreach conducted for the Basin Plan amendment, described below, is consistent with Water Code section 189.7.
8. The Santa Ana Water Board conducted extensive public outreach to communities in the Newport Bay area, several non-governmental organizations, and local, state, and federal agencies beginning in July 2015 with the CEQA scoping meetings and an information item at a Santa Ana Water Board public meeting. Additional public outreach and workshops were held in 2016, 2018, 2019, and 2021; three public comment periods were also held (2016, 2018, and 2021), which resulted in revisions to the Basin Plan amendment and supporting documents. In addition, three technical meetings were held in 2021 to try to reach consensus on the Basin Plan amendment.
9. Prior to scheduling the public meeting to consider approval of Resolution No. R8-2022-0012 by the State Water Board, the Santa Ana Water Board conducted additional public outreach and identified disadvantaged communities with lingual isolation within the area around and adjacent to Newport Bay. Public notices were published in two local newspapers and posted on the Santa Ana Water Board's website in English, Spanish, and Traditional Chinese (Mandarin). Letters were sent to five non-governmental organizations and two tribes (to six different tribal contacts including both tribal chairpersons) that had historical associations with the area notifying them of the opportunity for public comment and the State Water Board public meeting on this matter.

10. The 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 U.S. EPA as appropriate.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Santa Ana Water Board Resolution No. R8-2022-0012.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted by the Santa Ana Water Board to OAL and to U.S. EPA for approval, and to make any appropriate revisions without regulatory effect identified during OAL's review.

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 5, 2025.

AYE: Chair E. Joaquin Esquivel
Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Laurel Firestone
NAY: None
ABSENT: Board Member Nichole Morgan
ABSTAIN: None


Courtney Tyler
Clerk to the Board