California Regional Water Quality Control Board
North Coast Region

Resolution No. R1-2025-0030

Amendment to the Water Quality Control Plan for the North Coast Region to Establish a Total Maximum Daily Load and Fecal Waste Discharge Prohibition and Incorporate the Action Plan for Pathogens in the Russian River Watershed

WHEREAS, the California Regional Water Quality Control Board, North Coast Region (North Coast Water Board), finds that:

Background

1. The Russian River Watershed is located in the North Coast Region. The Russian River Watershed is hydrologically and geomorphologically diverse, containing 238 streams, 23 named springs, 14 natural lakes, 15 named reservoirs, all or portions of 10 groundwater basins, steep ridges, ephemeral streams, rolling hills, and wide alluvial valleys. Surface waters in the Russian River Watershed are widely used for water contact recreation. The Russian River, in conjunction with Lake Mendocino and Lake Sonoma, serves as the primary water source for more than 500,000 residents in Mendocino, Sonoma and Marin counties, and for agricultural production in Mendocino and Sonoma counties.

2. The North Coast Water Board is responsible for ensuring the protection of surface and ground waters through implementation of the Federal Clean Water Act and California Water Code.

3. The Federal Clean Water Act (CWA) requires the North Coast Water Board to establish water quality standards for each waterbody within its region. Water quality standards are comprised of the beneficial uses of waterbodies, water quality objectives, and the state and federal antidegradation policies. The Water Quality Control Plan for the North Coast Region (Basin Plan) designates the beneficial uses of waterbodies within the North Coast Region. The Basin Plan also establishes water quality objectives, identifies the state and federal antidegradation policies, and incorporates programs of implementation needed for achieving water quality objectives to protect beneficial uses in the North Coast Region.

4. California Water Code section 13242 authorizes the North Coast Water Board to adopt programs of implementation to achieve water quality objectives for amendment into the Basin Plan. These implementation plans are often referred to as “Action Plans”.

5. In 2018, the State Water Board adopted statewide Bacteria Water Quality Objectives for the contact recreation (REC-1) beneficial use that correspond with

the risk protection level of 32 illnesses per 1,000 recreators and uses Escherichia coli bacteria (*E. coli*) as the indicator of pathogens in freshwaters and enterococci bacteria (enterococci) as the indicator of pathogens in saline waters. *E. coli* and enterococci based water quality objectives replaced pre-existing numeric bacteria objectives in individual basin plans statewide, including the North Coast Region's Basin Plan. The U.S. EPA recreational protection criteria for enterococci in freshwater is also set to ensure no more than 32 illnesses per 1,000 recreators.

6. Indicator bacteria such as *E. coli* and enterococci are used to assess the presence of pathogens. Indicator bacteria are normally present in the intestines and feces of animals, including humans, and their presence suggests potential fecal contamination. *E. coli* and enterococci are often referred to as fecal indicator bacteria. The presence of fecal indicator bacteria suggests the possibility of pathogens, disease-causing organisms that pose a risk to human health.

7. Microbial source tracking and microbial source identification techniques, including analyses of Bacteroides bacteria and PhyloChip™[1] microarray markers, assist with identification and differentiation of fecal waste sources. Bacteroides are bacteria that are adapted to living in a specific animal host and their detection in surface water reflects recent fecal waste input. Bacteroides analyses can distinguish between human, cattle, bird and other non-human fecal pollution by detecting genes from specified hosts and are useful for tracking fecal sources. PhyloChip™ microarray analyzes the abundance of microbial DNA gene sequences in a sample. PhyloChip™ can quantify 59,316 different bacterial taxa in a single water sample and is useful to detect and distinguish fecal bacteria from humans, birds, ruminants, and other host animals.

Triggers for TMDL Development

8. California Water Code section 13050 defines "pollution" as an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following: a) the waters for beneficial uses, or b) facilities which serve these beneficial uses.

9. Section 303(d) of the Federal Clean Water Act requires each state to identify the waters within its boundaries that do not meet water quality standards (i.e. impaired waters). The State Water Board's Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy) establishes the processes and protocols for evaluating if waters are meeting water quality standards or if a water should be placed on the state's "Section 303(d) List", also known as the "Impaired Waters List". For each listed water, the state is required to establish the Total Maximum Daily Load (TMDL) of each

[1] PhyloChip™ is a type of DNA microarray that specifically targets the 16S rRNA gene, a universal marker for bacteria. It's used for rapidly profiling microbial communities, allowing for the identification of various organisms

pollutant impairing the water quality and preventing attainment of the water quality standards in that waterbody.

10. Portions of the Russian River Watershed were first listed on the Section 303(d) List of Impaired Waters for indicator bacteria impairment of the REC-1 beneficial use in the 2002 reporting cycle. The Russian River Watershed indicator bacteria listings were updated in 2006, 2010, and 2012; no changes to Russian River Watershed indicator bacteria listings were made as part of the 2018 or 2024 listing cycles.

11. In 2011, the North Coast Water Board adopted its Triennial Review of the Basin Plan citing the indicator bacteria listings, concerns about human health, and the impairment of REC-1 beneficial uses as the basis for direction to staff to initiate development of a TMDL for pathogens in the Russian River Watershed.

12. The elements of a TMDL are described in 40 Code of Federal Regulations (CFR) sections 130.2 and 130.7 and section 303(d)(1)(C) and (D) of the CWA, as well as in U.S. EPA guidance documents. A TMDL is defined as the sum of the individual waste load allocations for point sources, load allocations for nonpoint sources, and natural background sources (40 CFR §130.2). TMDLs must be set at levels necessary to attain and maintain the applicable water quality standards with seasonal variations and a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality (40 CFR §130.7(c)(1)). Section 130.7 of Title 40 of the CFR also dictates that TMDLs shall take into account critical conditions for stream flow, loading and water quality parameters.

13. TMDLs typically include one or more numeric “targets” (i.e., numerical translations of the existing water quality standards), which represent attainment of those standards, contemplating the TMDL elements described above.

14. Since a TMDL must represent the “total” load, TMDLs must account for all sources of the relevant pollutants, irrespective of whether the pollutant is discharged to impaired or unimpaired reaches. Both an Action Plan and/or a TMDL may be developed for any waterbody, regardless of the 303 (d) listing status.

<u>TMDL Studies, Findings, and Outcomes</u>

15. During the period of 2011 to 2014, staff and contractors developed approved quality assurance project plans and sampling plans, conducted monitoring, and finalized reports on four key TMDL studies. The four key TMDL studies conducted included: a) a Land Cover Study; b) an Onsite Wastewater Treatment System (OWTS) study; c) a Recreation study; and d) a PhyloChip™ study. These studies were designed to determine relationships among seasons, land cover category, OWTS density, and evidence of elevated pathogen indicators,

including fecal indicator bacteria, Bacteroides[2], and PhyloChip™ DNA data to extrapolate findings across the approximately 1,485 square mile watershed. The findings of these studies, along with county posted public health advisories at public beaches triggered by elevated fecal indicator bacteria concentrations, provided the basis for the determination that there is watershed-wide evidence of pollution, which validates the need for a prohibition against the discharge of fecal waste.

16. The TMDL studies measured multiple fecal indicator bacteria and microbial source indicators (e.g., *E. coli* and Bacteroides), which provided evidence of seasonal and episodic fecal waste pollution at locations throughout the watershed and associated with key land use factors. The identified key land use factors associated with exceedance of fecal indicator bacteria objectives and thresholds included: a) developed sewered lands; b) developed unsewered lands; c) agricultural lands; and d) shrubland (including rural residential land uses), especially during wet weather.

17. The TMDL studies identified: a) a positive statistical relationship between OWTS density and exceedance of fecal indicator bacteria objectives and thresholds; b) a positive relationship between the intensity of recreational use and exceedance of fecal indicator bacteria objectives and thresholds; and c) human fecal waste as a significant source of waste in both the Russian River mainstem and tributaries, using both Bacteroides markers and PhyloChip™ DNA data.

18. Analyses of instream data from both mainstem and tributary locations across the Russian River Watershed show evidence of fecal waste pollution. Evidence of pollution is based upon the data from and results of the TMDL studies (source assessment), including an assessment of land cover types and their respective association with *E. coli*, enterococci, and Bacteroides bacteria. The four studies also include assessment of the relationship of OWTS to potential for exceedance of criteria, as well as the relationship of recreation to the potential for exceedance of criteria. The Bacteroides bacteria concentration data and PhyloChip™ DNA microarray data point to both human and bovine sources of fecal waste as significant in much of the Russian River Watershed.

19. Information and data analyses from the four TMDL studies identified fecal waste sources and provide evidence of pollution that support the waste load allocations and load allocations in the pathogen TMDL, and a program of implementation to control pathogens and achieve water quality objectives for the Russian River Watershed. The pathogen TMDL is based upon the numeric bacteria objectives in the Basin Plan for *E. coli* in freshwater and enterococci in saline water.

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[2] Bacteroides is a genus of bacteria commonly found in the intestines of humans and other warm-blooded animals. Bacteroides bacteria are abundant in fecal matter and typically do not survive long outside the host. Bacteroides serves as a reliable marker for detecting recent fecal contamination in surface waters.

20. In addition to the pathogen TMDL, the following discharge prohibition[3] will apply to the Russian River Watershed to protect present and future beneficial uses of water and to prevent pollution and nuisance: *Discharges of waste containing fecal material from humans or domestic animals to waters of the state within the Russian River Watershed are prohibited.* (Fecal Waste Discharge Prohibition).

21. Upon establishment of a TMDL by the State or U.S. EPA, the State incorporates, or by reference, includes TMDLs into the State Water Quality Management Plan (40 CFR §130.6(c)(1), 130.7). The Basin Plan and applicable statewide plans serve as the State Water Quality Management Plans governing the watersheds under the jurisdiction of the North Coast Water Board.

<u>The Action Plan</u>

22. In accordance with California Water Code section 13242 a program of implementation to achieve water quality objectives or "Action Plan", must include, but may not be limited to: a) a description of the nature of actions which are necessary to achieve the objectives, including recommendations for appropriate action by any entity, public or private, b) a time schedule for the actions to be taken, c) a description of surveillance to be undertaken to determine compliance with objectives.

23. The Action Plan for Pathogens in the Russian River Watershed (the Action Plan) is an amendment to the Basin Plan that establishes the pathogen TMDL and Fecal Waste Discharge Prohibition, provides discrete and identifiable implementation measures that will bring the watershed into compliance with water quality standards and identifies the parties responsible for implementing those measures. The Action Plan sets time schedules by which the responsible parties will implement compliance measures and includes a monitoring plan to track progress towards compliance.

24. The Action Plan identifies potential fecal waste sources present within the Russian River Watershed from controllable human and domesticated animals.

    Potential sources of human fecal waste material include:

    - Treated Municipal Wastewater to Surface Waters, including discharges from holding ponds
    - Untreated Sewage from Sanitary Sewer Systems
    - Wastewater from Percolation Ponds and through Spray Irrigation
    - Runoff from Land Application of Municipal Biosolids and Biosolids Storage Areas
    - Runoff from Irrigation of Recycled Water

[3] Under California Water Code section 13243, a regional board, in a water quality control plan or in waste discharge requirements, may specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted.

- Runoff from sites that receive discharges of waste to land
- Onsite Wastewater Treatment Systems (OWTS), including individual systems and large or multi-user systems
- Recreational Water Uses and Users
- Homeless and Illegal Camping; and
- Stormwater Runoff entering Municipal Separate Storm Sewer Systems (MS4s) and entering water bodies outside of established MS4 boundaries, including CalTrans stormwater runoff.

Potential sources of domestic animal and farm animal waste include:

- Pet Waste
- Manure from Non-Dairy Livestock and Farm Animals; and
- Manure from Dairy Cows.

25. The North Coast Water Board's goal in establishing the Action Plan for pathogens in the Russian River Watershed is to protect the water contact recreation (REC-1) beneficial use. The purpose of the Action Plan is to describe the steps necessary to comply with the Fecal Waste Discharge Prohibition, control fecal waste sources, reduce pathogen concentrations, achieve the TMDL numeric targets, waste load allocations, load allocations, and protect water quality. The Action Plan requires the following measures to achieve these goals:

    - Means of compliance with the Fecal Waste Discharge Prohibition for each of the known human and domestic animal sources of fecal waste materials
    - Incorporation of TMDL requirements into point and nonpoint source permits as appropriate
    - Compliance with applicable Waste Discharge Requirements (WDRs), conditional waivers of WDRs or NPDES permits for Municipal wastewater, Municipal Storm Water, Caltrans, Dairies and confined animal feeding operations (CAFOs), Onsite Wastewater Treatment Systems (OWTS), Percolation Pond and Irrigation Discharges, Sanitary Sewer Systems, Land Application of Treated Municipal Sewage Sludge (Biosolids), and Recycled Water Irrigation discharges
    - Application of reasonable potential analysis for entities that discharge wastewater from wastewater holding ponds to surface water to establish water quality-based effluent limitations for discharges with reasonable potential to cause or contribute to an exceedance of the waste load allocations
    - Implementation of a Pathogen Reduction Plan for Municipal Storm Water dischargers
    - Implementation of an Advanced Protection Management Program for OWTS in areas within 600 feet of impaired water bodies that are listed in Attachment 2 of the statewide Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy)

- Pursuit of watershed-wide OWTS assessments to determine whether existing systems are complying with the Fecal Waste Discharge Prohibition and statewide OWTS Policy
- Development of individual WDRs or waivers of WDRs for OWTS not covered by the Conditional Waiver of the OWTS Policy
- Implementation of Best Management Practices by non-dairy livestock and farm animal facility dischargers and the development and adoption of WDRs or waivers of WDRs for non-dairy livestock and farm animal waste by the North Coast Water Board
- Implementation of a Memorandum of Understanding (MOU) between Sonoma County, the Sonoma County Community Services District, and the North Coast Water Board to address water quality impacts relative to recreational water use, homeless encampments and illegal camping. Development of a similar MOU or equivalent agreement with Mendocino County.

Full implementation of Action Plan measures is designed to control fecal waste discharges for the attainment of bacteria water quality objectives to protect water contact recreation and is likely to have benefits to other downstream beneficial uses.

Action Plan

26. On June 19, 2012, the State Water Resources Control Board (State Water Board) adopted the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). The OWTS Policy provides the framework under which OWTS can be covered under the statewide Conditional Waiver of Waste Discharge Requirements contained in the OWTS Policy. The OWTS Policy was amended into the Basin Plan and came into effect across most of the North Coast Region upon approval from the Office of Administrative Law (OAL) on July 14, 2016. The OWTS Policy was most recently amended April 18, 2023.

27. In accordance with Section 4.2.1 of the OWTS Policy, OWTS systems within the Russian River Watershed continue to follow the existing Basin Plan requirements under the “Policy on the Control of Water Quality with Respect to On-Site Waste Treatment and Disposal Practices Specific to the Russian River Watershed, Including the Laguna De Santa Rosa” (Regional OWTS Policy), until the effective date of the Action Plan. This amendment sets forth editorial changes removing those existing Regional OWTS Policy..

28. Section 3.2 of the OWTS Policy allows a regional water board to approve individual Local Agency Management Programs (LAMPs) for local agencies that want to provide alternative minimum standards than those specified in the OWTS Policy. Upon effect, the Action Plan applies all statewide OWTS Policy requirements for OWTS across the Russian River Watershed. All design and siting criteria for OWTS will be as described under the OWTS Policy or in accordance with provisions under an approved LAMP for OWTS that pose the

lowest threat to water quality and public health. LAMPs may also establish an Advanced Protection Management Program (APMP) that includes special provisions for OWTS near impaired waterbodies. The Action Plan does not specify a geographic area or other criteria for an APMP in the Russian River Watershed, but defers to the requirements defined by the OWTS Policy or an approved LAMP. In the absence of a TMDL implementation program or special provisions in an approved LAMP, the OWTS Policy applies an APMP for new and replacement OWTS within 600 feet of those impaired waterbodies listed in Attachment 2 of the OWTS Policy. Section 10.6 of the OWTS Policy lists additional requirements for OWTS within the APMP.

29. The North Coast Water Board has directed staff to engage in a sustained, coordinated effort with federal, state, and local agencies to identify and secure funding to assist the public in complying with the OWTS program of implementation, including through initiatives such as the Monte Rio/Villa Grande pilot program, which seeks public engagement to consider community solutions for compliance with the Action Plan, including exploring potential OWTS management structures and funding options.

30. In accordance with California Water Code section 13242, the Action Plan contains a “description of surveillance to be undertaken to determine compliance with objectives.” The monitoring element of the Action Plan recognizes that monitoring will be necessary to assess the progress of pollutant load reductions and improvements in water quality in the Russian River including its estuary and tributaries. Monitoring will be conducted to provide information regarding the effectiveness of the Action Plan, including: 1) compliance with the Fecal Waste Discharge Prohibition; 2) achievement of waste load allocations and load allocations; 3) attainment of the numeric targets; and 4) attainment of bacteria objectives for protection of beneficial uses. The North Coast Water Board’s Executive Officer will ensure that appropriate entities develop and submit monitoring programs and technical reports necessary to achieve the purposes of the Action Plan. The Executive Officer will determine the scope of these programs and reports, considering any legal requirements, including those within the Action Plan, and if necessary, issue appropriate orders to appropriate entities.

31. The North Coast Water Board is participating with the Russian River Watershed Association and other partners in the development of a regional monitoring program for the Russian River Watershed called the Russian River Regional Monitoring Program (R3MP). A steering committee and technical advisory committee are established and meet regularly. Members of the R3MP include parties with obligations under the Action Plan. The North Coast Water Board envisions R3MP as a planning and monitoring platform within which member entities can coordinate monitoring activities and make efficient use of regional monitoring resources.

32. In amending the Basin Plan to establish the Action Plan for Pathogens in the Russian River Watershed, the North Coast Water Board considered the requirements set forth in Sections 13240, 13242, and 13243 of the California Water Code.

33. The North Coast Water Board has prepared a detailed technical document, that analyzes and describes the specific necessity and rationale for the development of the Action Plan. The technical document entitled "Staff Report for the Action Plan for Pathogens in the Russian River Watershed" (Staff Report) is an integral part of this North Coast Water Board action and was reviewed, considered, and accepted by the North Coast Water Board before acting. Further, the technical document provides the detailed factual basis and analysis supporting the problem statement, evidence of pollution, the Fecal Waste Discharge Prohibition, numeric targets (interpretation of the narrative and numeric water quality objectives, used to calculate the waste load and load allocations), source analysis, linkage analysis, waste load allocations (for point sources), load allocations (for nonpoint sources), margin of safety, and seasonal variations and critical conditions of the TMDL and all other elements of the Action Plan.

34. The scientific basis of the Action Plan has been reviewed by external peer reviewers in accordance with section 57004 of the California Health and Safety Code.

35. Prior to 2025 the Action Plan and accompanying Staff Report underwent four iterations made available for public review (2015, 2017, 2019, and 2021). Public workshops were held during each public comment period. Each revision of the program of implementation and supporting documentation were undertaken in order to be responsive to public comment or to account for changes within the regulatory framework applicable to the pathogen TMDL, such as the 2018 adoption of statewide bacteria objectives. An Action Plan and associated documents were adopted by the North Coast Water Board on December 2, 2021. As an outcome of discussions with State Water Board staff, North Coast Water Board staff revised the 2021 Action Plan's program of implementation for OWTS.

36. The 2025 Staff Report considers the data collected across the watershed under the four TMDL studies, associated sources and potential sources of fecal waste discharge, affirms evidence of watershed wide fecal pollution, as was considered by independent peer reviewers. The Action Plan maintains a program of implementation predicated upon compliance with the watershed-wide Fecal Waste Discharge Prohibition and provides a method of compliance with that prohibition for each source category identified during source assessment.

<u>California Environmental Quality Act</u>

37. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the North Coast Water Board's basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental

Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) requirements for preparing environmental documents (14 Cal. Code Regs. § 15251(g); 23 Cal. Code Regs. § 3782). The North Coast Water Board staff has prepared “substitute environmental documents” for this project that contain the required environmental documentation under the State Water Board’s CEQA regulations (23 Cal. Code Regs. § 3777.) The necessary substitute environmental documentation is contained within the staff report entitled " Staff Report for the Action Plan for Pathogens in the Russian River Watershed”, including the environmental checklist, the comments and responses to comments, the Basin Plan amendment language, and this resolution.

38. In preparing the accompanying substitute environmental documents, the North Coast Water Board has considered the requirements of Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187. This analysis is not intended to be an exhaustive analysis of every conceivable impact, but an analysis of the reasonably foreseeable consequences of the adoption of this regulation, from a programmatic perspective. Project level impacts will need to be considered in any subsequent environmental analysis performed by other public agencies, pursuant to Public Resources Code section 21159.2.

39. Consistent with the North Coast Water Board’s substantive obligations under CEQA, the substitute environmental documents do not engage in speculation or conjecture, and only consider the reasonably foreseeable environmental impacts, including those relating to the methods of compliance, reasonably foreseeable feasible mitigation measures to reduce those impacts, and the reasonably foreseeable alternative means of compliance, which would avoid or reduce the identified impacts.

40. The reasonably foreseeable methods of compliance with the Action Plan could have a potentially significant adverse effect on the environment. The substitute environmental documents identify potentially significant effects to the following: agriculture and forest resources, noise, population and housing, and utilities and service systems. They also identify potentially significant cumulative impacts to the environment. The substitute environmental documents set forth the basis for the North Coast Water Board findings that mitigation measures or alternatives to reduce all impacts to a less than significant level are infeasible. The North Coast Water Board finds, however, that in many cases, project level alternatives, mitigation measures, or both, if employed, would substantially lessen the potentially significant adverse impacts identified in the substitute environmental documents. These feasible alternatives and mitigation measures are described in more detail in the Staff Report and incorporated environmental checklist. Further, to the extent that alternatives or mitigation measures will be analyzed for project-level approvals, and where those approvals are within the responsibility and jurisdiction of other public agencies and not the North Coast Water Board, the North Coast Water Board anticipates such measures can and should be

incorporated into any subsequent projects or project approvals. (Cal. Code Regs., tit.14, § 15091(a)(2).)

41. To the extent significant adverse environmental effects could occur despite incorporation of feasible mitigation measures, consistent with Public Resources Code section 21081(b) the North Coast Water Board has balanced the economic, legal, social, technological, and other benefits of the Action Plan against the unavoidable environmental risks and finds that specific economic, legal, social, technological, and other benefits of the Action Plan outweigh the unavoidable adverse environmental effects, such that those effects are considered acceptable. The North Coast Water Board makes this statement concerning the Action Plan's unavoidable environmental impacts to explain why the benefits outweigh the impacts. These benefits include: utilizing local agency flexibility, expertise, and knowledge and allowing for consideration of local and site specific planning requirements in the approval of supplemental treatment systems, allowing for an affordable means of wastewater disposal in communities where centralized systems are unavailable and infeasible to construct, and reducing public health hazards in surface waters where there is known pathogen pollution and impairment and a high level of recreational and domestic use. This Statement of Overriding Considerations and additional support for this statement is further described in Chapter 11 of the Staff Report.

Outreach and Public Review

42. North Coast Water Board Staff have participated in a Community Advisory Group (CAG) in the disadvantaged community in the Monte Rio/Villa Grande area of the lower Russian River since 2018. Meetings were held on average monthly over that period. The CAG was created to advise an Interagency Team comprised of Sonoma Water, Sonoma County, and the North Coast Water Board on issues related to OWTS, this Action Plan, the Sonoma County LAMP, and a potential septic-to-sewer project in the Monte Rio/Villa Grande area. Representatives on the CAG include owners of single family homes served by OWTS, a landlord with multi-family housing served by OWTS, retired septic system consultants and civil engineers, current and former general managers of a local domestic water supplier, and other interested individuals.

43. On March 24, 2025, the draft Staff Report and draft Action Plan was released for a 45-day public review and public comment period. The public comment and review period closed on May 8, 2025. The North Coast Water Board received comment letters from the following parties: County of Sonoma, Sonoma County Water Agency, the OWTS Residents of the Russian River, and the North Bay Association of Realtors. The North Bay Association of Realtor letter also included Northern CA Engineering Contractors Association, North Coast Builders Exchange, Sonoma County Alliance AC, and Santa Rosa Metro Chamber.

44. On May 18, 2023, the North Coast Water Board sent letters to fifteen tribal entities offering the opportunity for consultation on identifying and mitigating any

potential impacts to tribal resources due to the adoption of the proposed Action Plan. The North Coast Water Board received no responses.

45. The North Coast Water Board has satisfied the outreach requirements set forth in California Water Code section 189.7 by conducting meaningful civic engagement to potentially affected disadvantaged and tribal communities concerning the amendment.

46. Pursuant to California Water Code section 13149.2, the North Coast Water Board reviewed readily available information and information raised to the Board by interested persons concerning anticipated water quality impacts in disadvantaged or tribal communities resulting from adoption of this amendment. The Board also considered environmental justice concerns within the Board's authority.

47. The North Coast Water Board anticipates that the adoption of this amendment will not result in any water quality impacts or environmental justice concerns. Any impacts to tribes, disadvantaged communities and environmental justice communities resulting from the amendment are expected to be beneficial.

Summary of Regulatory Requirements

48. Consistent with the California Code of Regulations, title 23, sections 3778-80, North Coast Water Board consulted interested parties in the Region, and other potentially affected parties about the proposed action, and considered and addressed all comments.

49. The North Coast Water Board's environmental analysis has considered a reasonable range of economic factors in evaluating the methods of compliance with the Action Plan. The CEQA checklist and other portions of the substitute environmental documents contain the analysis and findings to support this consideration.

50. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b). As specified above, federal law and regulations require that TMDLs be incorporated, or referenced, in the state's water quality management plan. The necessity of developing an Action Plan is established in the Staff Report, and the data contained in the administrative record documenting the pathogen pollution and impairments in the Russian River Watershed.

51. The Basin Plan amendment is consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16), and the federal Antidegradation Policy (40 CFR 131.12), in that it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards to fully protect beneficial uses.

52. The Basin Plan amendment incorporating a TMDL, Fecal Waste Discharge Prohibition, and the Action Plan for Pathogens in the Russian River Watershed and removing the "Policy on the Control of Water Quality with Respect to On-Site Waste Treatment and Disposal Practices Specific to the Russian River Watershed, Including the Laguna De Santa Rosa" must be submitted for review and approval by the State Water Board, OAL, and the U.S. EPA. The Basin Plan amendment will become effective upon approval by OAL. A Notice of Decision will be filed with the California Natural Resources Agency.

53. If during the approval process North Coast Water Board staff, the State Water Board or State Water Board staff, or OAL determine that minor, non-substantive modifications to the language of the amendment are needed for clarity or consistency, the Executive Officer should make such changes consistent with the North Coast Water Board's intent in adopting this Action Plan, and should inform the Board of any such changes.

THEREFORE, be it resolved that pursuant to sections 13240, 13242 and 13243 of the California Water Code, the North Coast Water Board hereby amends the Basin Plan in accordance with the following:

1. The North Coast Water Board hereby approves and adopts the CEQA substitute environmental documentation, which was prepared in accordance with Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187.

2. After considering the entire record, including oral testimony at the hearing, the North Coast Water Board hereby adopts the amendments to implementation chapters of the Basin Plan, as set forth in Attachment A hereto, to incorporate the Action Plan for Pathogens in the Russian River Watershed including the Pathogen TMDL and the Fecal Waste Discharge Prohibition. The *Policy On The Control Of Water Quality With Respect To On-Site Waste Treatment And Disposal Practices Specific To The Russian River Watershed, Including The Laguna De Santa Rosa* will be deleted upon effect of the Action Plan.

3. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Water Board in accordance with the requirements of section 13245 of the California Water Code.

4. The North Coast Water Board requests that the State Water Board approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to OAL and U.S. EPA for approval. The North Coast Water Board specifically requests U.S. EPA approval of all Basin Plan Amendments provisions that require U.S. EPA approval.

5. If during the approval process, the North Coast Water Board staff, State Water Board or State Water Board staff, or OAL determine 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 Board of any such changes.

6. The Executive Officer is authorized to request a "No Effect Determination" from the Department of Fish and Wildlife or transmit payment of the applicable fee as may be required to the Department of Fish and Wildlife.

CERTIFICATION

I, Valerie Quinto, 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, North Coast Region, on August 15, 2025.

Valerie Q

Digitally signed by Valerie Quinto
Date: 2026.05.21 09:26:08 -07'00'

Valerie Quinto
Executive Officer

Attachment

A. Basin Plan amendment adopting the *Action Plan for Pathogens in the Russian River Watershed into the Basin Plan and removing the Policy on the Control of Water Quality with Respect to On-Site Waste Treatment and Disposal Practices Specific to the Russian River Watershed, Including the Laguna De Santa Rosa*.