

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION 2020-0039**

**ADOPTING THE CLEAN WATER ACT SECTION 303(d) LIST FOR THE NORTH
COAST REGION AND APPROVING THE 303(d) PORTION OF THE 2018
CALIFORNIA INTEGRATED REPORT**

WHEREAS:

1. Section 303(d)(1) of the Clean Water Act (33 U.S.C. § 1313(d)) requires states to regularly identify surface waters that do not meet applicable water quality standards after technology-based controls have been implemented (referred to as the “303(d) list”) and prioritize such surface waters for the purposes of developing total maximum daily loads, unless other corrective action is appropriate (40 C.F.R. § 130.7(b)). The states are required to submit their section 303(d) lists biennially to the United States Environmental Protection Agency (“U.S. EPA”) (40 C.F.R. § 130.7(d)). In addition to the 303(d) list, the Clean Water Act requires states to report on the health of all their surface waters (referred to as the “305(b) report”).
2. The State Water Resources Control Board (“State Water Board”) combines its Clean Water Act sections 303(d) and 305(b) reporting requirements into a “California Integrated Report.”
3. Only the 303(d) list component of the 2018 California Integrated Report requires approval by the State Water Board and U.S. EPA. Neither agency approves the 305(b) report component of the California Integrated Report. Because U.S. EPA may change the State Water Board’s recommended section 303(d) list, the 303(d) list is only effective upon U.S. EPA’s approval.
4. The California Integrated Report is developed in cycles. Each cycle consists primarily of assessments from three Regional Water Quality Control Boards (“Regional Water Boards”) that are “on cycle.” The other six Regional Water Boards that are “off cycle” may also assess high-priority data and make recommendations for the 303(d) list or changes to the 305(b) report.
5. On November 3, 2016, the State Water Board sent a Notice of Public Solicitation for the 2018 California Integrated Report to interested parties soliciting data and information regarding water quality conditions in surface waters of California, pursuant to section 6.1.2.1 of the Water Quality Control Policy for Developing California’s Clean Water Act Section 303(d) List (“Listing Policy”).

6. The 2018 California Integrated Report updates the 2014 and 2016 California Integrated Report. For the 2018 cycle, Regional Water Boards for the North Coast, Lahontan, and Colorado River regions are on cycle. It also includes off-cycle 303(d) listing decisions for one or more waterbodies recommended by the Regional Water Boards for the San Francisco Bay, Central Valley, and Los Angeles regions. Finally, all listing decisions for the remaining surface waters of the state contained in the 2014 and 2016 California Integrated Report carry over to the 2018 California Integrated Report.
7. In developing the new 303(d) listing decisions for the 2018 listing cycle, the State and Regional Water Boards reviewed and considered over one million rows of data and developed approximately 30,000 lines of evidence to support approximately 6,600 waterbody-pollutant decisions.
8. The Listing Policy describes the methods and the process for developing and approving the 303(d) list, including requests for the State Water Board to review listing recommendations made by the Regional Water Boards.
9. The 2018 California Integrated Report is available on the State Water Board's website at:
https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2018_integrated_report.html.
10. The State Water Board is administering the listing process for the North Coast Regional Water Board in accordance with section 6.2 of the Listing Policy.
 - a. On April 21, 2020, the State Water Board held a hearing to receive oral comments on the proposed 303(d) list for the North Coast Region after providing advance notice to the public in the region concerning the proposed 303(d) listing and delisting recommendations for waters within the North Coast Region.
 - b. After reviewing public comments on the proposed draft 303(d) list for the North Coast Region and distributing written responses and the proposed final staff report, staff identified numerous concerns with the listing decisions pertaining to bacteria in waterbodies in the Russian River watershed. Therefore, the bacteria listing decisions for all of the Russian River waterbodies will remain as identified in the 2014-2016 California Integrated Report to afford adequate time for staff and stakeholders to review any proposed changes in a future listing cycle. The State Water Board or the Regional Water Board will reassess the waterbodies in the Russian River watershed for bacteria in a future listing cycle.
 - c. On October 20, 2020, before adopting the proposed 303(d) list for the North Coast Region, the State Water Board considered the oral and written comments received during the comment period, provided written responses to those comments, and made revisions to the supporting documents, including the Staff Report.

- d. Upon adoption by the State Water Board, the 303(d) listing recommendations on behalf of the North Coast Region are compiled into the 303(d) list portion of the 2018 California Integrated Report and submitted to U.S. EPA without further consideration by the State Water Board.
11. The Regional Water Boards for the Lahontan, Colorado River, San Francisco Bay, Central Valley, and Los Angeles regions considered and approved their respective 303(d) listing recommendations at a public hearing after providing advance notice of an opportunity for comment and after responding in writing to all comments. Thereafter, the Regional Water Boards submitted the region-specific 303(d) list recommendations to the State Water Board, which the State Water Board consolidates into a statewide 303(d) list.
 - a. On October 20, 2020, the State Water Board held a public meeting to consider approving the statewide 303(d) list after providing advance notice and an opportunity for comment and responding to written comments, in accordance with the Listing Policy.
12. Two numeric bacteria water quality objectives apply to fresh surface waters in the Lahontan Region: a fecal coliform objective contained in the region's water quality control plan that applies to all surface waters and an *Escherichia coli* (*E. coli*) objective established by the State Water Board to protect surface waters that have the water contact recreation ("REC-1") beneficial use. For the 2018 listing cycle, the Lahontan Regional Water Board assessed attainment of the municipal and domestic supply ("MUN") beneficial use using the fecal coliform bacteria water quality objective and used the *E. coli* water quality objective to assess the REC-1 beneficial use. In a separate water quality control planning project, currently in its beginning stage, the Lahontan Regional Water Board will evaluate whether the fecal coliform water quality objective should be revised or updated in some manner to reflect current science and water quality data, to provide better clarity to the regulated community subject to two bacteria water quality objectives, and to maintain the region's high quality waters. The State Water Board expects that any waters listed as impaired by the fecal coliform objective would not be scheduled for total maximum daily load development until after the Lahontan Regional Water Board completes that planning effort. Additionally, should the fecal coliform objective be revised, the Lahontan Regional Water Board would re-assess the fecal coliform listings using the revised bacteria objective in accordance with the Listing Policy in the subsequent listing cycle for which it is on cycle.
13. Consistent with the Listing Policy, the Colorado River Regional Water Board adopted turbidity and manganese listing recommendations for the Colorado River using the recommended values for turbidity and manganese from the Secondary Drinking Water Standards Secondary Maximum Contaminant Levels as the numeric evaluation guidelines to interpret applicable narrative water quality objectives to support the MUN beneficial use. The Regional Water Board acknowledged that a listing decision would trigger an evaluation and investigation of the sources of the pollutants and would not necessarily result in the

development of a total maximum daily load (“TMDL”). With respect to the turbidity listing decision, for example, the Regional Water Board suggested that it may be an appropriate regulatory response to develop a turbidity site-specific water quality objective for the Colorado River rather than develop a TMDL if doing so would be appropriate to address site-specific conditions or manage conflicting uses. With respect to both pollutants, the Regional Water Board may also consider utilizing alternative numeric evaluation guidelines to assess the water quality standards. The Regional Water Board has assigned a lower priority to the development of the TMDLs for the turbidity and manganese listings and the State Water Board expects that those TMDL projects would not commence until after the Regional Water Board determines which response is appropriate.

14. The section 303(d) list adopted by the San Francisco Bay Regional Water Board contains listing recommendations for the lower Los Gatos Creek as impaired for temperature for the cold freshwater habit (“COLD”) and migration of aquatic organisms (“MIGR”) beneficial uses. The temperature evaluation guidelines are based on temperatures that support salmonids in the Pacific Northwest, including California, and have been used to support temperature assessments in the San Francisco Bay, North Coast, and Central Valley regions for numerous integrated reporting cycles approved by U.S. EPA. The Santa Clara Valley Water District (“Valley Water”) intends to fund and complete a temperature study for waterbodies with steelhead fisheries affected by Valley Water operations. Valley Water intends to coordinate with the San Francisco Regional Water Board and interested stakeholders in the development of the temperature study and complete the study by approximately January 2023. If the San Francisco Bay Regional Water Board determines the regional temperature study meets the requirements of the Listing Policy applicable to selecting an evaluation guideline to interpret the narrative water quality objectives, the San Francisco Bay Regional Board may use the study to re-assess the Los Gatos Creek temperature listing in a subsequent cycle. The Regional Water Board has assigned a lower priority for the development of a TMDL for the temperature listing. The State Water Board expects that the TMDL project would not commence until after the Regional Water Board has an opportunity to evaluate whether the regional temperature study should be used to re-assess the attainment of temperature water quality standards in Los Gatos Creek. If the study results in an appropriate evaluation guideline, the State Water Board expects the Los Gatos Creek would be re-assessed for temperature in the subsequent listing cycle for which the Regional Water Board is on-cycle.
15. The State Water Board’s approval of the 303(d) list component of the 2018 Integrated Report is not a “project” subject to the California Environmental Quality Act because it has no potential to result in a “direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (Pub. Res. Code, § 21065.) The 303(d) list satisfies reporting requirements of the Clean Water Act and provides information for setting priorities for future actions.

THEREFORE, BE IT RESOLVED THAT:

The State Water Board:

1. Adopts the 303(d) list for the North Coast Region on behalf of the North Coast Regional Water Board for inclusion into the 2018 California Integrated Report with the exception of the bacteria listing decisions for the waterbodies in the Russian River watershed. Before submitting the 2018 California Integrated Report to U.S. EPA, staff is directed to make conforming changes to the 303(d) list for the North Coast Region and the supporting documents to exclude the bacteria listing decisions for the waterbodies in the Russian River watershed. State Water Board or Regional Water Board staff is directed to reassess the waterbodies in the Russian River watershed for bacteria in a future listing cycle.
2. Approves the 303(d) list component of the 2018 California Integrated Report.
3. Authorizes the Executive Director or designee to transmit the 2018 California Integrated Report and other supporting information to the U.S. EPA.

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 approved at a meeting of the State Water Board held on October 20, 2020.

AYE: Chair E. Joaquin Esquivel
Vice Chair Dorene D'Adamo
Board Member Tam M. Doduc
Board Member Sean Maguire
Board Member Laurel Firestone

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board