

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2009-0053**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN  
FOR THE SAN DIEGO REGION (BASIN PLAN) TO INCORPORATE  
TOTAL MAXIMUM DAILY LOADS FOR INDICATOR BACTERIA IN  
BABY BEACH IN DANA POINT HARBOR AND  
SHELTER ISLAND SHORELINE PARK IN SAN DIEGO BAY

WHEREAS:

1. On June 11, 2008, the San Diego Water Board adopted [Resolution No. R9-2008-0027](#) amending the Basin Plan to incorporate Total Maximum Daily Loads (TMDLs) for indicator bacteria Baby Beach in Dana Point Harbor and Shelter Island Shoreline Park in San Diego Bay.
2. The San Diego Water Board found that the analysis contained the California Environmental Quality Act (CEQA) "Substitute Documentation" for the proposed Basin Plan amendment, including the CEQA Checklist, the staff report, and the responses to comments complies with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in the California Code of Regulations, Title 23, section 3775 et seq.
3. The San Diego Water Board found the Basin Plan amendment would not have a significant adverse effect on the environment and 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 CFR part 131.12).
4. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code sections 13240 and 13242, which specifies that Regional Water Quality Control Boards may revise Basin Plans and implement programs for achieving water quality objectives. The State Water Board also finds that these TMDLs are consistent with the requirements of federal Clean Water Act section 303(d).
5. The purpose of these TMDLs is to restore and protect the recreational beneficial uses (REC-1) of these two shoreline segments. The numeric targets for these TMDLs were set equal to the recreation water contact beneficial use water quality objectives for total coliform, fecal coliform, and *Enterococcus* indicator bacteria prescribed in the Basin Plan.
6. The numeric targets for these TMDLs consist of the REC-1 water quality objectives for indicator bacteria contained in the Basin Plan. Since numeric targets are equal to the water quality objectives for total coliform, fecal coliform, and *Enterococci* bacteria, attainment of TMDLs will ensure attainment of these water quality objectives.
7. The Basin Plan amendments do not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The TMDLs must also be approved by the U.S. Environmental Protection Agency (U.S. EPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under San Diego Water Board Resolution No. R9-2008-0027.
2. Authorizes the Executive Director or designee to submit the amendment adopted under San Diego Water Board Resolution No. R9-2008-0027 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL.

### 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 June 16, 2009.

AYE: Chairman Charles R. Hoppin  
Vice Chair Frances Spivy-Weber  
Board Member Arthur G. Baggett, Jr.  
Board Member Tam M. Doduc

NAY: None

ABSENT: None

ABSTAIN: None



---

Jeanine Townsend  
Clerk to the Board