

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 92-55

REMANDING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN
FOR THE SAN FRANCISCO BAY BASIN TO THE
SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD

WHEREAS:

1. The California Regional Water Quality Control Board, San Francisco Bay Region (San Francisco Bay Regional Water Board), adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on December 17, 1986.
2. The State Water Resources Control Board (State Water Board) approved the majority of the Basin Plan under Resolutions No. 87-49 and No. 87-82, and the portions that were remanded and subsequently readopted by the San Francisco Bay Regional Water Board were approved by the State Water Board under Resolution No. 87-92.
3. Division 7 of the California Water Code states that Basin Plans shall be periodically reviewed and, if appropriate, revised.
4. The San Francisco Bay Regional Water Board held public workshops on July 22, 1991, September 12, 1991, and September 26, 1991; conducted public hearings on October 16, 1991, November 20, 1991, and December 11, 1991; and adopted Resolution No. 91-184 (Attachment 1) amending the Basin Plan on December 11, 1991, following the public hearing.
5. The Basin Plan amendment incorporates and implements some of the provisions of the Water Quality Control Plans for Enclosed Bays and Estuaries of California and the Inland Surface Waters of California (State Plans), adds new language implementing portions of the State Plans, and updates portions of the nonpoint source control and water reclamation programs and continuing planning process.
6. State and federal regulations (23 CCR Section 3775 et seq. and 40 CFR Parts 25 and 131, respectively) and the State Water Board's Water Quality Administrative Procedures Manual specify the process to be followed for adoption of Basin Plans and amendments. As part of the process, Regional Water Boards are required to prepare and distribute a written report regarding the amendment prior to the public hearing (23 CCR Section 3777).
7. A review of the public hearing record indicates that the required written report was not prepared.
8. Selected provisions of the amendments are inconsistent with the State Plans or pose other technical problems. These technical issues are identified in Attachment 2 to this Resolution.

THEREFORE BE IT RESOLVED:

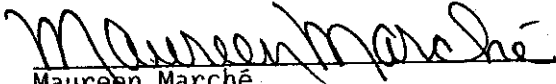
That the State Water Board remands the amendment to the San Francisco Bay Regional Water Board for further consideration and correction of the procedural issue identified in the findings of this Resolution and technical issues identified in Attachment 2 to this Resolution.

BE IT FURTHER RESOLVED:

That this remand is with the understanding that, as reflected in Finding 4 of this Resolution, the San Francisco Bay Regional Water Board provided extensive opportunity for public comment on the amendment and that, on remand, the San Francisco Bay Regional Water Board may restrict further public comment on the amendment to the adequacy of the written report, referenced in Finding 6 of this resolution, and to technical information or legal arguments on the amendments which were not previously presented to the San Francisco Bay Regional Water Board.

CERTIFICATION

The undersigned, Administrative Assistant 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 July 16, 1992.


Maureen Marché
Administrative Assistant to the Board

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESOLUTION NO. 91-184

ADOPTING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN
AND REQUESTING APPROVAL FROM
THE STATE WATER RESOURCES CONTROL BOARD

Whereas, the Regional Board has developed new proposed amendments to the Basin Plan in accordance with Section 13240 et. seq. of the California Water Code;

Whereas, the Regional Board circulated draft sets of proposed amendments dated June 29, 1991, July 22, 1991, August 29, 1991, October 25, 1991, and November 27, 1991;

Whereas, a committee of the Regional Board held public workshops on July 22, 1991, September 12, 1991 and September 26, 1991 and the Regional Board held public hearings on October 16, 1991, November 20, 1991 and December 11, 1991 on the proposed Basin Plan amendments in accordance with Section 13244 of the California Water Code;

Whereas, the Basin Plan amendments must be approved by the State Board as provided in Sections 13245 and 13246 of the California Water Code before becoming effective;

Whereas, the Continuing Planning section of the Basin Plan identifies and prioritizes specific areas of the Basin Plan which the Board intends to investigate for the purpose of future Basin Plan amendment proposals;

Whereas, the State Board adopted the statewide plans for Inland Surface Waters and Enclosed Bays and Estuaries on April 11, 1991;

Whereas, the Basin Plan amendments provide comprehensive implementation of the statewide Inland Surface Waters and Enclosed Bays and Estuaries Plans;


Whereas, the Regional Board prepared an environmental assessment evaluating significant environmental impacts and alternatives in compliance with Public Resources Code Section 21000 et. seq. (CEQA) and found that no significant adverse environmental impacts would result from implementation of the proposed Basin Plan amendments; and

Whereas, the proposed Basin Plan amendments are consistent with the requirements of the Federal Clean Water Act, as amended;

Therefore, be it resolved that:

1. The Regional Board adopts the Final Draft proposed Basin Plan amendments, dated December 4, 1991, as modified at the public hearing on December 11, 1991.
2. The State Board is requested to approve the proposed Basin Plan amendments in accordance with Sections 13245 and 13246 of the California Water Code.
3. Upon approval, the State Board is requested to transmit the Basin Plan amendments to the U.S. Environmental Protection Agency for approval.

I, Steven R. Ritchie, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on December 11, 1991.



STEVEN R. RITCHIE
EXECUTIVE OFFICER

ATTACHMENT 2

ISSUES IDENTIFIED BY STATE WATER BOARD
REGARDING THE PROPOSED AMENDMENT OF DECEMBER 11, 1991
TO THE WATER QUALITY CONTROL PLAN FOR THE
SAN FRANCISCO BAY BASIN

	Amendment ¹	State Plans ²	State Water Board Guidance
1.	Incorporates some, but not all, of the State Plan objectives and provisions.	All State Plans objectives and provisions are in effect.	Incorporate State Plan by explicit reference.
2.	Would allow exceptions for acute toxicity for ammonia discharges (Toxicity pg.18)	Does not allow exceptions to the acute toxicity objective (pgs. 3, 11, 14), waste discharge requirements (WDRs) must include a requirement of no acute toxicity in undiluted effluent.	Delete the last paragraph in the acute toxicity section, modify language to indicate exception subject to Part N, Chapter 3 (pg 25) of State Plan, or indicate that ammonia toxicity would be considered when determining compliance with acute toxicity effluent limitations. ^{3,4}
3.	Regional Board action needed to require a TRE (Toxicity pg. 19)	TRE required as specified in the WDR (pg. 17)	Add specifications for TREs to waste discharge requirements
4.	Effluent limitations mathematically rounded (Tables IV-1A & IV-1B)	Mathematical rounding is inconsistent with provisions (pgs. 11 - 12)	Do not round calculated effluent limits
5.	Misapplication of water supply variance to discharges of treated ground water (Chemical Specific Effluent Limitations pgs. 12 -13)	The variance allows water purveyors to meet Safe Drinking Water Act requirements (pg. 2, and FED pg. 1-1.	Delete variance language, establish a time schedule for compliance with the water quality objectives, or obtain exemption under Part N. (pg 25) of State Plan
6.	Effluent limits added to WDRs if Regional Board believes substance present in significant amounts; and objective is not met in the receiving water (Chemical Specific Effluent Limitations pgs. 11)	If discharger monitors and certifies substance is not in the discharge, Regional Board may elect to not establish effluent limits (pg.10)	Delete language and incorporate State Plans by explicit reference

	Amendment ¹	State Plans ²	State Water Board Guidance
7.	Does not require application of water quality based effluent limits to intermittent wet weather facilities (Chemical Specific Effluent Limitations pgs. 12 -13)	Effluent limits based on State Plan objectives shall be incorporated into WDRs (pg. 10)	Delete exception language on pg. 12 (second complete paragraph) regarding "Intermittent wet weather facilities...", obtain an exemption under Part N. (pg 25) of State Plan, or substitute language to indicate that the combined sewer overflow facilities for the City of San Francisco and East Bay Municipal Utilities District will be regulated pursuant to the <u>State of California Combined Sewer Overflow Control Strategy</u> dated September 1990.
8.	Does not require application of water quality based effluent limits to non-process wastewater discharges (Chemical Specific Effluent Limitations pgs. 12 -13)	Effluent limits based on State Plan objectives shall be incorporated into WDRs (pg. 10)	Delete exception language on pg. 12 (second complete paragraph), obtain an exemption under Part N (pg 25) of State Plan, or modify language to note that cooling waters which are withdrawn from and discharged to the same water body and that do not add toxic pollutants do not need effluent limitations for toxic pollutants.
9.	Calculates effluent limits using ambient receiving water concentrations as background concentration, except for treated ground water discharges (Chemical Specific Effluent Limitations pg. 13)	Background concentration is defined as the concentration in the vicinity of the discharge, which is not influenced by the discharge (pg. 12)	Calculate effluent limits for treated ground water discharges the same way as for other discharges, or delete section beginning on pg 12 regarding " <u>Discharges of Treated Ground Water to Surface Waters</u> ", or obtain an exemption under Part N (pg 25) of State Plan,

	Amendment ¹	State Plans ²	State Water Board Guidance
10.	Amendment supplemented existing water quality objectives for zinc and nickel with State Plan objectives (Objectives pg.1)	The more stringent provision of the State Plans or Basin Plan applies, except in specific cases (pg. 2)	Delete water quality objectives for zinc and nickel that are no longer appropriate.
11.	Used '4-day avg.' and '1-hr. avg.' objectives rather than 'daily avg.' objectives to calculate 'daily avg.' effluent limits. (Tables III-2A and III-2B)	Effluent limits should have the same averaging period as the water quality objectives on which they are based. (FED pg 9-2)	Revise either the effluent limit calculation or the compliance time period.
12.	The acute and chronic toxicity sections define '11-sample median', but do not define '3-sample median' (Toxicity pgs. 16 - 19)		Add the appropriate definition.
13.	Continuing Planning--was not properly noticed for public hearing.		Include in notice for future public hearing.

1. Provisions of the December 11, 1991 amendment that are remanded to the San Francisco Bay Regional Water Board for further consideration. The State Water Board recognizes that additional provisions of the amendment may be modified by the Regional Water Board as a result of its analysis of alternatives which will be addressed in the written report.
2. State Plan page number references, for simplicity, will only refer to the Water Quality Control Plan for Enclosed Bays and Estuaries of California; however, all State Plan references are applicable to both State Plans.
3. Add a paragraph after the definition of 90th percentile, such as:
 In addition, for deep water discharges subject to marine effluent limitations, the discharge will not be considered out of compliance with the acute toxicity effluent limitation under the following circumstances: the discharger documents that the only cause of acute toxicity is ammonia and demonstrates that the ammonia will not impact the receiving water quality or beneficial uses.
4. The State Water Board will consider the ammonia toxicity issue during the Triennial Review process for the State Plans.