

KB

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 94-51

REMANDING AMENDMENTS TO THE WATER QUALITY CONTROL PLAN  
FOR THE SAN FRANCISCO BAY BASIN REGARDING A SITE-SPECIFIC  
WATER QUALITY OBJECTIVE AND PLAN OF IMPLEMENTATION FOR COPPER

WHEREAS:

1. The Regional Water Quality Control Board, San Francisco Bay Region (SFBRWQCB) revised the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on December 17, 1986.
2. Division 7 of the California Water Code states that Basin Plans shall be periodically reviewed and, if appropriate, revised.
3. On October 21, 1992, SFBRWQCB adopted Resolution No. 92-128 (Attachment 1) which would amend the Basin Plan by establishing a site-specific water quality objective for copper of 4.9 ug/l (total recoverable - one-hour average) for San Francisco Bay to protect salt water aquatic life, specifying copper effluent limits, and establishing preliminary goals for reductions in mass emissions of copper from riverine, storm water, and municipal and industrial sources.
4. On June 16, 1993, SFBRWQCB adopted Resolution No. 93-61 (Attachment 2) which would further amend the Basin Plan to incorporate a plan of implementation to achieve the site-specific objective for copper by establishing wasteload allocations (WLA) for individual municipal and industrial point source dischargers and load allocations (LA) for storm water discharges and Sacramento and San Joaquin River sources.
5. SWRCB has received a final court decision which invalidates the Water Quality Control Plan for Enclosed Bays and Estuaries of California (State Plan) and significantly alters the baseline used for comparison by the SFBRWQCB in completing California Environmental Quality Act (CEQA) and the Porter-Cologne Act requirements for the amendment; therefore, SFBRWQCB's amendments adopted under Resolution No. 92-128 should be remanded for reconsideration of the CEQA and economic analyses, and this reconsideration may result in adoption of a different site-specific objective. When the SFBRWQCB reconsiders this matter, the SFBRWQCB shall comply with all other applicable requirements of the Porter-Cologne Act.
6. Remanding the copper site-specific objective also necessitates remanding the WLA and LA since the WLA and LA implement and, therefore, are contingent upon the site-specific objective.

THEREFORE BE IT RESOLVED THAT:

The State Water Resources Control Board remands the amendments adopted under SFBRWQCB Resolution No. 92-128 and Resolution No. 93-61 to SFBRWQCB for further consideration of the Porter-Cologne Act requirements and CEQA analyses performed for the proposed water quality objective for copper.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a policy duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 16, 1994.



Maureen Marché  
Administrative Assistant to the Board

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**RESOLUTION NO. 92-128**

**ADOPTING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN  
AND REQUESTING APPROVAL FROM  
THE STATE WATER RESOURCES CONTROL BOARD**

Whereas, California Regional Water Quality Control Board, San Francisco Bay Region (Regional Board) adopted and the State Water Resources Control Board (State Board) approved amendments revising the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) in 1986;

Whereas, the Basin Plan in 1986 recognized the need to develop a site-specific water quality objective for copper for San Francisco Bay;

Whereas, the Regional Board received funding from the State Board and the U.S. Environmental Protection Agency to develop a site-specific criteria for San Francisco Bay;

Whereas, the Regional Board on June 6, 1992 distributed a draft final report entitled "Development of Site-specific Criterion for Copper for San Francisco Bay" for review and comment;

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

Whereas, the Regional Board circulated the amendment dated July 31, 1992 and announced the availability of a staff report and other supporting documentation;

Whereas, Regional Board staff held a public workshop on September 1, 1992, and public hearings on September 16, 1992 and October 21, 1992 on the Basin Plan amendment 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 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 Basin Plan amendment; and

Whereas, the Regional Board concludes that this amendment as a whole involves "no potential for adverse effect, either individually or cumulatively on wildlife", and is therefore exempt from Department of Fish and Game CEQA filing fees;

Whereas, the Basin Plan amendment is consistent with the requirements of the Federal Clean Water Act, as amended;

Therefore, be it resolved that:

1. The Regional Board adopts the Basin Plan amendment, as follows:

A. Amend Table III-2A of the Basin Plan to replace the copper objective with the following: "4.9"

B. Delete footnote c of Table III-2A; change subsequent footnotes to correct sequence.

C. Amend Table IV-1A to replace shallow water effluent limitation for copper with value: "4.9"

D. Amend Table IV-1A to replace deep water effluent limitation for copper with value: "37"

E. Add the following language after the second paragraph on page 7 of the Chemical Specific Effluent Limitations Section, before the heading Dilution Ratios:

Mass Loading Limits for Copper

Concentrations higher than the site-specific objective of 4.9 ug/L have been measured throughout the estuary (except in Central Bay), indicating that a reduction in mass loading of copper to the estuary from all sources is needed. As a preliminary wasteload allocation for copper, the Regional Board establishes the following preliminary goals for reductions in mass emissions of copper by the year 2003:

Storm Water	20%
Riverine	25%
Municipal and Industrial	25%

These are overall goals for categories of sources. Reductions for individual discharges or sources will vary from these overall goals. For storm water, removal of sources of copper in the watershed that may be transported downstream by runoff will be required. The Regional Board will work with the State Board and the Central Valley Regional Water Quality Control Board to develop a program to meet the goal for reductions of riverine sources. Mass loading limitations will be established in NPDES permits to accomplish the reductions for municipal and industrial sources. After a wasteload allocation is implemented in permits, and


load reductions consistent with that allocation are occurring, the Board will re-evaluate the effluent concentration limitations for copper.

F. Add the sentences in boldface and delete the underlined portions in the following paragraph from Page III-5:

The Regional Board intends to work towards the derivation of site-specific objectives for the Bay-Delta estuarine system. Copper, nNickel, selenium, and mercury will be the highest priorities in this effort. Site specific objectives to be considered by the Regional Board shall be developed in accordance with the provisions in Chapter II, Section D or Appendix 3 of the California Enclosed Bays and Estuaries Plan (State Water Resources Control Board Resolution 91-33) and specific Regional Board guidance. **The Regional Board recognizes that immediate compliance with the site-specific water quality objective for copper may not be feasible in all circumstances. Compliance schedules in permits may be appropriate as specified in Chapter 4.** The site specific objectives for selenium and mercury will take into account impacts to beneficial uses caused by bioaccumulation. A draft mercury objective will be circulated for public review by January 1993. Pending the adoption of site-specific objectives, the objectives in Table III-2A and III-2B apply throughout the Region.

2. The State Board is requested to approve the proposed Basin Plan amendment 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 amendment to the U.S. Environmental Protection Agency for approval.
4. The Regional Board directs the Executive Officer to sign and file a Certificate of Fee Exemption with the Department of Fish and Game for this amendment to the Basin Plan.

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 October 21, 1992.

  
STEVEN R. RITCHIE  
EXECUTIVE OFFICER

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**RESOLUTION NO. 93-61**

**ADOPTING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN  
ESTABLISHING A WASTELOAD ALLOCATION FOR COPPER  
FOR SAN FRANCISCO BAY  
AND REQUESTING APPROVAL FROM  
THE STATE WATER RESOURCES CONTROL BOARD**

Whereas, on October 21, 1992 the Regional Board adopted Resolution 92-128 establishing a site specific water quality objective for copper of 4.9 ug/L for San Francisco Bay, based on the protection of aquatic life;

Whereas, assessment of the sources of copper loading to the San Francisco estuary indicates that the site specific copper objective cannot be met without reductions in all significant sources of copper loading to the estuary, including, storm water, municipal and industrial sources, and sources upstream of the San Francisco Bay Region, in the Sacramento/San Joaquin watershed;

Whereas, the reduction of riverine sources cannot be accomplished without the participation of the Central Valley Regional Water Quality Control Board and the State Board;

Whereas, Porter-Cologne Section 13242 requires that Water Quality Control Plans include a program of implementation for water quality objectives;

Whereas, the Clean Water Act Section 303(d) and federal regulations (40CFR 130.7) require states to establish total maximum daily loads and wasteload allocations for water bodies where water quality standards are not attained;

Whereas, the Regional Board has developed an amendment to the Water Quality Control Plan (Basin Plan) in accordance with Section 13240 et seq. of the California Water Code which establishes a mass-based approach to implementing the site specific copper objective;

Whereas, the Regional Board circulated drafts of the proposed amendment on January 4, 1993, March 19, 1993, April 12, 1993, and May 19, 1993;

Whereas, Regional Board staff held a public workshop on January 26, 1993, and the Regional Board held public hearings on the Basin Plan amendment on February 17, 1993, April 21, 1993, and June 16, 1993 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 Regional Board prepared and distributed a draft written report dated January 8, 1993 identifying alternatives to the proposed amendments and an environmental checklist in compliance with the 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 distributed a final written report with a revised version of the checklist on June 1, 1993; 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 draft Basin Plan amendment dated May 19, 1993, as modified at the public hearing on June 16, 1993, establishing a wasteload allocation for copper for San Francisco Bay.
2. The State Board is requested to approve the Basin Plan amendment 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 Office of Administrative Law and U.S. Environmental Protection Agency for approval.
4. The State Board is requested to prioritize and expedite clean-up of abandoned mines in the Sacramento River watershed, so that the load reduction from riverine sources can be accomplished.
5. If the Regional Board determines that reduction of copper loading to the estuary from the Sacramento and San Joaquin rivers, particularly from abandoned mines, is not proceeding satisfactorily, implementation of the provisions of the wasteload allocation in NPDES permits may be delayed.

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 June 16, 1993.

  
STEVEN R. RITCHIE  
EXECUTIVE OFFICER