

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2008-0055**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR
THE SAN FRANCISCO BAY REGION (BASIN PLAN) AMENDING MERCURY WATER
QUALITY OBJECTIVES IN WALKER CREEK AND SOULAJULE RESERVOIR AND THEIR
TRIBUTARIES AND ESTABLISHING A TOTAL MAXIMUM DAILY LOAD AND
IMPLEMENTATION PLAN TO REDUCE MERCURY IN
THE WALKER CREEK WATERSHED

WHEREAS:

1. The San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) adopted a revised Basin Plan under [Resolution No. R2-2005-0062](#) on May 22, 2002 which was approved by the State Water Resources Control Board (State Water Board) on October 17, 2002 and by the Office of Administrative Law (OAL) on December 7, 2002.
2. On January 23, 2007, the San Francisco Bay Water Board adopted Resolution No. R2-2007-0010 ([Attachment I](#)) amending the Basin Plan to: (1) establish new mercury water quality objectives, (2) vacate an existing objective for Walker Creek and Soulajule Reservoir and their tributaries, and (3) establish a Total Maximum Daily Load (TMDL) and implementation plan to reduce mercury in the Walker Creek Watershed.
3. San Francisco Bay Water Board staff determined that minor, non-substantive changes to the language of the Basin Plan amendment were necessary to correct minor clerical errors, to improve clarity, and to ensure that the amendment is consistent with the Basin Plan update adopted under Resolution No. R2-2007-0010. The San Francisco Bay Water Board's Executive Officer made these minor changes in a memorandum dated April 3, 2008 ([Attachment II](#)¹).
4. The process of basin planning has been certified by the Secretary for Resources as exempt from the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) to prepare an Environmental Impact Report or Negative Declaration. The Basin Plan amendment package includes a Staff Report, an Environmental Checklist, a response to comments, an assessment of the potential environmental impacts of the Basin Plan amendment, and a discussion of alternatives. The San Francisco Bay Water Board found that the Basin Plan amendment, Environmental Checklist, Staff Report, and documentation serve as a substitute environmental document under the State Water Board's certified regulatory program and 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.

¹ Attachment II: The memorandum itself has 4 attachments: Attachment 1 is the basin plan amendment language with the Executive Officer corrections shown in double underline/strikeout; Attachment 2 is the final revised basin plan amendment language in single underline/strikeout; Amendment 3 is the memo from Dyan Whyte to Stephen Blum; and Attachment 4 is the memo from Jill Marshall to Bruce Wolfe.

5. The rescission of the four-day average total mercury water quality objective and the adoption of two fish tissue methylmercury objectives is not anticipated to lower water quality because the new objectives are more stringent and based on more current scientific understanding of mercury bioaccumulation. The TMDL implementation plan is designed to attain the existing Basin Plan narrative water quality objective for bioaccumulation and the two Basin Plan fish tissue water quality objectives for methylmercury. Therefore, because the San Francisco Bay Water Board's action will maintain the level of water quality necessary for the protection of the existing uses, the action is consistent with state and federal antidegradation requirements.
6. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Board to establish Water Quality Objectives, and section 13242, which requires a program of implementation of water quality objectives. The State Water Board also finds that the TMDL as reflected in the Basin Plan amendment is consistent with the requirements of federal Clean Water Act section 303(d).
7. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The TMDL and water quality objectives must also receive approval from 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 Francisco Bay Water Board Resolution No. R2-2007-0010.
2. Authorizes the Executive Director or designee to submit the amendment adopted under San Francisco Bay Water Board Resolution No. R2-2007-0010, as approved, and the administrative record for this action to OAL and the TMDL and water quality objectives to U.S. EPA for approval.

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 July 15, 2008.

AYE: Chair Tam M. Doduc
 Vice Chair Gary Wolff, P.E., Ph.D
 Arthur G. Baggett, Jr.
 Charles R. Hoppin
 Frances Spivy-Weber

NAY: None

ABSENT: None

ABSTAIN: None



 Jeanine Townsend
 Clerk to the Board