

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2009-0063**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN  
FOR THE SAN FRANCISCO BAY REGION (BASIN PLAN) TO ESTABLISH A  
TOTAL MAXIMUM DAILY LOAD (TMDL) AND IMPLEMENTATION PLAN  
FOR PATHOGENS IN RICHARDSON BAY

WHEREAS:

1. On July 9, 2008, the San Francisco Bay Regional Water Quality Control Board adopted [Resolution R2-2008-0061](#) amending the Basin Plan to establish a TMDL for pathogens in Richardson Bay.
2. The amendment meets the necessity standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
3. The San Francisco Bay Water Board staff found that the adoption of this amendment would be consistent with the State Antidegradation Policy ([State Water Board Resolution No. 68-16](#)) and federal antidegradation requirements (40 Code of Federal Regulations (CFR) 131.6).
4. The San Francisco Bay Water Board found that the analysis contained in the TMDL staff report, the California Environmental Quality Act (CEQA) Checklist, and the responses to public and peer review comments comply with the requirements of the State Water Resources Control Board's (State Water Board's) certified regulatory CEQA process, as set forth in California Code of Regulations title 23, section 3775 et seq.
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code sections 13240 and 13242, which specify 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 the TMDL is consistent with the requirements of federal Clean Water Act section 303(d).
6. The TMDL establishes a numeric target of a five sample per month median fecal coliform density of <14 organisms /100 milliliters (mL), with no more than 10 percent of water samples exceeding 43 organisms/100 mL in a 30-day period.
7. The TMDL will be implemented via an adaptive strategy that will use monitoring data collected and relevant scientific information to determine the progress towards meeting the associated targets and allocations. The San Francisco Bay Water Board will evaluate new and relevant information after five years of the effective date of the TMDL; any necessary modifications to the targets, allocations, or implementation plan will be incorporated into the Basin Plan.
8. The Basin Plan amendment does 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 TMDL 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 Francisco Bay Water Board Resolution R2-2008-0061.
2. Authorizes the Executive Director, or designee, to transmit the amendment adopted under San Francisco Bay Water Board Resolution R2-2008-0061 to OAL and the TMDL to U.S. EPA for approval.

### CERTIFICATION

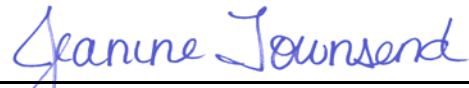
The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on August 4, 2009.

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



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Jeanine Townsend  
Clerk to the Board