

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2010-0047**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE
SAN FRANCISCO BAY BASIN (BASIN PLAN) TO ESTABLISH A TOTAL MAXIMUM DAILY
LOAD (TMDL) FOR SEDIMENT AND RELATED HABITAT ENHANCEMENT GOALS IN THE
NAPA RIVER WATERSHED

WHEREAS:

1. On September 9, 2009, the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) adopted Resolution R2-2009-0064 ([Attachment](#)) amending the Basin Plan to establish a TMDL for excessive sediment and related habitat enhancement goals in the Napa River Watershed.
2. San Francisco Bay Water Board 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 131.6).
3. 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.
4. The scientific basis for the TMDL was subjected to an independent, external peer review, pursuant to the requirements of Health and Safety Code section 57004. San Francisco Bay Water Board staff revised the proposed Basin Plan amendment in response to the comments provided by the reviewers, or provided a written response that explained the basis for not incorporating other proposed changes. The peer reviewers' responses confirmed that the rulemaking portions of the TMDL and implementation plan are based on sound scientific knowledge, methods, and practices.
5. The State Water Resources Control Board (State Water Board) finds that, in amending the Basin Plan, the San Francisco Bay Water Board complied with the requirements set forth in sections 13141, 13240, 13242, 13245, and 13246 of the Water Code. The State Water Board also finds that the regulatory action meets the "necessity" standard of the Administrative Procedures Act, Government Code section 11353, Subdivision (b).
6. The Basin Plan amendment establishes the following: a) a sediment TMDL for the Napa River at 125 percent of natural background (185,000 metric tons/year); b) numeric targets for spawning gravel permeability and the depth of streambed scour; c) allocations for all significant sediment sources; and d) an implementation plan to achieve the TMDL and related habitat enhancement goals.
7. 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 as adopted under San Francisco Bay Board Resolution No. R2-2009-0064.
2. Authorizes the Executive Director or designee to submit the amendment adopted under San Francisco Bay Water Board Resolution No. R2-2009-0064 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 October 5, 2010.

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