

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – SAN FRANCISCO BAY REGIONAL WATER BOARD  
AUGUST 16, 2016**

**ITEM 7**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY BASIN TO ESTABLISH A TOTAL MAXIMUM DAILY LOAD (TMDL) AND IMPLEMENTATION PLAN FOR BACTERIA IN SAN FRANCISCO BAY BEACHES.

**DISCUSSION**

The San Francisco Bay Water Board adopted the amendment on April 13, 2016, with [Resolution No. R2-2016-0021](#). The amendment establishes numeric targets, TMDLs, and allocations for bacteria to protect the water contact recreational uses of the following San Francisco Bay beaches:

- Aquatic Park Beach, San Francisco
- Crissy Field Beach, San Francisco
- Jackrabbit, Sunnyside Cove, and Windsurfer Beaches in Candlestick Point State Recreation Area, San Francisco
- Parkside Aquatic and Lakeshore Beaches on Marina Lagoon, City of San Mateo
- China Camp and McNears Beaches in Marin County

The amendment also establishes implementation plans for each beach except China Camp and McNears Beaches, which already have achieved the numeric targets in the TMDL.

All the remaining beaches are located in urban watersheds and have similar bacteria sources, including sanitary sewer overflows and urban runoff, with some contributions from controllable nuisance wildlife (e.g., geese). The amendment will require implementing parties to act to reduce discharges of bacteria to San Francisco Bay beaches. The proposed implementation plans rely significantly on regulatory programs that are already in place and actions that are already required, such as eliminating sanitary sewer overflows and taking actions to control urban runoff. The implementation plans also include requirements for iterative improvements in sanitary sewer inspection and repair and municipal stormwater best management practices, as well as monitoring to determine where to focus implementation actions and better identify bacteria sources. This monitoring is supplemental to required beach monitoring. Supplemental monitoring could provide the basis for a natural source exclusion approach to determining attainment of the numeric targets after human sources of bacteria are controlled.

The scientific basis for the TMDL was subject to an independent, external peer review pursuant to the requirements of California Health and Safety Code section 57004. The scientific peer reviewers provided strong support for the proposed targets, scientific methods, and analyses used to develop the TMDL.

The Water Board publicly noticed and distributed for public review and comment the proposed Basin Plan amendment, supporting draft Staff Report, and Environmental Checklist, in accordance with applicable State and federal laws and regulations. The Water Board considered the Environmental Checklist, Staff Report, and supporting documentation, and concluded that the Basin Plan amendment will not have a significant impact on the environment.

### **POLICY ISSUE**

Should the State Water Board approve an amendment to the San Francisco Bay Water Board's Basin Plan to establish a TMDL and Implementation Plan for bacteria in San Francisco Bay beaches?

### **FISCAL IMPACT**

San Francisco Bay Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

### **REGIONAL BOARD IMPACT**

Approval of this resolution will amend the San Francisco Bay Water Board's Basin Plan.

### **STAFF RECOMMENDATION**

That the State Water Board:

1. Approve the amendment to the Basin Plan adopted under San Francisco Bay Water Board [Resolution No. R2-2016-0021](#).
2. Authorize the Executive Director or designee to submit the amendment as approved and the administrative record for this action to the Office of Administrative Law for approval and the amendment to the U.S. Environmental Protection Agency for approval.

<p>State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012 to implement strategies to fully support the beneficial uses for all 2006-listed water bodies. In particular, this item will assist in fulfilling Action 1 to prepare, adopt, and take steps to carry out Total Maximum Daily Loads (TMDLS), designed to meet water quality standards, for all impaired water bodies by 2030.</p>
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# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2016-

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

### WHEREAS:

1. On April 13, 2016, the Regional Water Quality Control Board for the San Francisco Bay Region (San Francisco Bay Water Board) adopted [Resolution No. R2-2016-0021](#), an amendment to the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan amendment), to establish a Total Maximum Daily Load (TMDL) and Implementation Plan for bacteria in San Francisco Bay beaches.
2. The San Francisco Bay Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) "Substitute Environmental Documents" for the proposed Basin Plan amendment, including the CEQA Checklist, the final staff report, titled "Total Maximum Daily Load for Bacteria at San Francisco Bay Beaches," and the responses to comments complies with the State Water Resources Control Board's (State Water Board's) regulations for the implementation of CEQA, as set forth in the California Code of Regulations, Title 23, sections 3775 through 3781. The State Water Board has reviewed the Substitute Environmental Documents for the Basin Plan amendment and concurs with the San Francisco Bay Water Board's findings and determinations.
3. The San Francisco Bay Water Board adopted the Basin Plan amendment pursuant to the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
4. The San Francisco Bay Water Board found that the Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining the High Quality of Waters in California ([State Water Board Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 C.F.R. § 131.12) because, in that it does not allow degradation of water quality, it requires restoration of water quality and attainment of water quality standards.
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code sections 13240, which specifies that regional water quality control boards may revise basin plans, and 13242, which requires a program of implementation for achieving 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 section 303(d) of the federal Clean Water Act.
6. A 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 receive approval from the U.S. Environmental Protection Agency (U.S. EPA).

# **D R A F T**

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under San Francisco Bay Water Board Resolution No. R2-2016-0021.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under San Francisco Bay Water Board Resolution No. R2-2016-0021 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 August 16, 2016.

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Jeanine Townsend  
Clerk to the Board