

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 90-10

APPROVAL OF AN AMENDMENT TO THE WATER QUALITY
CONTROL PLAN FOR THE SAN FRANCISCO BAY REGION
REVISING THE POLICY ON DREDGING AND DISPOSAL OF
DREDGE SPOIL IN THE SAN FRANCISCO BAY REGION

WHEREAS:

1. The California Regional Water Quality Control Board, San Francisco Bay Region (San Francisco Bay Regional Board) revised the Water Quality Control Plan (Basin Plan) for the San Francisco Bay (Bay) on December 17, 1986.
2. The State Water Resources Control Board (State Board) approved the revised Basin Plan on September 19, 1987.
3. Division 7 of the California Water Code states that Basin Plans shall be periodically reviewed and, if appropriate, revised.
4. During the Basin Plan review, the San Francisco Bay Regional Board declared its intent to revise the Policy on Dredging and Disposal of Dredge Spoil in the San Francisco Bay Region (Dredging Policy).
5. The San Francisco Bay Regional Board considered different alternatives to revise the Dredging Policy during public hearings held on September 16, 1988 and October 19, 1988.
6. The San Francisco Bay Regional Board developed revisions to the Dredging Policy and held public hearings on February 15, 1989; May 17, 1989; and July 19, 1989.
7. Throughout the adoption process, the San Francisco Bay Regional Board held three public meetings on March 15, 1989, April 19, 1989, and June 21, 1989 to review comments and testimony received during the public hearings and to provide direction to staff.
8. The proposed revisions to the Dredging Policy adopted by the San Francisco Bay Regional Board as amendments to the Basin Plan on July 19, 1989 through Resolution No. 89-130 represent a positive step towards enhancing and promoting the protection of water quality in the Bay while still allowing some disposal of dredge materials (Attachment).
9. The proposed revisions require proponents of new projects to use other dredge material disposal alternatives other than in-bay aquatic disposal after December 31, 1991 and encourage the development of an ocean disposal site by the U.S. Army Corps of Engineers (USCE) and the U.S. Environmental Protection Agency (EPA).

10. The new work project prohibition effective date is not feasible since it is substantially earlier than the earliest likely designation of the ocean disposal site by the USCE and EPA due to the lack of adequate funding commitments.
11. Basin Plan amendments do not become effective until approved by the State Board.

THEREFORE BE IT RESOLVED:


That the State Board:

1. Approves the proposed Basin Plan amendment revising the Dredge and Disposal of Dredge Spoil Policy for the San Francisco Bay Region, as described in San Francisco Bay Regional Board's Resolution No. 89-130 with the provisions stipulated in Resolved Nos. 2 through 5 of this Resolution.
2. Remands to the San Francisco Bay Regional Board Provision No. 1 of the Dredging Policy which implements a prohibition effective December 31, 1991 on all aquatic disposal of dredge sediment from new work for San Francisco Bay with direction to withhold further action until Resolved Nos. 3 through 5 of this Resolution have been completed.
3. Requires the USCE, EPA, and representatives of dredging and port interests to participate in a workshop, described in Resolved No. 4, and requires said parties to establish firm funding commitments and work schedules for completing the designation of ocean and upland dredge spoil disposal sites.
4. Directs staff, in coordination with the San Francisco Bay and Central Valley Regional Board staffs, to convene by February 16, 1990 a workshop, which shall be chaired by a State Board Member, to develop commitments regarding specific schedules for funding and completing designation of ocean and upland dredge disposal sites.
5. Directs staff to submit to the State Board, within 60 days of the workshop, recommendations for implementing the commitments developed in the workshop (Resolved No. 4) and possible further direction to the San Francisco Bay Regional Board regarding the prohibition.

6. Places all dredging parties and agencies on notice that failure to reach specific commitments for designation of an ocean disposal site in a timely manner will result in the State Board exercising its full authority regarding water quality certification under Section 401 of the federal Clean Water Act.

CERTIFICATION

The undersigned, Administrative Assistant 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 January 18, 1990.


Maureen Marche
Administrative Assistant to the Board