

This Change Sheet covers the revisions made to the proposed Resolution approving an amendment to the Water Quality Control Plan for the San Francisco Bay Region to establish bacteria water quality objectives for water designated for contact recreation in marine and estuarine waters of the San Francisco Bay Region. San Francisco Bay Regional Water Quality Control Board Resolution No. R2-2010-0066. State Water Board Staff proposes to make changes to page 2 of the Staff Fact Sheet, and the Staff Recommendation number two on Page 3 of the Staff Fact Sheet. State Water Board Staff also proposes a change to finding numbers 3 and 7, and the resolved clause number 2 in the draft State Water Board Resolution, as follows:

CHANGES TO THE DRAFT STATE WATER BOARD FACT SHEET

The implementation program requires the inclusion of numeric water quality-based **enterococcus** effluent limitations in NPDES municipal wastewater permits ~~for fecal coliform and enterococcus in addition to current total coliform limits for discharges into marine and estuarine waters~~. Consequently, the NPDES permits will also include effluent monitoring requirements at a frequency appropriate for ensuring compliance with the limits.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan adopted under San Francisco Bay Water Board Resolution R2-2010-0066.
2. Authorizes the Executive Director, or designee, to transmit the amendments adopted under Central Valley Water Board Resolution R2-2010-0066 to the Office of Administrative Law and the ~~TMDL to the~~ U.S. Environmental Protection Agency for approval.

CHANGES TO THE DRAFT STATE WATER BOARD RESOLUTION

WHEREAS:

3. **Health and Safety Code, Sect. 57004 requires an external peer review for work products that constitute the scientific basis for a rule "...establishing a regulatory level, standard, or other requirement for the protection of public health or the environment."** SB 1320 defines "scientific basis" as "**the foundations of a rule that are premised upon, or derived from empirical data or other scientific findings, conclusions, or assumptions establishing a regulatory level, standard or other requirement for the protection of public health or the environment."** The **Administrative Procedures Manual (2001), Chapter 8, p. 14 states that external peer review is not needed for source documents that have been previously peer reviewed by a recognized expert or body of experts, including U.S. EPA water quality criteria.** The scientific basis of the enterococcus water quality objectives was peer-reviewed when adopted by U.S. EPA, and this review (*External Peer Review of EPA Analysis of Epidemiological Data from EPA Bacteriological Studies, February 2004*) is available in the public record for the BEACH Act rule, Docket ID No. OW-2004-0010. Therefore, no additional external peer review was conducted.

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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 amendment** must also be approved by the U.S. Environmental Protection Agency (U.S. EPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

2. Authorizes the Executive Director or designee to submit the amendment adopted under San Francisco Bay Water Board Resolution No. R2-2010-0066 to OAL for **concurrence on its non-regulatory status approval of the regulatory provisions** and to U.S. EPA for **approval of the Basin Plan amendment informational purposes**.