

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – SAN FRANCISCO BAY REGIONAL BOARD  
DECEMBER 5, 2011**

**ITEM 4**

**SUBJECT**

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY REGION THAT LISTS ADDITIONAL SURFACE WATER BODIES AND DESIGNATES BENEFICIAL USES FOR APPROXIMATELY 375 SURFACE WATER BODIES. THE BASIN PLAN AMENDMENT WILL PROVIDE CLARITY AND TRANSPARENCY TO THE PUBLIC ABOUT THE BENEFICIAL USES OF SURFACE WATERS IN THE SAN FRANCISCO BAY REGION

**DISCUSSION**

The San Francisco Bay Regional Board adopted this amendment July 14, 2010, as [Resolution 2010-0100](#). It adds surface water bodies to the Basin Plan and designates beneficial uses both for the new water bodies and for water bodies already listed in the Basin Plan. The goal of this amendment is to improve the clarity and completeness of the Basin Plan by:

- Augmenting Table 2-1, *Existing and Potential Beneficial Uses of Water Bodies in the San Francisco Bay Region*, with approximately 280 additional surface water bodies.
- Designating beneficial uses for the newly added surface water bodies and for the 103 surface water bodies in Table 2-1 for which beneficial uses have not yet been explicitly designated.
- Updating Basin Plan maps with names and locations of the additional surface water bodies.
- Amending Chapter 2 text where necessary to support the water body and beneficial use additions.

When the Basin Plan first was adopted by the Board in 1975, beneficial uses were not designated for all the surface water bodies listed. In addition, many surface water bodies were not included. As a result, for site-specific regulatory actions, Board staff and the public must research the beneficial uses of many water bodies on a case-by-case basis, applying the tributary rule as appropriate. This process is not an efficient use of staff resources nor is it sufficiently transparent to the public.

One basis for designating beneficial uses in this amendment is the Clean Water Act (CWA) national goal that, “wherever attainable...water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved...” In accordance with this goal, wildlife habitat, water contact recreation, and noncontact water recreation beneficial uses are designated for all surface water bodies, and warm freshwater habitat is designated for all inland surface water bodies, unless evidence shows these uses were not attained as of November 28, 1975.

Other beneficial uses, such as commercial and sport fishing, preservation of rare and endangered species, and fish migration are designated based on information available in the literature and information submitted by stakeholders and interested parties.

## **POLICY ISSUE**

Should the State Board approve the amendment to designate the Clean Water Act presumptive uses to new and already identified water bodies in the San Francisco Bay Basin Plan and designate other beneficial uses based on supporting information in order to improve the clarity and completeness of the San Francisco Bay Basin Plan?

## **FISCAL IMPACT**

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

## **REGIONAL BOARD IMPACT**

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

## **STAFF RECOMMENDATION**

That the State Water Board:

1. Approves the amendment to the Basin Plan adopted under San Francisco Bay Water Board Resolution No. 2010-0100.
2. Authorizes the Executive Director or designee to submit the amendment adopted under San Francisco Bay Water Board Resolution No. 2010-0100 as approved, and the administrative record for this action to the Office of Administrative Law and the amendment to the U.S. Environmental Protection Agency for approval.

State Water Board action on this item will assist the San Francisco Bay Water Board in reaching Goal 4 of the Strategic Plan Update: 2008-2012 to comprehensively address water quality protection in water quality planning processes. In particular, approval of this item will assist in fulfilling Objective 4.2 to update Basin Plans so that they readily convey key elements, including beneficial uses. This item also helps achieve Goal 5 to improve transparency.

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2011-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY REGION THAT LISTS ADDITIONAL SURFACE WATER BODIES AND DESIGNATES BENEFICIAL USES FOR APPROXIMATELY 375 SURFACE WATER BODIES. THE BASIN PLAN AMENDMENT WILL PROVIDE CLARITY AND TRANSPARENCY TO THE PUBLIC ABOUT THE BENEFICIAL USES OF SURFACE WATERS IN THE SAN FRANCISCO BAY REGION

### WHEREAS:

1. On July 14, 2010, the San Francisco Bay Water Board adopted [Resolution No. 2010-0100](#) amending the Basin Plan to add surface water bodies and designate beneficial uses for surface water bodies throughout the Region.
2. The San Francisco Bay Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) "Substitute Documentation" for the proposed Basin Plan amendment, including the CEQA checklist, the staff report, and the responses to public comments, complies with the requirements of the State Water Resources Control Board's certified regulatory CEQA process, as set forth in the California Code of Regulations, Title 23, section 3775 et seq.
3. The San Francisco Bay Water Board found the Basin Plan amendment would not have a significant adverse effect on the environment and is consistent with the State Antidegradation Policy ([State Water Board Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 Code of Federal Regulations 131.12).
4. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans.
5. The State Water Board finds that the regulatory action meets the "necessity" standard of the Administrative Procedures Act, Government Code section 11353, Subdivision (b). The necessity of the Basin Plan amendment is established in the Staff Report for the amendment.
6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The amendment must also receive approval from 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 No. 2010-0100.

## **D R A F T**

2. Authorizes the Executive Director or designee to submit the amendment adopted under San Francisco Bay Water Board Resolution No. 2010-0100 as approved, and the administrative record for this action to the Office of Administrative Law and the amendment to the U.S. Environmental Protection Agency 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 December 5, 2011.

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Jeanine Townsend  
Clerk to the Board