CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESOLUTION R2-2005-0062

Amending the Water Quality Control Plan For the San Francisco Bay Basin to Adopt the 2005 General Update with Non-regulatory Revisions

WHEREAS, the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board), finds that:

1. An updated Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region was adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 21, 1995, approved by the State Water Resources Control Board (State Water Board) on July 20, 1995, and approved by the Office of Administrative Law (OAL) on November 13, 1995; and

2. The Basin Plan contains the region's water quality standards, which consist of beneficial uses and water quality objectives necessary to protect those uses; and

3. The proposed Basin Plan amendment, which was developed in accordance with California Water Code (CWC) Section 13240, consists of the following non-regulatory changes: (1) document organizational update, including a numbering scheme for Basin Plan Sections to facilitate citation, a list of acronyms, and formation of a new Chapter 7 to describe Total Maximum Daily Loads (TMDLs) and other Water Quality Attainment Strategies, (2) beneficial uses maps and tables update, including correction of errors, and (3) program description updates for groundwater protection and management, wastewater pollution prevention, watershed management, wetlands, onsite (septic) systems, water recycling (formerly called reclamation), and selected municipal wastewater facilities; and

4. The amendments are either descriptive program updates, error corrections, or declarations of existing law or regulation, and serve only to summarize currently applicable state and federal requirements and are therefore non-regulatory; and

5. Water Board staff prepared and distributed the proposed Basin Plan amendment and a staff report dated August 12, 2005, in accordance with applicable state and federal environmental regulations (California Code of Regulations, Section 3775, Title 23, and 40 CFR Parts 25 and 131); and

6. The Water Board held public hearings on October 19 and November 16, 2005, to consider the Basin Plan amendment. Notice of the public hearing was given to all interested persons and published in accordance with CWC Section 13244; and

7. The Water Board reviewed and carefully considered all comments and testimony received on the proposed Basin Plan amendment; and

8. The Water Board finds that the proposed Basin Plan amendment is not a project under the California Environmental Quality Act (CEQA) because it has no potential for any direct or indirect physical change to the environment. Accordingly it is not subject to CEQA and no Fish and Game filing fees need to be paid; and

9. Because the Basin Plan amendment is non-regulatory, no scientific peer review is required; and

10. After the Water Board approves the proposed Basin Plan amendment, it must be submitted to the State Water Board for approval. It must also be transmitted to the Office of Administrative Law (OAL) for concurrence that it is non-regulatory.

NOW THEREFORE BE IT RESOLVED, that

1. The Water Board, after considering the record, including oral testimony at the hearing, hereby adopts the proposed Basin Plan amendment as set forth in Exhibit A hereto.

2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Water Board in accordance with the requirement of Section 13245 of the CWC.

3. The Water Board requests that the State Water Board approve the Basin Plan amendment in accordance with the requirements of Sections 13245 and 13246 of the CWC and forward it to OAL for concurrence on its non-regulatory status.

4. If during its approval process the State Water Board or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.

I, Bruce H. Wolfe, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on November 16, 2005.

Bruce H. Wolfe

BRUCE H. WOLFE
Executive Officer

Exhibit A – Proposed Basin Plan Amendment