

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

RESOLUTION NO. 01-064

Resolution amending the Water Quality Control Plan for the San Francisco Bay Basin to implement the Long Term Management Strategy for the Disposal of Dredged Sediments in the San Francisco Bay Region

WHEREAS, these amendments to the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) were developed in accordance with Water Code §13240 et seq.; California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter Regional Board) finds that:

1. This amendment is the outcome of over ten years of work and study of dredge material disposal in San Francisco Bay;
2. Dredged material typically disposed of in the Bay and the impacts of this general practice on beneficial uses is difficult to fully evaluate, however, impacts at high disposal volumes are apparent;
3. Concerns about the impacts of in-Bay disposal of dredged material led to the creation of the Long Term Management Strategy for the Disposal of Dredged Material in the San Francisco Bay Region (LTMS) program in 1990, by the USACE, the USEPA, the San Francisco Bay Conservation and Development Commission, the San Francisco Bay Regional Water Quality Control Board, and the State Water Resources Control Board, along with representatives from the dredging, fishing, environmental, and scientific communities;
4. The LTMS agencies, developed an EIS/EIR which selected a preferred alternative of reduced disposal at the designated in-bay sites and the Federal LTMS partners certified the EIS in a Record of Decision in July 2000 and the State Board, as the lead State agency certified the EIR in October 2000;
5. The selected alternative proposes a reduction of in-Bay disposal to approximately 20% of recent in-bay disposal volumes;
6. The public process to implement the reduction of in-bay disposal included over 10 workshops in 1999 and 2000;
7. This amendment will not have direct economic impacts on any parties at this time. The long-term impacts on the cost of dredging projects is uncertain and controlled by factors beyond these amendments;
8. The amendments will impact the operation of the Federal agency responsible for maintenance of navigation channels in San Francisco Bay, the United States Army Corps of Engineers. However, those impacts are minimized by the phased implementation of the reduction in in-bay disposal volume;

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9. To assure water quality and beneficial use protection it is appropriate to amend the Basin Plan to implement the LTMS selected alternative that will result in decreased in-Bay disposal;
10. These amendments would reduce the limit on disposal at the designated in-Bay disposal sites, establish a two-phase process of allocation of the reduced in-Bay disposal volumes, with an initial voluntary phase, followed by a second, mandatory phase after additional Board hearings and action, should the voluntary phase not provide progress toward the desired condition, revised permit conditions to reflect requirements of the resource agencies; and minor changes in definitions and updates to reflect current program status.
11. These changes would be in Chapter 4 (Implementation) and Chapter 5 (Plans and Policies) of the Basin Plan;
12. The Regional Board considered an earlier version of these amendments at their September 2000 hearing;
13. Regional Board staff prepared and distributed a staff report regarding adoption of the Basin Plan amendment in accordance with applicable state and federal environmental regulations (California Code of Regulations, §3775, Title 23 and 40 CFR Parts 25 and 131).
14. The process of basin planning has been certified by the Secretary for resources as exempt from the requirement of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) to prepare an Environmental Impact Report or Negative Declaration. The Basin Plan amendment package includes a staff report, an Environmental Checklist, and assessment of the potential environmental impacts of the Basin Plan amendment, and a discussion of alternatives. The Basin Plan amendment, Environmental Checklist, staff report, and supporting documentation are functionally equivalent to an Environmental Impact Report or Negative Declaration.
15. On June 20, 2001, the Regional Board held a Public Hearing to consider the Basin Plan amendment. Notice of the Public Hearing was given to all interested persons and was published in accordance with Water Code Section 13244.
16. The Basin Plan amendment must be submitted for review and approval by the SWRCB, OAL and EPA. Once approved by the SWRCB, the amendment is submitted to OAL and EPA. The Basin Plan amendment will become effective upon approval by OAL and EPA. A Notice of Decision will be filed.

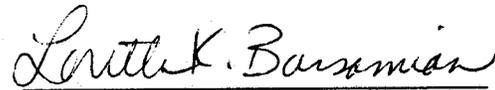
**NOW, THEREFORE BE IT RESOLVED THAT:**

1. The Regional Board adopts the amendments to implement the Long Term Management Strategy for the Disposal of Dredged Sediments in the San Francisco Bay Region to the Water Quality Control Plan for the San Francisco Bay Basin as set forth in the attachment.

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2. The Executive Officer is directed to forward copies of the Basin Plan Amendment to the SWRCB in accordance with the requirement of Section 13245 of the California Water Code.
3. The Regional Board requests that the SWRCB approve the Basin Plan amendment in accordance with the requirements of Sections 13245 and 13246 of the California Water Code and forward it to the OAL and EPA for approval.
4. Considering the record as a whole, this Basin Plan amendment will involve no potential for adverse effect, either individually or cumulatively on wildlife. Therefore, the Executive Officer is directed to sign a Certificate of Fee Exemption for a "De Minimis" Impact Finding.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that 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 June 19, 2001.



LORETTA K. BARSAMIAN  
Executive Officer