

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Dale Hopkins)  
MEETING DATE: May 19, 2004

**ITEM:** 5-I

**SUBJECT:** **Amendment of Nonpoint Source Procedures Attachment to Memorandum of Understanding (MOU) between San Francisco Bay Conservation and Development Commission (BCDC), State Water Resources Control Board (SWRCB), and San Francisco Bay Regional Water Quality Control Board (Water Board)**

**CHRONOLOGY:** 1976 -- MOU adopted between BCDC and the Water Board  
January 1988 -- MOU amended to include the SWRCB

**DISCUSSION:** In 1976 BCDC and the Water Board signed an MOU that outlined their regulatory roles and responsibilities for water quality management in San Francisco Bay. In 1988 the MOU was amended to add the SWRCB and to update agency working relationships and responsibilities. The MOU states that BCDC recognizes that the SWRCB and Water Board are the state agencies with the responsibilities for establishing beneficial uses, setting water quality objectives, and enforcing water quality in San Francisco Bay. The MOU includes a number of attachments that set out procedures and requirements related to specific issues including, among others, Nonpoint Source Procedures (Attachment F). The MOU also included a finding that the amendment should be reviewed and brought up to date periodically as needed.

Since the MOU was last amended in 1988, there have been many changes in the way the State addresses nonpoint source pollution. In 1990 the federal Coastal Zone Act Reauthorization Amendments were enacted, requiring coastal states to develop nonpoint source pollution control plans, and in 2001, the *Plan for California's Nonpoint Source Pollution Control Plan* (Plan) was adopted by the U.S. EPA. Under this Plan, the agencies that make up the Resources Agency and CalEPA have been required to develop long-range plans for addressing nonpoint source pollution control. The State's water quality agencies have increased their focus on

promoting collaborative efforts to implement management practices that prevent or reduce nonpoint source pollution. As part of their implementation of the Plan, BCDC initiated review of their water quality findings and policies and amended their Bay Plan to include revised findings and policies on the control of nonpoint source pollution. BCDC also initiated review and revision of this Nonpoint Source Procedures attachment to the interagency MOU.

This revision updates the Nonpoint Source Procedures attachment to reflect the current understanding of nonpoint source pollution control measures, policies, and agency responsibilities under the Plan. It describes the current understanding of the impacts of nonpoint source pollution on the water quality of San Francisco Bay, the uses of management measures for pollution abatement, and the roles of the three agencies in providing technical assistance, training, and permit conditions. The role of the Water Board is defined as providing BCDC with: 1) information on appropriate and effective erosion and sediment control practices, including permit conditions, 2) providing annual training and technical assistance to BCDC staff on water quality regulations and policies, and 3) coordinating with BCDC staff on review of projects within BCDC's jurisdiction that could have significant nonpoint source pollution impacts.

The SWRCB agrees to provide BCDC with guidance, plans, policies and standards on stormwater management and nonpoint source management measures. BCDC agrees to coordinate with and support the SWRCB and Water Board on stormwater and nonpoint source pollution management and to require projects to be consistent with Water Board permits and guidelines.

BCDC is expected to review this amendment at their June 3, 2004, Commission Meeting, and the SWRCB staff anticipate taking this item to the State Board in June.

**RECOMMENDATION:** Adopt the revised Nonpoint Source Procedures amendment to the MOU.

**File Number:** 1178.00

**APPENDICES:**  
A. Revised Nonpoint Source Procedures attachment to MOU  
B. Memorandum of Understanding 1988