

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 87-49

APPROVAL OF AMENDMENTS TO THE WATER QUALITY CONTROL PLAN
FOR THE SAN FRANCISCO BAY BASIN

WHEREAS:

1. The California Regional Water Quality Control Board, San Francisco Bay Region (San Francisco Bay Regional Board), revised the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on October 21, 1982.
2. Division 7 of the California Water Code states that basin plans shall be periodically reviewed and, if appropriate, revised.
3. The San Francisco Bay Regional Board developed new proposed amendments to the Basin Plan which were considered at public workshops held on April 30, 1986 and May 19, 1986 and public hearings held on September 19, 1986 and December 17, 1986.
4. The amendments revise Beneficial Uses (Chapter 2), Water Quality Objectives (Chapter 3), Implementation Plan (Chapter 4), and Plans and Policies (Chapter 5).
5. Proposed changes to Chapter 5 will be considered at a later date to allow adequate review of guidance documents incorporated. Approval of changes to Chapters 2, 3, and 4 does not constitute approval of any of the proposed amendments to Chapter 5 adopted by San Francisco Bay Regional Board Resolution No. 86-14 on December 17, 1986.
6. As a result of the review process, the San Francisco Bay Regional Board identified and prioritized specific areas of the Basin Plan which the San Francisco Bay Regional Board intends to further study and evaluate for the purpose of future amendment proposals.
7. Some proposed water quality objectives and effluent limits contained in the amendments are less stringent than those established in the 1982 Basin Plan. The San Francisco Bay Regional Board determined that the new objectives when applied with other proposed programs in the amendments will provide improved protection for beneficial uses and are consistent with State Board Resolution No. 68-16.
8. State Board finds that the proposed water quality objectives as well as the effluent limitations are to be used in the interim until site-specific objectives and limitations are developed and adopted.

9. State Board finds that the proposed amendments allow specific exceptions from toxic substance water quality objectives, effluent limits, and toxicity bioassay testing compliance.
10. The proposed amendments make numerous incorrect references to State Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California", as either the Non- or Anti-degradation Policy.
11. New language has been incorporated into the Basin Plan with regard to the problems associated with agricultural drainage in the Central Valley. This language has been incorporated for purposes of providing information only.
12. The proposed amendment would establish a new definition for wetlands, and would establish a prohibition against discharge of solid wastes or earthen materials to wetlands. The State Board finds that further review and evaluation of these proposed amendments, including consideration of alternatives, is necessary to determine if the proposed amendments are appropriate.
13. The State Board finds that the discussion of the July 1, 1988 deadline with regard to the wastewater treatment compliance by the County and City of San Francisco should indicate that a cease and desist order may be issued and that a consent decree or other court-ordered time schedule is optional if a cease and desist order is issued.
14. State Board finds that the proposed amendments make reference to Subchapter 15, Title 23, CAC Regulation. There are no Class III surface impoundments as per current Subchapter 15 standards.
15. State Board finds that the second and third sentences of proposed Guideline No. 4 listed under the Erosion and Sediment Control section of Chapter 4 are legally incorrect.
16. The proposed Basin Plan amendments are consistent with the requirements of Public Resources Code Section 21000 et seq (California Environmental Quality Act).
17. Basin Plan amendments do not become effective until approved by the State Board.

THEREFORE BE IT RESOLVED:

1. That any exception adopted by the San Francisco Bay Regional Board with regard to compliance with toxic substances water quality objectives, effluent limits or toxicity bioassay testing be adopted according to the same procedures established for basin plan amendments. These procedures

are set forth a memorandum and attachments from the Office of Chief Counsel to the Regional Board Executive Officers dated July 15, 1983 regarding "Basin Plan Amendment Procedures" as well as EPA standards and public participation regulations. That such exception will not be effective until approval by the State Board and EPA (if necessary) and that any Waste Discharge Requirement or NPDES permit implementing such an exception shall not be adopted until after such needed approval.

2. That the amendments to the Basin Plan for Chapters 2, 3, and 4 as described by the San Francisco Bay Regional Board Resolution No. 86-14 adopted December 17, 1986 be approved with the exception of the following items:
 - a. That the Class III surface impoundment reference as stated in the Subchapter 15, Title 23, CAC requirements be remanded to the San Francisco Bay Regional Board as inappropriate.
 - b. That the second and third sentences of Guideline No. 4 listed under the Erosion and Sediment Control Section of Chapter 4 be remanded to the San Francisco Bay Regional Board as inappropriate.
 - c. That the discussion of the need for a court-ordered time schedule for failure to comply with the July 1, 1988 deadline for compliance, with regard to the wastewater treatment requirements by the County and City of San Francisco, be remanded as inappropriate.
 - d. That all references to anti- and non-degradation policy be remanded to the San Francisco Bay Regional Board as inappropriate. That such language should be replaced with the appropriate reference to State Board Resolution No. 68-16 "Statement of Policy With Respect to Maintaining High Quality of Waters in California".
 - e. That the statement regarding the agriculture drainage problem in the Central Valley be remanded to the San Francisco Bay Regional Board for updating.
 - f. That the discussion of wetlands in Chapter 2 and the prohibition against discharges of solid wastes or earthen materials (Discharge Prohibition No. 18) in Chapter 4 be remanded for further review and evaluation. The State Board Executive Director will compile and forward to the San Francisco Bay Regional Board a list of issues to be considered during such review and evaluation. The list will include issues received by the State Board in writing from interested persons by June 1, 1987.
3. That the following matters be addressed by the San Francisco Bay Regional Board to the extent feasible given existing resources:

- a. Toxicity objectives should be revised to ensure protection of all beneficial uses.
- b. Site-specific toxicity objectives should be established where appropriate.
- c. A use-attainability analysis should be performed on the South Bay.
- d. Effluent limits established in individual permits must be consistent with the Clean Water Act.
- e. Toxicity requirements should be revised as chronic test procedures are developed.
- f. Testing for compliance with bioassay requirements should be refined to include plant and invertebrate species.
- g. The exception to the bioassay requirements for deep-water discharges should be refined to include consideration of additive effects of chemical constituents.

CERTIFICATION

The undersigned, Administrative Assistant 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 May 21, 1987.


Maureen Marche
Administrative Assistant to the Board