

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2009-0076**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE SAN FRANCISCO BAY REGION (BASIN PLAN)
TO ESTABLISH A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR
POLYCHLORINATED BIPHENYLS (PCBs) IN THE SAN FRANCISCO BAY

WHEREAS:

1. On February 13, 2008, the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) adopted [Resolution R2-2008-0012](#) amending the Basin Plan to establish a TMDL for the San Francisco Bay.
2. The amendment meets the necessity standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
3. San Francisco Bay Water Board staff found that the adoption of this amendment would be consistent with the State Antidegradation Policy ([State Water Board Resolution No. 68-16](#)) and federal antidegradation requirements (40 Code of Federal Regulations 131.6).
4. The San Francisco Bay Water Board found that the analysis contained in the TMDL staff report, the California Environmental Quality Act (CEQA) Checklist, and the responses to public and peer review comments comply with the requirements of the State Water Resources Control Board's (State Water Board's) certified regulatory CEQA process, as set forth in California Code of Regulations title 23, section 3775 et seq.
5. State Water Board staff finds that the Basin Plan amendment is in conformance with Water Code section 13240 and 13242, which specifies that Regional Water Quality Control Boards may revise Basin Plans and implement programs for achieving water quality objectives. The State Water Board also finds that the TMDL is consistent with the requirements of federal Clean Water Act section 303(d).
6. The TMDL establishes a numeric fish tissue target of 10 µg total PCBs per kilogram of typically consumed fish, on a wet weight basis.
7. The Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The TMDL must also be approved by the U.S. Environmental Protection Agency (U.S. EPA).
8. The State Water Board recognizes that high quality streams support healthy ecosystems with multiple beneficial uses, and that others, due to legacy pollution sources, hydro-modification and other stressors may not provide the same level of beneficial use support. Conversely, streams that actually provide a high level of subsistence or cultural fishing may require more stringent objectives to protect the use.

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 R2-2008-0012.
2. Authorizes the Executive Director, or designee, to transmit the amendment adopted under San Francisco Bay Water Board Resolution R2-2008-0012 to OAL and the TMDL to the U.S. EPA for approval.
3. The State Water Board directs its staff to present an update, in conjunction with Regional Board staff, of the PCBs TMDL at one of its public meetings five years from the effective date of the TMDL
4. The State Water Board directs the San Francisco Bay Water Board to consider the concepts of tiered beneficial uses and tiered objectives, and to monitor therefor to ensure that beneficial uses are protected and restored appropriately during revisions of this TMDL.

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 October 20, 2009.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Arthur G. Baggett, Jr.
Board Member Walter G. Pettit

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board