

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESOLUTION NO. 70-14

WATER QUALITY CONTROL PLAN FOR BERKELEY AQUATIC PARK
LAGOON, ALAMEDA COUNTY, PURSUANT TO CHAPTER 4,
ARTICLE 3, PORTER-COLOGNE WATER QUALITY CONTROL ACT

WHEREAS THIS REGIONAL BOARD HAS CONSIDERED

INFORMATION ABOUT THE BERKELEY AQUATIC PARK LAGOON

1. The City of Berkeley has a public recreational lagoon known as the Berkeley Aquatic Park Lagoon which comprises about 80 acres of water surface located between the Eastshore Freeway and the Southern Pacific Railroad tracks between Potter and Addison Streets. This Lagoon is used for boating, water skiing, and fishing to a limited extent, and it has been a source of three spine stickelback which are used in toxicity bioassay analyses.
2. Level of the lagoon is controlled by a series of five 24-inch culverts connected to San Francisco Bay beneath the Eastshore Freeway, and by two 18-inch and a 24-inch culvert which also connect to the Bay. Salt water inflow and outflow through these conduits is controlled by manually operated valves.
3. This lagoon receives drainage from approximately one hundred acres of industrial and residential land both from the surface and storm sewers.
4. Periodic fish kills have occurred in the City of Berkeley's Aquatic Park Lagoon; the most recent one, which occurred around September 10, 1969, has been attributed to depletion of dissolved oxygen, due to "die-off" of algae and aquatic plants, poor circulation with Bay waters and high temperatures.
5. At its January 29, 1970 meeting this Board's staff presented a report which described the causes and factors contributing to these periodic fish kills including a number of storm drains which have been observed to contain industrial wastes and cooling water discharges which increase the temperature of lagoon waters.

REGIONAL BOARD ACTIONS

1. On January 29, 1970 this Board adopted its Resolution No. 70-7 requiring the City of Berkeley to submit a technical report on February 26, 1970 on its intent to increase water circulation in the Lagoon and to control other factors which may contribute to water quality degradation and fish kills. This Resolution also stated the Board's intent to hold a hearing on February 26, 1970 on formulation of a Water Quality Control Plan on the prohibition, at the earliest practicable date, of all waste discharges, including storm drainage which may contain wastes to the Berkeley Aquatic Park Lagoon.

2. On February 10, 1970 the Executive Officer, by letter, notified persons known to be concerned about the proposed public hearing, and invited attendance by and testimony from their representatives.
3. On February 14, 16, and 17, 1970 this Board published a notification of the proposed public hearing in the Berkeley Gazette, pursuant to Section 13244 of the Porter-Cologne Water Quality Control Act.
4. On February 26, 1970 a public hearing was held in Berkeley, California, and the Regional Board received and considered testimony on the tentative plan from all persons desiring to express objections and recommendations related thereto.

RESOLVED BY THIS REGIONAL BOARD

BOARD INTENT

1. Protect public health as it may be affected by waste discharges into the Berkeley Aquatic Park Lagoon.
2. Prevent nuisance, as defined in Section 13050(m) of the California Water Code.
3. Protect the beneficial water uses listed under "Information about the Berkeley Aquatic Park Lagoon", above, with due consideration for the following factors:

Past, present and probable future beneficial uses of this lagoon.

Environmental characteristics of this lagoon.

Water quality which may reasonably be achieved through the coordinated control of all factors affecting the lagoon waters.

Economic considerations affecting said beneficial uses.

PROHIBITION

1. The discharge of all wastes, including storm drainage which may contain wastes, to the Berkeley Aquatic Park Lagoon is prohibited effective July 1, 1971 pursuant to Section 13243 of the California Water Code.

IMPLEMENTATION

1. This Board requires the City of Berkeley to take actions which will eliminate all storm drainage which may contain wastes to the Berkeley Aquatic Park Lagoon.

2. This Board urges the City of Berkeley to take actions which will:

Eliminate discharges of all industrial wastes to the Aquatic Park Lagoon.

Initiate a program to insure that all wastes are removed from storm sewers which will continue to discharge to Berkeley Aquatic Park Lagoon.

Increase circulation of water through and within the Aquatic Park Lagoon to levels necessary to achieve and maintain water quality adequate for the protected beneficial uses.

Control aquatic plant growths as necessary to prevent nuisance and deleterious effects on fish life.

3. This Board requires all persons who may presently be discharging wastes into the Aquatic Park Lagoon to cease all such waste discharges pursuant to the above prohibition and states its intent to issue orders to cease and desist and to take further actions as necessary, pursuant to Section 13301, et. seq. of the California Water Code if

The City of Berkeley fails to provide financing for the storm sewer system necessary to eliminate storm drainage which may contain wastes to the Lagoon by July 1, 1970

Industrial waste discharges to the Lagoon, excluding cooling water, are not eliminated by January 1, 1971

Storm drainage which may contain waste and cooling water to the Lagoon is not eliminated by July 1, 1971.

4. This Board requires the City of Berkeley to file technical reports on self-monitoring work performed according to detailed specifications developed pursuant to the Regional Board's Resolution No. 398. (Reference: Sections 13267(b) and 13268, California Water Code.)
5. This Water Quality Control Plan becomes effective upon approval by the State Water Resources Control Board pursuant to Section 13245 of the California Water Code.

REPORTING REQUIREMENTS

Pursuant to Section 13267 of the California Water Code, this Regional Board requires the City of Berkeley to file progress reports relative to corrective actions prescribed above, on or before

July 15, 1970
January 15, 1971
July 15, 1971.

WILLIAM C. WEBER
Chairman

February 26, 1970

I, Fred H. Dierker, hereby certify that the foregoing is a true and correct copy of Resolution No. 70-14, adopted by the California Regional Water Quality Control Board, San Francisco Bay Region at its regular meeting on February 26, 1970.

FRED H. DIERKER
Executive Officer
CALIFORNIA REGIONAL WATER QUALITY CONTROL
BOARD, SAN FRANCISCO BAY REGION