

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**RESOLUTION R2-2008-0061**

**Amending the Water Quality Control Plan for the San Francisco Bay Region to Establish a Total Maximum Daily Load and Implementation Plan for Pathogens in Richardson Bay**

**WHEREAS, the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board), finds that:**

1. The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the Water Board's master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives. The Basin Plan was duly adopted by the Water Board and approved by the State Water Resources Control Board (State Water Board), State Office of Administrative Law (OAL) and the United States Environmental Protection Agency (U.S. EPA), where required.
2. The Basin Plan may be amended in accordance with California Water Code § 13240, et seq.
3. The Richardson Bay has been identified under federal Clean Water Act §303(d) as an impaired waterbody due to pathogens.
4. Under Clean Water Act § 303(d), the Water Board is required and authorized to establish the total maximum daily load (TMDL) for those pollutants identified as causing impairment of waters on the § 303(d) list. Additionally, the Water Board is authorized to develop an implementation program for achieving water quality standards, such as the numeric water quality objectives.
5. A Basin Plan Amendment has been prepared in accordance with California Water Code § 13240 that will establish the TMDL and Implementation Plan to reduce pathogens-related risks to humans, and restore and protect water quality beneficial uses in the Richardson Bay.
6. The Basin Plan Amendment, including specifications on its physical placement in the Basin Plan, is set forth in Exhibit A hereto.
7. The scientific basis for the regulatory elements of the proposed Basin Plan Amendment was subjected to an independent, external peer review by Professors Kara Nelson and William Yanko, pursuant to the requirements of Health and Safety Code section 57004.
8. On February 8, 2008, the Water Board publicly noticed the proposed Basin Plan Amendment and distributed the proposed Basin Plan Amendment for public review and

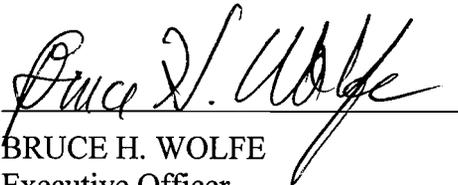
comment , a draft Staff Report, and Environmental Checklist in accordance with applicable state and federal environmental laws and regulations (CWC § 13244, title 23, California Code of Regulations, § 3775 et seq., and 40 CFR Part 25).

9. On April 9, and July 9, 2008, the Water Board held public hearings to consider the Basin Plan Amendment and associated supporting documents, after a 45-day public comment period.
10. 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.
11. The Basin Plan Amendment package includes a Staff Report, an Environmental Checklist, an assessment of the potential environmental impacts of the Basin Plan Amendment, and a discussion of alternatives and cumulative impacts. The Basin Plan Amendment, Environmental Checklist, Staff Report, and supporting documentation serve as a substitute environmental document under the Water Board's certified regulatory program.
12. The Water Board has duly considered the Environmental Checklist, Staff Report and supporting documentation with respect to environmental impacts and finds that the proposed Basin Plan Amendment will not have a significant impact on the environment. The Water Board further finds, based on consideration of the record as a whole, that there is no potential for adverse effect, either individually or cumulatively, on wildlife as a result of the proposed Basin Plan Amendment.
13. The Water Board has also considered the environmental analysis in the Staff Report and the Environmental Checklist of the reasonably foreseeable methods of the compliance with the Basin Plan Amendment, including economics.
14. The Water Board has carefully considered all comments and testimony received, including responses thereto, on the Basin Plan Amendment, as well as all of the evidence in the administrative record.
15. The Basin Plan Amendment must be submitted for review and approval by the State Water Board, OAL, and U.S. EPA. Once approved by the State Water Board, the amendment is submitted to OAL and U.S. EPA. The Basin Plan Amendment will become effective upon approval by OAL and U.S. EPA.

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

1. The Water Board adopts the Basin Plan Amendment as set forth in Exhibit A hereto.
2. The Executive Officer is directed to forward copies of the Basin Plan Amendment to the State Water Board in accordance with the requirement of CWC Section 13245.
3. The Water Board requests that the State Water Board approve the Basin Plan Amendment in accordance with the requirements of CWC Sections 13245 and 13246 and forward it to the OAL and U.S.EPA for approval.
4. If, during the approval process, Water Board staff, the State Water Board or OAL determines that minor, non-substantive corrections to the language of the Amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Water Board of any such changes.
5. Since the Basin Plan Amendment will involve no potential for adverse effect, either individually or cumulatively, on wildlife, the Executive Officer is directed to sign a CEQA Filing Fee No Effect Determination Form and to submit the exemption in lieu of payment of the Department of Fish and Game CEQA filing fee.

I, Bruce H. Wolfe, 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 July 9, 2008.

  
BRUCE H. WOLFE  
Executive Officer

**Attachment**

Exhibit A – Basin Plan Amendment to Amend the Water Quality Control Plan for the San Francisco Bay Region to Establish a Total Maximum Daily Load and Implementation Plan for Pathogens in Richardson Bay.