

Appendix A
Revised Tentative Resolution

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

REVISED TENTATIVE RESOLUTION

**RECOMMENDING A CHANGE TO THE LIST OF WATER BODIES AS REQUIRED
IN SECTION 303(d) OF THE CLEAN WATER ACT**

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

1. Section 303(d) of the federal Clean Water Act requires the State to identify waters within the State for which water quality standards are not attained; and
2. The section of Pacific Ocean adjacent to Muir Beach (Muir Beach) currently is identified on California's Clean Water Act Section 303(d) List (303(d) list) as impaired by elevated levels of bacteria; and
3. Water Board staff assembled and considered all readily available data to assess water quality conditions at Muir Beach to evaluate this listing, consistent with the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy); and
4. Data used to evaluate bacteria impairment for the proposed delisting meet the spatial and temporal Listing Policy requirements for delisting (State Water Resources Control Board 2004) and are of consistent and high quality; and
5. This delisting relies on Section 4.3 and Table 4.2 of the Listing Policy, which specifies that, for bacterial measurements, a water body may be delisted when bacterial water quality objective exceedances occur in effectively fewer than or equal to approximately 10 percent of analyzed samples; and
6. The analysis of the recent water quality data showed bacteria levels meet the delisting threshold specified in the Listing Policy; and
7. Water quality conditions at Muir Beach, as observed from April 2005 through June 2013, show attainment of indicator bacteria water quality objectives, and the water contact recreation beneficial use is supported in this water body; and
8. The water quality conditions at Muir Beach have improved since the original listing of Muir Beach on the 303(d) list in 2006, and the water body is no longer impaired and should be removed from the 303(d) list as being impaired by bacteria; and
9. Water Board staff provided advance notice of the Water Board meeting and opportunity for public comment on the tentative resolution and associated staff report during a 30-day public comment period commencing on January 17, 2014; and

10. Water Board staff did not receive any comments; and
11. The Water Board's approval of a recommended modification to the 303(d) list and submittal to the State Water Resources Control Board for its consideration for approval, is not a "project" as defined in the California Environmental Quality Act (CEQA) (Pub. Res. Code § 21065) and the CEQA Guidelines (Cal. Code Regs., tit. 14, §15378). The Water Board's approval of the recommended 303 (d) list modification is not an "activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (Pub. Res. Code § 21065); and
12. The Listing Policy requires that the Water Board consider and approve each proposed change to the 303(d) list; and
13. On May 14, 2014, the Water Board held a public hearing to consider the recommendation to change the 303(d) list for Muir Beach.

THEREFORE, BE IT RESOLVED that the Water Board approves removing Muir Beach from California's Clean Water Act Section 303(d) List as being impaired for indicator bacteria, as documented in the attached Staff Report.

BE IT FURTHER RESOLVED that the Water Board, in fulfillment of the requirements described in section 303(d) of the federal Clean Water Act, hereby authorizes the Executive Officer to transmit the Water Board's recommended modifications to California's Clean Water Act Section 303(d) List, as detailed in the attached Staff Report dated April 25, 2014, to the State Water Resources Control Board for approval and submission to the United States Environmental Protection Agency for approval.

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 Water Board, San Francisco Bay Region, on May 14, 2014.

Bruce H. Wolfe
Executive Officer