

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

RESOLUTION NO. R2-2004-0092

**APPROVING THE 2004 BASIN PLAN TRIENNIAL REVIEW OF THE WATER
QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY REGION AND
ADOPTING A PRIORITY LIST OF BASIN PLAN ISSUES**

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

1. An updated Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region was adopted by the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board), on June 21, 1995, approved by the State Water Resources Control Board (State Board) on July 20, 1995, and approved by the Office of Administrative Law (OAL) on November 13, 1995; and
2. The Basin Plan contains the Region's water quality standards, which consist of beneficial uses and water quality objectives necessary to protect those uses; and
3. In accordance with section 303(c)(1) of the federal Clean Water Act and section 13240 of the California Water Code, the Water Board has concluded its 2004 triennial water quality standard review; and
4. As a part of this review, Water Board staff circulated a list and held a workshop on June 8, 2004, for the purpose of receiving public comments concerning the need for revisions to the water quality standards, (i.e., beneficial use designations, water quality objectives, etc.) established in the Basin Plan, as amended; and
5. Water Board staff prepared an issue paper dated May 28, 2004, describing potential Basin Plan projects, and a technical report dated September 17, 2004, describing the 2004 Basin Plan Triennial Review process and prioritized list of Basin Plan issues to be investigated over the next three years; and
6. The Water Board held a public hearing on November 17, 2004, for the purpose of receiving testimony on the 2004 Basin Plan Triennial Review technical report and the *2004 Prioritized List of Basin Plan Issues for Investigation* (Attachment 1); and
7. The Water Board reviewed and carefully considered all comments and testimony received relative to the 2004 Basin Plan Triennial Review technical report and the *2004 Prioritized List of Basin Plan Issues for Investigation*; and

8. The Water Board notified all known interested parties of its intent to adopt the *2004 Prioritized List of Basin Plan Issues for Investigation* in fulfillment of the 2004 Triennial Review.

NOW THEREFORE BE IT RESOLVED, that

1. The Water Board hereby certifies completion of the 2004 Basin Plan Triennial Review and adopts the *2004 Prioritized List of Basin Plan Issues for Investigation* as set forth in Attachment 1 to this Resolution; and
2. The Water Board may address issues described in the technical report but not included in Attachment 1, as staff and external resources may become available to address the issues in a manner consistent with priorities documented in the technical report; and
3. The entire Basin Plan shall remain in effect until such time that appropriate and specific amendments are adopted by the Water Board and approved by the appropriate review authorities.

I, Bruce H. Wolfe, Executive Officer, do hereby certify 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 November 17, 2004.

BRUCE H. WOLFE
Executive Officer

Attachment 1 – 2004 Prioritized List of Basin Plan Issues for Investigation

ATTACHMENT 1

2004 Prioritized List of Basin Plan Issues for Investigation

Triennial Review, San Francisco Bay Water Quality Control Plan

ISSUE TITLE	Basin Plan Maps
PRIORITIZED RANK	1
CATEGORY	Beneficial Uses
GENERALIZED RANK	HIGH
COMPLEXITY	LOW
SCORE	60
ISSUE NAME	Update of Basin Plan Maps
ISSUE SUMMARY	Update the Basin Plan maps (Figures 2-1 through 2-11) incorporating new hydrologic boundaries, stream linework, and geographic information. Update beneficial uses and water bodies according to the newly revised maps. Reconcile nomenclature in the beneficial use tables for surface and ground water with the nomenclature on the Basin Maps. Re-format Maps in Chapter 4 for consistency and any relevant updates. Beneficial Use Tables 2-1 through 2-7 for surface waters should include the designations for Hydrologic Unit (HU), Hydrologic Area (HA), or Hydrologic Subarea (HSA). Beneficial Use Table 2-8 for ground waters should include the updated DWR Bulletin 118 basin numbers. These conventions should reconcile the water body classifications with the Calwater System and provide updates to that Statewide system as appropriate (e.g., in flat, urbanized portions of the region based on local information).
ESTIMATED PERSONNEL-YEARS (PY)	0.3
PY RUNNING TOTAL	0.3
IMPLEMENTING DIVISION	Planning and TMDL
PROPOSED BY:	Water Board
SUPPORTED BY:	

ISSUE TITLE	Electronic and Web Accessible Basin Plan
PRIORITIZED RANK	2
CATEGORY	ALL
GENERALIZED RANK	HIGH
COMPLEXITY	LOW
SCORE	56
ISSUE NAME	Electronic and Web Accessible Basin Plan
ISSUE SUMMARY	Important administrative task to make the most current form of the Basin Plan, including fully approved amendments since 1995, available on the Water Board's website in PDF and HTML format. Prepare a Microsoft WORD document of the Basin Plan as a template for Basin Plan amendment work. This will greatly improve public access to the applicable and relevant regulations of the Basin Plan.
ESTIMATED PERSONNEL-YEARS (PY)	0.3
PY RUNNING TOTAL	0.6
IMPLEMENTING DIVISION	ALL
PROPOSED BY:	Water Board
SUPPORTED BY:	

ISSUE TITLE	CTR footnote b followup
PRIORITIZED RANK	3
CATEGORY	Water Quality Objectives
GENERALIZED RANK	HIGH
COMPLEXITY	LOW
SCORE	54
ISSUE NAME	Amend Tables 3-3 and 3-4 to recognize the California Toxics Rule (CTR) as the basis of water quality objectives
ISSUE SUMMARY	Water Board staff propose that, upon final promulgation of an update to the CTR that removes footnote "b," the Water Board remove (vacate) the CTR-based numbers in the Basin Plan tables 3-3 and 3-4, thereby recognizing that the federal CTR is the basis of the water quality objectives and not the Basin Plan. This will create consistency in water quality objectives for toxic pollutants in this region, promote statewide consistency and reduce confusion and inefficiency in later years if and when the CTR is modified.
ESTIMATED PERSONNEL-YEARS (PY)	0.3
PY RUNNING TOTAL	0.9
IMPLEMENTING DIVISION	NPDES, Planning and TMDL
PROPOSED BY:	Water Board
SUPPORTED BY:	

ISSUE TITLE	Alternate Effluent Limits for Bacteria
PRIORITIZED RANK	4
CATEGORY	Implementation
GENERALIZED RANK	HIGH
COMPLEXITY	MEDIUM
SCORE	52
ISSUE NAME	Procedure for establishing Fecal Coliform or other bacterial effluent limitations in lieu of Total Coliform
ISSUE SUMMARY	The NPDES division has instituted procedures to allow a discharger to receive a fecal coliform-based or enterococci-based limit in lieu of a total coliform limit. It includes an experimental period where chemical uses are changed to meet a fecal coliform-based or enterococci-based limit and receiving waters are surveyed to ensure compliance with bacteria water quality objectives where the beneficial use of water contact recreation occurs. An alternate procedure has been to establish fecal coliform or enterococci limits in the discharge that are equivalent to the objectives. A Basin Plan Amendment would fine tune these procedures based on experience with dischargers such as San Francisco Southeast Water Pollution Control Plant, and formalize them for use by other municipal dischargers in the region.
ESTIMATED PERSONNEL-YEARS (PY)	0.6
PY RUNNING TOTAL	1.5
IMPLEMENTING DIVISION	NPDES, Planning and TMDL
PROPOSED BY:	Water Board
SUPPORTED BY:	San Francisco Public Utilities Commission Central Contra Costa Sanitary District City of Sunnyvale

ISSUE TITLE	Groundwater editorial changes
PRIORITIZED RANK	5
CATEGORY	Implementation
GENERALIZED RANK	HIGH
COMPLEXITY	LOW
SCORE	51
ISSUE NAME	Groundwater: Editorial revisions and minor clarifications or corrections to text and reference to new laws, plans and regulations
ISSUE SUMMARY	Make editorial changes that clarify or update regulatory program descriptions to be consistent with new laws, plans and regulations. These changes are sometimes needed for clarity and to ensure that the public is informed about the latest requirements to protect water quality. Such proposed elements of Basin Plan Amendments would be non-regulatory, i.e., they would not impose new requirements on permittees, but rather clarify existing regulatory requirements or program descriptions not addressed in the current version of the Basin Plan.
ESTIMATED PERSONNEL-YEARS (PY)	0.3
PY RUNNING TOTAL	1.8
IMPLEMENTING DIVISION	Toxic Cleanup, Groundwater Protection & Waste Containment
PROPOSED BY:	Water Board
SUPPORTED BY:	Bay Planning Coalition Bay Area Stormwater Management Agencies Association

ISSUE TITLE	Copper SSO
PRIORITIZED RANK	6
CATEGORY	Water Quality Objectives
GENERALIZED RANK	HIGH
COMPLEXITY	MEDIUM
SCORE	49
ISSUE NAME	Copper Site-Specific Objective (Marine), San Francisco Bay Segments North of the Dumbarton Bridge
ISSUE SUMMARY	Currently, the California Toxics Rule provides the basis for the marine water quality objective for copper in this region, 3.1 ug/l (chronic, or 4-day average) multiplied by a default water effect ratio (WER) of 1.0. This objective is used to derive effluent limits, and several dischargers are unable to comply with the derived limits. It is also used to determine whether the Bay is impaired due to copper. Available data from San Francisco Bay indicates that site waters exert a WER greater than 1.0, meaning that the waters have a consistent binding capacity for copper that renders some of the dissolved copper non-toxic. The Water Board established a site-specific objective of 6.9 ug/l (chronic, marine) south of Dumbarton Bridge based on WER data from that portion of the region. A similar methodology can be employed north of Dumbarton Bridge that uses representative WER data that has been collected in cooperation with the dischargers.
ESTIMATED PERSONNEL-YEARS (PY)	0.6
PY RUNNING TOTAL	2.4
IMPLEMENTING DIVISION	NPDES, Planning & TMDL
PROPOSED BY:	Water Board
SUPPORTED BY:	Central Contra Costa Sanitary District City of San Jose City of Sunnyvale Sonoma County Water Agency Bay Planning Coalition

ISSUE TITLE	Groundwater South Bay prioritization
PRIORITIZED RANK	6
CATEGORY	Implementation
GENERALIZED RANK	HIGH
COMPLEXITY	MEDIUM
SCORE	49
ISSUE NAME	A policy for prioritizing groundwater pollution sites in the South Bay Basins
ISSUE SUMMARY	With very limited exceptions, all groundwater in the South Bay serves as a significant drinking water resource. Public water supply wells serve half the drinking water supply to residents in these basins. However, there are areas within the South Bay Basins that are more vulnerable and/or critical in terms of groundwater protection. Thus it is possible to prioritize areas for groundwater protection. High priority areas are those where unconfined aquifers are potentially in direct contact with pollutants. Medium priority areas are more protected from pollutants due to the presence of an aquitard that retards or inhibits pollutant migration. Low priority areas are located in fine-grained sediments, low yielding aquifers and have extremely flat horizontal gradients.
ESTIMATED PERSONNEL-YEARS (PY)	0.6
PY RUNNING TOTAL	3.0
IMPLEMENTING DIVISION	Toxic Cleanup, Groundwater Protection & Waste Containment
PROPOSED BY:	Water Board
SUPPORTED BY:	

ISSUE TITLE	Water Body, Beneficial Use Update
PRIORITIZED RANK	6
CATEGORY	Beneficial Uses
GENERALIZED RANK	HIGH
COMPLEXITY	MEDIUM
SCORE	49
ISSUE NAME	Update of significant Water Bodies and associated Beneficial Uses with readily available documentation
ISSUE SUMMARY	A number of the Region's water bodies with substantial public interest are not specifically identified in the Plan's water body list and need to be added and appropriate beneficial uses designated where they have existed after November 1975. There are also some errors in the 1995 update's designated uses that can be corrected. For instance, the sport fishing beneficial use is not designated for some of the Region's water bodies where California Dept. of Fish and Game issues fishing licenses. Basin Plan maps can be concurrently updated using in-house GIS resources. The COMM use (which includes sport fishing and consumption of organisms) should be re-defined for consistency with the Statewide definition, which includes freshwaters.
ESTIMATED PERSONNEL-YEARS (PY)	1.2
PY RUNNING TOTAL	4.2
IMPLEMENTING DIVISION	Watershed, Planning & TMDL
PROPOSED BY:	Water Board
SUPPORTED BY:	Bay Planning Coalition CLEAN South Bay Citizens Committee to Complete the Refuge Carin High Genny Smith Libby Lucas U.S. EPA, Region IX Friends of Five Creeks

ISSUE TITLE	Stream Protection Policy
PRIORITIZED RANK	9
CATEGORY	Implementation
GENERALIZED RANK	HIGH
COMPLEXITY	HIGH
SCORE	48
ISSUE NAME	Incorporate explicit policy on stream protection into Clean Water Act (CWA) Section 401 water quality certification and stormwater NPDES regulatory programs
ISSUE SUMMARY	The Water Board has two regulatory programs where it must consider the effects of programs or projects on the physical characteristics of streams in determining whether water quality standards are achieved. For projects that require a U.S. Army Corps of Engineers (USACE) CWA Section 404 permit for fill or excavation, the Water Board is responsible for issuing the State's CWA Section 401 water quality certification. The Water Board also regulates local jurisdictions through its NPDES permits for discharges of urban runoff. Stream protection and management policies adopted in a Basin Plan Amendment would be implemented in existing elements of these programs, encouraging local jurisdictions to not only continue urban runoff pollution prevention, but also to protect and enhance the abilities of the water bodies in their jurisdictions to assimilate and/or remove pollutants through the water bodies' natural stream and wetland functions.
ESTIMATED PERSONNEL-YEARS (PY)	1.5
PY RUNNING TOTAL	5.7
IMPLEMENTING DIVISION	Watershed
PROPOSED BY:	Water Board
SUPPORTED BY:	Bay Planning Coalition CLEAN South Bay Citizens Committee to Complete the Refuge Carin High Genny Smith Libby Lucas Napa-Solano Audubon Society U.S. EPA, Region IX

ISSUE TITLE	Water Conservation and Recycling
PRIORITIZED RANK	9
CATEGORY	Implementation
GENERALIZED RANK	HIGH
COMPLEXITY	LOW
SCORE	48
ISSUE NAME	Update sections on Water Conservation and Water Recycling
ISSUE SUMMARY	Update sections on water conservation and recycling to encourage more dischargers to pursue these important projects.
ESTIMATED PERSONNEL-YEARS (PY)	0.3
PY RUNNING TOTAL	6.0
IMPLEMENTING DIVISION	Watershed, Planning and TMDL, NPDES
PROPOSED BY:	City of San Jose
SUPPORTED BY:	City of Sunnyvale Sonoma County Water Agency

ISSUE TITLE	Nickel SSO
PRIORITIZED RANK	12
CATEGORY	Water Quality Objectives
GENERALIZED RANK	MEDIUM
COMPLEXITY	MEDIUM
SCORE	47
ISSUE NAME	Nickel Site-Specific Objective (Marine), San Francisco Bay Segments North of the Dumbarton Bridge
ISSUE SUMMARY	The 1986 Basin Plan saltwater, total-recoverable objective for Nickel is in the process of being updated to the CTR value of 8.2 ug/l dissolved (estimated to be in effect in Fall of 2004). Impaired water body listings triggered by the older number are expected to be delisted based on use of the Statewide CTR criteria. South of the Dumbarton Bridge, the Bay's marine water quality objective for nickel is a Site-specific objective of 11.9 ug/l, based on a recalculation of the national criteria using more recent toxicity data. The regulated community has requested that the Water Board use the same recalculation method for the entire San Francisco Bay Estuary as was done to establish the Site-specific objective in the segment south of the Dumbarton Bridge.
ESTIMATED PERSONNEL-YEARS (PY)	0.6
PY RUNNING TOTAL	6.6
IMPLEMENTING DIVISION	NPDES, Planning and TMDL
PROPOSED BY:	Water Board
SUPPORTED BY:	Central Contra Costa Sanitary District City of San Jose City of Sunnyvale Sonoma County Water Agency Bay Planning Coalition

ISSUE TITLE	ESL Process
PRIORITIZED RANK	16
CATEGORY	Implementation
GENERALIZED RANK	MEDIUM
COMPLEXITY	MEDIUM
SCORE	45
ISSUE NAME	Process to determine appropriate site cleanup levels using environmental screening levels (ESLs)
ISSUE SUMMARY	A description of the tiered-decision process used to determine relevant exposure pathways and appropriate site cleanup levels using environmental screening levels (ESLs). The decision process expands the existing protection of groundwater beneficial uses to include potential risk to human health from indoor air exposure and protection of aquatic receptors.
ESTIMATED PERSONNEL-YEARS (PY)	0.9
PY RUNNING TOTAL	7.5
IMPLEMENTING DIVISION	Toxic Cleanup, Groundwater Protection & Waste Containment
PROPOSED BY:	Water Board
SUPPORTED BY:	

ISSUE TITLE	Cyanide SSO
PRIORITIZED RANK	18
CATEGORY	Water Quality Objectives
GENERALIZED RANK	MEDIUM
COMPLEXITY	MEDIUM
SCORE	42
ISSUE NAME	Cyanide Site-Specific Objective (Marine), San Francisco Bay Segments
ISSUE SUMMARY	Cyanide has become an NPDES permit compliance issue for municipal and industrial dischargers in the San Francisco Bay Region. A first step in this effort is to update the current U.S. EPA cyanide criterion to incorporate the most recent, and scientifically defensible toxicity data. The CTR marine cyanide acute and chronic criteria are both 1.0 ug/l. These were derived in 1985 using the minimum data set allowed by the U.S. EPA Guidelines (acute toxicity data for eight genera, chronic data for 5 freshwater and two saltwater species). The updated criteria have already been adopted by the State of Washington for Puget Sound and we are proposing to adopt the same number, 2.9 ug/l, for San Francisco Bay.
ESTIMATED PERSONNEL-YEARS (PY)	0.6
PY RUNNING TOTAL	8.1
IMPLEMENTING DIVISION	NPDES, Planning and TMDL
PROPOSED BY:	Water Board
SUPPORTED BY:	Bay Planning Coalition Central Contra Costa Sanitary District City of San Jose City of Sunnyvale Sonoma County Water Agency

ISSUE TITLE	Cyanide Shallow Effluent Limits
PRIORITIZED RANK	20
CATEGORY	Implementation
GENERALIZED RANK	MEDIUM
COMPLEXITY	HIGH
SCORE	39
ISSUE NAME	Cyanide Effluent Limitations Policy for Shallow Water Dischargers
ISSUE SUMMARY	<p>If the Water Board adopts a marine chronic site-specific objective (SSO) of 2.9 ug/l for cyanide as described in Issue Rank 18, dischargers which receive dilution of at least 10:1 in receiving waters will be able to comply with effluent limitations derived from the SSO. However, there are dischargers to shallow water to whom the Board has not granted dilution credits (zero dilution). These dischargers may not be assured of achieving the SSO-based effluent limitation through reasonable treatment, source control and pollution prevention measures. Unlike metals and selenium, cyanide is not a conservative pollutant and data from the Regional Monitoring Program (RMP) indicate it does not threaten to accumulate in the waters and sediment of the Bay. Cyanide attenuates in the receiving waters due to degradation as well as dilution, but detailed information on fate and transport of cyanide in the Bay is incomplete. Point source dischargers are the only significant source of cyanide to the Bay. Information is now being collected by shallow water dischargers to better define attenuation of cyanide in areas of the region near their discharges. This information will be used to develop an effluent limitation policy for shallow dischargers.</p>
ESTIMATED PERSONNEL-YEARS (PY)	1.5
PY RUNNING TOTAL	9.6
IMPLEMENTING DIVISION	NPDES
PROPOSED BY:	Water Board
SUPPORTED BY:	City of San Jose City of Sunnyvale Sonoma County Water Agency

ISSUE TITLE	Low Risk Site Closure
PRIORITIZED RANK	21
CATEGORY	Implementation
GENERALIZED RANK	MEDIUM
COMPLEXITY	MEDIUM
SCORE	38
ISSUE NAME	A policy to address closure for low-risk groundwater contaminant sites
ISSUE SUMMARY	Resolution 92-49 directs the Water Board to ensure that water affected by an unauthorized release attains either background water quality or the best water quality which is reasonable if background water quality cannot be restored. Any alternative level of water quality less stringent than background must be consistent with the maximum benefit to the people of the State, not unreasonably affect current and probable future beneficial use of affected water, and not result in water quality less than that prescribed in the water quality control plan for the basin within which the site is located. Resolution 92-49 does not require, however, that the requisite level of water quality be met at the time of site closure. Even if the requisite level of water quality has not yet been attained, a site may be closed if the level will be attained within a reasonable period of time. Such sites include petroleum and solvent sites where biodegradation is occurring.
ESTIMATED PERSONNEL-YEARS (PY)	0.9
PY RUNNING TOTAL	10.5
IMPLEMENTING DIVISION	Toxic Cleanup, Groundwater Protection & Waste Containment
PROPOSED BY:	Water Board
SUPPORTED BY:	

ATTACHMENT 1

TABLE 1-1

2004 PRIORITIZED LIST OF BASIN PLAN ISSUES FOR INVESTIGATION

RANK NO.	ISSUE TITLE	Estimated PY	Running Total PY	Complexity	Category	Implementing Division	SCORE
1	Basin Plan Maps	0.3	0.3	LOW	Beneficial Uses	Planning and TMDL	60
2	Electronic and Web Accessible Basin Plan	0.3	0.6	LOW	ALL	Planning and TMDL	56
3	CTR footnote b followup	0.3	0.9	LOW	Water Quality Objectives	Planning and TMDL, NPDES	54
4	Alternate Effluent Limits for Bacteria	0.6	1.5	MEDIUM	Implementation	NPDES	52
5	Groundwater editorial changes	0.3	1.8	LOW	Implementation	Toxic Cleanup, Groundwater Protection & Waste Containment	51
6	Copper SSO	0.6	2.4	MEDIUM	Water Quality Objectives	Planning and TMDL, NPDES	49
6	Groundwater South Bay prioritization	0.6	3.0	MEDIUM	Implementation	Toxic Cleanup, Groundwater Protection & Waste Containment	49
6	Water Body, Beneficial Use Update	1.2	4.2	MEDIUM	Beneficial Uses	Planning and TMDL	49
9	Stream Protection Policy	1.5	5.7	HIGH	Implementation	Watershed	48
9	Water Conservation and Recycling	0.3	6.0	LOW	Implementation	Watershed, NPDES, Planning and TMDL	48
12	Nickel SSO	0.6	6.6	MEDIUM	Water Quality Objectives	Planning and TMDL, NPDES	47
16	ESL Process	0.9	7.5	MEDIUM	Implementation	Toxic Cleanup, Groundwater Protection & Waste Containment	45
18	Cyanide SSO	0.6	8.1	MEDIUM	Water Quality Objectives	Planning and TMDL, NPDES	42
20	Cyanide Shallow Effluent Limits	1.5	9.6	HIGH	Implementation	NPDES	39
21	Low Risk Site Closure	0.9	10.5	MEDIUM	Implementation	Toxic Cleanup, Groundwater Protection & Waste Containment	38