

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2010-0016**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE
SAN FRANCISCO BAY REGION TO ESTABLISH TOTAL MAXIMUM DAILY LOAD (TMDL)
FOR SEDIMENT IN SONOMA CREEK AND AN IMPLEMENTATION PLAN TO ACHIEVE THE
TMDL AND RELATED HABITAT ENHANCEMENT GOALS

WHEREAS:

1. An updated Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) was adopted by the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) on January 21, 2004, approved by the State Water Resources Control Board (State Water Board) on July 22, 2004, and approved by the Office of Administrative Law (OAL) on October 4, 2005.
2. On December 10, 2008, the San Francisco Bay Water Board adopted an amendment to the Basin Plan, [Resolution No. R2-2008-0103](#), to establish a TMDL for sediment in Sonoma Creek, and an implementation plan to achieve the TMDL and related habitat enhancement goals.
3. The San Francisco Bay Water Board found that the analysis contained in the Final Project Report, along with the California Environmental Quality Act (CEQA) substitute environmental documentation for the proposed Basin Plan amendment, including the CEQA Checklist, the staff report, and the responses to comments prepared by San Francisco Bay Water Board staff, and Resolution R2-2008-0103 adopted by the San Francisco Bay Water Board complies with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in the California Code of Regulations, Title 23, section 3775 et seq.
4. The scientific basis for the TMDL, was subjected to an independent, external peer review, pursuant to the requirements of Health and Safety Code section 57004. Water Board staff revised the proposed Basin Plan amendment in response to the comments provided by the reviewers, or provided a written response that explained the basis for not incorporating other proposed changes. The peer reviewers' responses confirmed that the rulemaking portions of the TMDL and implementation plan are based on sound scientific knowledge, methods, and practices.
5. The State Water Board finds that, in amending the Basin Plan, the San Francisco Bay Water Board complied with the requirements set forth in sections 13141, 13240, 13242, 13245, and 13246 of the Water Code. The State Water Board also finds that the regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, Subdivision (b).
6. The San Francisco Bay Water Board found that adoption of this amendment is consistent with the State Antidegradation Policy ([State Water Board Resolution No. 68-16](#)) and Federal Antidegradation Policy (40 C. F. R. §131.12).
7. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The TMDL must also be approved by U.S. EPA.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan as adopted under San Francisco Bay Board Resolution No. R2-2008-0103.
2. Authorizes the Executive Director or designee to submit the amendment adopted under San Francisco Bay Water Board Resolution No. R2-2008-0103 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the 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 April 20, 2010.

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

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board