

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – SAN FRANCISCO BAY REGIONAL WATER BOARD
MARCH 19, 2013**

ITEM 4

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY REGION (BASIN PLAN) TO ESTABLISH A TOTAL MAXIMUM DAILY LOAD FOR BACTERIA IN SAN PEDRO CREEK AND AT PACIFICA STATE BEACH, AND NEW IMPLEMENTATION PROVISIONS FOR BACTERIA WATER QUALITY OBJECTIVES

DISCUSSION

The San Francisco Bay Regional Water Board adopted this amendment to the San Francisco Bay Basin Water Quality Control Plan (Basin Plan) on November 14, 2012, as [Resolution No. R2-2012-0089](#). The amendment establishes the San Pedro Creek and Pacifica State Beach Bacteria TMDL and incorporates new implementation provisions to allow a “reference system and antidegradation approach” for existing bacteria water quality objectives.

San Pedro Creek and waters at Pacifica State Beach, which are located in coastal San Mateo County, are listed as impaired by bacteria at levels above water quality objectives for water contact recreation (e.g., swimming, wading, and surfing). The TMDL would require measures to reduce discharges of bacteria from controllable sources to meet water quality standards.

Controllable, or anthropogenic, sources of bacteria in the San Pedro Creek watershed include sanitary sewer overflows, municipal stormwater runoff and dry-weather flows, and horse facilities. Uncontrollable, or natural, sources of bacteria include wildlife. Natural sources can cause exceedances of bacteria objectives on their own without contributions from anthropogenic sources. We are accounting for these natural sources of bacteria by applying a “reference system and antidegradation approach” to determine exceedances of bacteria water quality objectives in waters in a similar but undeveloped watershed. However, to apply this approach, the Implementation Provisions for Water Contact Recreation Bacteria Objectives section of the Basin Plan must also be amended to allow its use. The new implementation provisions could apply to future bacteria TMDLs in addition to this TMDL.

The amendment will establish the following:

- Numeric targets, TMDLs, and allocations for bacteria, expressed as a number of allowable exceedances of the bacteria objectives, to protect water contact recreational uses of San Pedro Creek and Pacifica State Beach;
- A plan to implement the TMDLs within 8-15 years;
- A bacteria water quality monitoring program to evaluate progress in meeting the targets, TMDLs, and allocations, and to help guide the implementation actions; and
- An adaptive implementation strategy to track and evaluate implementation actions.

The responsible parties for the implementation of the TMDL are: the City of Pacifica; San Mateo County; private home and business owners in the San Pedro Creek watershed; and owners and operators of existing or future horse facilities in the San Pedro Creek watershed. The Basin Plan amendment would require these parties to act to reduce or eliminate discharges of bacteria to San Pedro Creek and Pacifica State Beach. The implementation plan relies significantly on regulatory programs that are already in place and actions that are already required, such as eliminating discharges from sanitary sewer systems, existing actions to manage municipal stormwater runoff and dry weather flow discharges from storm drains, and ensuring horse facilities operate in a clean manner. It also includes some additional requirements for iterative improvements of municipal stormwater best management practices and a creek monitoring plan.

POLICY ISSUE

Should the State Board approve the amendment to incorporate a total maximum daily load for bacteria in San Pedro Creek and at Pacifica State Beach, and establish new implementation provisions to allow a “reference system and antidegradation approach” for existing bacteria water quality objectives?

FISCAL IMPACT

The San Francisco Bay Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL BOARD IMPACT

Yes, approval of this resolution will amend the San Francisco Bay Regional Water Board's Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan adopted pursuant to San Francisco Bay Regional Water Board Resolution R2-2012-0089.
2. Authorizes the Executive Director or designee to submit the amendment adopted under San Francisco Bay Regional Water Board Resolution R2-2012-0089 as approved, and the administrative record for this action to the Office of Administrative Law and the amendment to the U.S. Environmental Protection Agency for approval.

State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012 to implement strategies to fully support the beneficial uses for all 2006-listed water bodies. In particular, this item will assist in fulfilling Action 1 to prepare, adopt, and take steps to carry out Total Maximum Daily Loads (TMDLS), designed to meet water quality standards, for all impaired water bodies on the 2006 list.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2013-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY REGION (BASIN PLAN) TO ESTABLISH A TOTAL MAXIMUM DAILY LOAD FOR BACTERIA IN SAN PEDRO CREEK AND AT PACIFICA STATE BEACH, AND NEW IMPLEMENTATION PROVISIONS FOR BACTERIA WATER QUALITY OBJECTIVES

WHEREAS:

1. On November 14, 2012, the Regional Water Quality Control Board for the San Francisco Bay Region (San Francisco Bay Water Board) adopted [Resolution No. R2-2012-0089](#), an amendment to the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan amendment), to establish a Total Maximum Daily Load (TMDL) for bacteria in San Pedro Creek and at Pacifica State Beach and new implementation provisions for bacteria water quality objectives.
2. The San Francisco Bay Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) "Substitute Environmental Documents" for the proposed Basin Plan amendment, including the CEQA Checklist, the final staff report, titled "Total Maximum Daily Load for Bacteria in San Pedro Creek and at Pacifica State Beach," and the responses to comments complies with the State Water Resources Control Board's (State Water Board's) regulations for the implementation of CEQA, as set forth in the California Code of Regulations, Title 23, sections 3775 through 3781. The State Water Board has reviewed the Substitute Environmental Documents for the Basin Plan amendment and concurs with the San Francisco Bay Water Board's findings and determinations.
3. The San Francisco Bay Water Board also adopted the Basin Plan amendment pursuant to the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
4. The San Francisco Bay Water Board found the Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining the High Quality of Waters in California ([State Water Board Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 C.F.R. § 131.12), in that it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards.
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise basin plans, and section 13242, which requires a program of implementation for achieving water quality objectives. The State Water Board also finds that the TMDL, as reflected in the Basin Plan amendment, is consistent with the requirements of section 303(d) of the federal Clean Water Act.
6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The TMDL must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA)

D R A F T

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under San Francisco Bay Water Board Resolution No. R2-2012-0089.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under San Francisco Bay Water Board Resolution No. R2-2012-0089 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 March 19, 2013.

Jeanine Townsend
Clerk to the Board