

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Jan O'Hara)
MEETING DATE: May 12, 2010

ITEM: 7

SUBJECT: **Proposed Amendment to the Water Quality Control Plan (Basin Plan) to Add Surface Water Bodies and Designate Beneficial Uses** – Hearing to Receive Testimony on Proposed Basin Plan Amendment

DISCUSSION: This item is a testimony hearing on a proposed Basin Plan amendment to add surface water bodies to Table 2-1 of the Basin Plan, and to designate beneficial uses for existing and proposed surface water bodies. The goal of this amendment is to improve the clarity and completeness of the Basin Plan by:

- Augmenting Table 2-1, *Existing and Potential Beneficial Uses of Water Bodies in the San Francisco Bay Region*, with approximately 280 additional surface water bodies.
- Designating beneficial uses for the newly added surface water bodies and for the 103 surface water bodies in Table 2-1 for which beneficial uses have not yet been explicitly designated.
- Updating Basin Plan maps, Figures 2-3 through 2-9, with names and locations of the additional surface water bodies.
- Amending Chapter 2 text where necessary to support the water body and beneficial use additions.

Adding surface water bodies and beneficial uses to the Basin Plan was recognized as a high priority project by the Board in both its 2004 and 2009 Triennial Reviews.

When the Basin Plan first was adopted by the Board in 1975, beneficial uses were not designated for all the surface water bodies listed, and many significant surface water bodies were not included. As a result, for site-specific regulatory actions, Board staff and the public must research the beneficial uses of many water bodies on a case-by-case basis. This process may be unclear to the public and an inefficient use of staff resources.

One basis for designating beneficial uses is the Clean Water Act (CWA) national goal that, “wherever attainable...water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved...” Throughout California and the nation, in accordance with these goals, propagation of fish and wildlife and recreation in and on the water are presumptive surface water uses. Thus, wildlife habitat, water contact recreation, and noncontact water recreation beneficial uses are proposed to be designated for all surface water bodies, and warm freshwater habitat is proposed for all inland surface water bodies, unless evidence shows these uses were not attainable on November

28, 1975. Other beneficial uses are designated based on a review of information available in the literature and submitted by stakeholders and interested parties.

The proposed Basin Plan amendment and supporting Staff Report (Appendix A) were circulated to interested parties on February 24, and a public workshop was held on March 11. During the public review period, we received 16 comment letters (Appendix B). Those letters included comments from U.S. EPA, water supply agencies, municipal wastewater dischargers, stormwater management agencies and environmental advocacy groups. Stakeholders raised concerns about: (1) the application of the presumptive uses under the CWA, especially full body contact recreation in urban creeks, (2) the need for segmentation of water bodies for certain beneficial use designations, for example, cold water habitat, and (3) changes proposed for designating reservoirs for full body contact recreation. Stakeholders are concerned about potential consequences of the beneficial use designations in terms of compliance with water quality objectives.

Prior to the adoption hearing, some changes are likely to be proposed by staff in response to these comments, especially to address inaccuracies in water body names or beneficial use designations. However, the majority of the designations identified in the Basin Plan amendment reflect uses identified under the CWA and uses that are already occurring. Including them in the Basin Plan does not create any new performance standards or requirements that do not already exist.

We appreciate all the interest and input from stakeholders and will respond to each comment in writing prior to the adoption hearing.

**RECOMMEN-
DATION:**

No action required.

APPENDICES:

- A. Supporting Staff Report and Proposed Basin Plan Amendment¹
- B. Comment Letters

¹ Appendix C of the Staff Report, *Beneficial Use Documentation Tables*, can be found at http://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2010/May/BPA/Beneficial%20Use_Tables.pdf