

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESOLUTION NO. 87-154

APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION, THE STATE WATER RESOURCES CONTROL BOARD AND THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION ON WATER QUALITY MANAGEMENT

WHEREAS, the San Francisco Bay Conservation and Development Commission (BCDC) is the State Agency responsible under the Coastal Zone Management Act for the management of that segment of the California coastal zone comprising San Francisco Bay and its adjacent shorelands; and

WHEREAS, the State Water Resources Control Board (State Board) has jurisdiction and is responsible for: (a) formulating and adopting state policy for water quality control pursuant to the State Porter-Cologne Water Quality Control Act, as amended, and the Federal Clean Water Act, as amended; (b) adopting water quality control plans where appropriate; (c) approving the water quality control plans for the nine Regional Water Quality Control Boards; (d) issuing water quality certification for federal licenses and permits; (e) establishing salinity standards for San Francisco Bay and the Sacramento-San Joaquin Delta estuary to protect the beneficial uses of these waters; and (f) allocating water rights to state waters; and

WHEREAS, the California Regional Water Quality Control Board (Regional Board) has jurisdiction and is responsible pursuant to the State Porter-Cologne Water Quality Control Act within the San Francisco Bay Basin for: (a) designating, protecting and enhancing the beneficial uses of the waters of the State and (b) stating the beneficial uses of the Bay waters, water quality objectives and effluent limitations in its Water Quality Control Plan which it carries out through numerous regulatory programs including adoption and enforcement of waste discharge requirements and recommendations to the State Board for issuance of water quality certification for federal licenses or permits; and

WHEREAS, there is an existing Memorandum of Understanding (MOU) between the three designated agencies which is not current and needs revision; and

WHEREAS, the three designated agencies have developed a revised MOU addressing the authority and responsibility of each agency and attachments thereto, addressing special procedures which are integral parts of the agreement but which may be revised, when agreed upon by all parties, without revising the MOU; and

WHEREAS, Government Code Section 66632(f) requires the BCDC to take action upon an application for a BCDC permit within 90 days of filing the application or the permit is automatically granted; and

WHEREAS, Government Code Section 66632(e) requires the Regional Board to file a report with BCDC indicating the effect of a proposed activity on water quality in San Francisco Bay; and

WHEREAS, this reporting requirement often duplicates the Regional Board's separate analysis and report on proposed activities requiring Regional Board authorization; and

WHEREAS, the three designated agencies believe that whenever authorization is required by law from the Regional Board for any projects also requiring a permit from the BCDC, the permit application process would be more efficient and timely for the permit applicant, the BCDC and the Regional Board if the permit applicant obtains all discretionary approvals from the Regional Board prior to the BCDC filing the applicants BCDC permit application; and

WHEREAS, on November 18, 1987, this Regional Board, in a public meeting, heard and considered all comments regarding this matter; and

WHEREAS, this MOU is not a "project" pursuant to Section 15378 of the Resource Agency State EIR Guidelines and therefore is not subject to the provision of the California Environmental Quality Act; now

THEREFORE BE IT RESOLVED, that the Regional Board authorize the Chairman of the Regional Board to sign an MOU with the BCDC and State Board which specifies a coordination process for the three designated agencies to implement water quality goals which are mandated under both State and Federal legislation; and

BE IT FURTHER RESOLVED, that the Regional Board supports in concept legislation to be introduced on behalf of BCDC in the 1988-89 Regular Session of the California Legislature to amend Government Code Section 66632(e) to require a project applicant to obtain all discretionary approvals from the Regional Board prior to the filing of the applicants' BCDC permit application; and

BE IT FURTHER RESOLVED, that the Regional Board will coordinate with other public agencies and private organizations and individuals concerned with the water quality of San Francisco Bay seeking their support for the legislation.

I, Roger B. James, 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 18, 1987.



ROGER B. JAMES
Executive Officer