



# How TMDLs Are Adopted

## THE BASIN PLANNING PROCESS

The Clean Estuary Partnership (CEP) is an innovative collaboration of the Bay Area Clean Water Agencies (BACWA), the Bay Area Stormwater Management Agencies Association (BASMAA), and the San Francisco Bay Regional Water Quality Control Board (Water Board) designed to improve water quality in San Francisco Bay. Other key participants include the San Francisco Estuary Institute, the Clean Water Fund, San Francisco BayKeeper, the Port of Oakland, and the Western States Petroleum Association. The CEP works with Water Board staff to fund and conduct technical research and analysis to support Total Maximum Daily Load (TMDL) development and to conduct stakeholder outreach activities.

### TMDLs and Basin Plan Amendments

A Water Quality Control Plan (Basin Plan) establishes a comprehensive program of actions designed to preserve, enhance, and restore water quality in all water bodies within one of nine designated regions in the State of California. Total Maximum Daily Loads (TMDLs) are developed to ensure attainment of water quality standards in specific water bodies. Since the Basin Plan is an overarching policy document that contains water quality standards and enforceable regulatory measures, TMDLs are typically adopted through the Basin Planning process.

### How Does the Process Work?

Developing Basin Plan Amendments that adopt TMDLs involves the following steps:

**DEVELOPING PROJECT REPORT(S).** San Francisco Bay Regional Water Quality Control Board (Water Board) staff develops TMDL project reports that include all TMDL elements. These elements include: problem statement; numeric targets; source analysis (for all potential pollutant sources); linkage analysis (of linkages between numeric targets and pollutant sources); allocations (for each pollutant source); margin of safety; implementation plan; and monitoring/re-evaluation plans. Throughout the process of developing TMDL project reports, interested parties are invited to participate and provide input. Water Board staff reviews and considers comments, and incorporates suggested changes as appropriate. Depending on the specific TMDL project, there may be one or two (preliminary and final) project reports. Staff uses the project report as the basis for a draft Basin Plan Amendment and supporting staff report.

**DEVELOPING, PEER-REVIEWING, AND REVISING THE BASIN PLAN AMENDMENT AND STAFF REPORT.** The draft Basin Plan Amendment focuses on the regulatory elements of a TMDL, including numeric targets, TMDL allocations, and an implementation plan. The Amendment may include other information on the problem, sources, and linkages to provide context for its regulatory elements. The supporting staff report describes all TMDL elements and serves as the technical basis for the Basin Plan Amendment. In addition, the staff report includes other analyses required by administrative procedures and the California Environmental Quality Act (CEQA), such as a consideration of alternatives to the proposal and economic factors. Following an independent scientific peer review, the documents are revised as necessary. The Water Board then issues a notice of public hearing and notice of filing of an environmental document (public notice) specifying a 45-day public comment period. Interested parties are invited to submit formal written comments.

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### What Are TMDLs?

The Federal Clean Water Act requires states to identify water bodies that do not meet water quality standards and to develop Total Maximum Daily Loads (TMDLs) to ensure the attainment of water quality standards.

#### WATER QUALITY STANDARDS:

- Describe the beneficial uses of a water body to be protected (such as water contact recreation, drinking water, sport and commercial fishing, and aquatic life)
- Set numeric and narrative water quality objectives necessary to protect beneficial uses
- Establish provisions to prevent degradation of existing water quality

#### TOTAL MAXIMUM DAILY LOADS:

- Examine pollutant-specific water quality problems
- Identify sources of pollutants
- Define how much of a pollutant a water body can receive and still meet water quality standards
- Specify actions to be implemented to create solutions

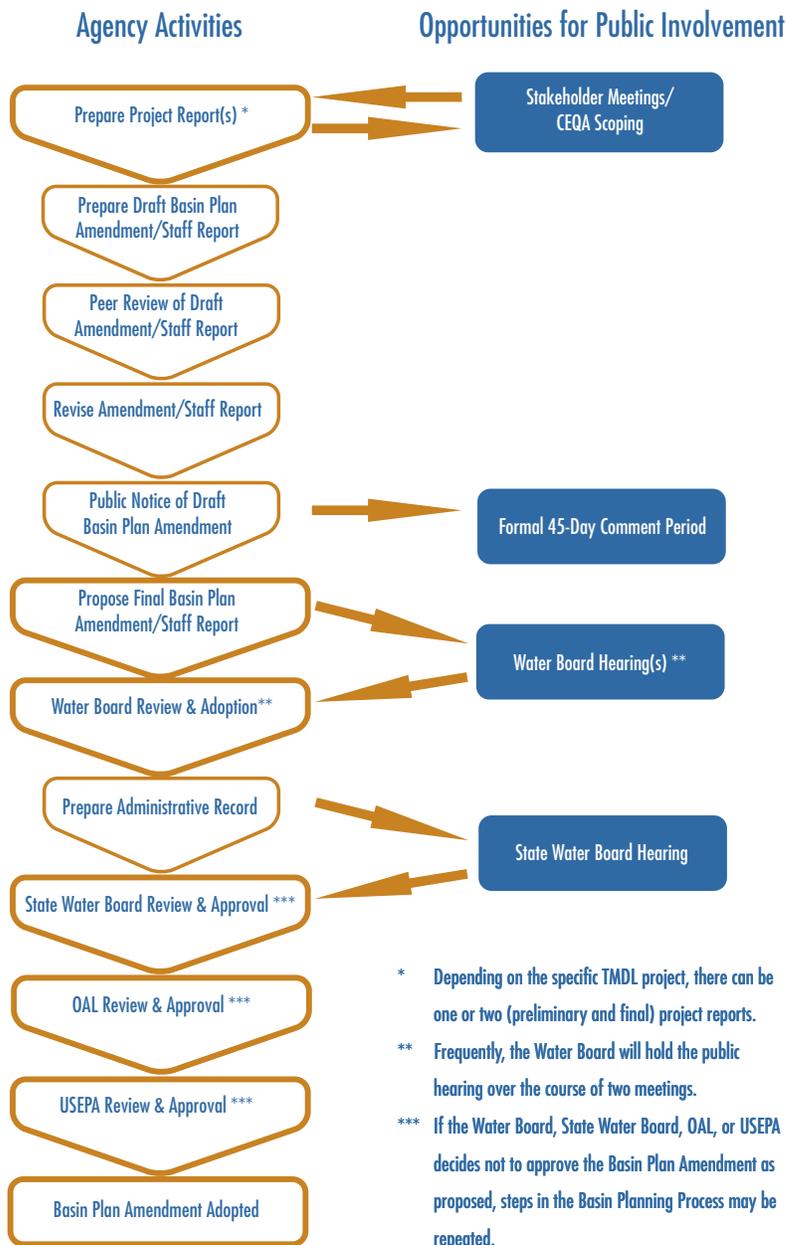
### What is the Basin Plan?

A Water Quality Control Plan or Basin Plan establishes the State's program of actions to preserve, enhance, and restore water quality in a specific region. The Basin Plan is the primary policy document describing the legal, technical, and programmatic bases for water quality regulation in each region and includes:

- Beneficial uses of each water body in the region
- Water quality objectives to protect beneficial uses
- Implementation plans for achieving water quality objectives

The San Francisco Bay Regional Water Quality Control Board (Water Board) develops the Basin Plan for the San Francisco Bay Region. The Water Board reviews the Basin Plan and initiates revisions as needed. First adopted in 1975, the Basin Plan for the San Francisco Bay Region was substantially revised in 1982, 1986, 1992, and 1995.

# Public Participation & The Basin Planning Process



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**PUBLIC HEARING.** At a public hearing, the Water Board considers the proposed Amendment, written and oral comments, and staff responses to comments. Often, the Water Board will conduct the hearing over the course of two meetings—one to provide information and one to take action.

**REVIEWING, ADOPTING, AND APPROVING THE AMENDMENT.** After the Water Board approves the Basin Plan Amendment, staff prepares an administrative record including all documents used to support the Board decision. The Basin Plan Amendment, staff report, signed Board resolution, and administrative record are sent to the State Water Resources Control Board (State Water Board), which reviews the documents for technical, policy, and legal consistency. Once the State Water Board approves the Amendment, it is sent to the Office of Administrative Law (OAL) for review and approval. OAL reviews the new regulatory language of all State plans, policies, and guidelines for compliance with standards set forth in California’s Administrative Procedures Act. Following OAL approval, the Amendment is sent to the U.S. Environmental Protection Agency (USEPA), which reviews the Amendment for consistency with the Federal Clean Water Act.

## How Long Does the Process Take?

The TMDL Basin Planning process takes about 12 to 18 months from the time Basin Plan Amendment language is drafted through peer review, public comment, and Water Board, State Water Board, OAL, and USEPA review. However, if the Water Board, State Water Board, OAL, or USEPA do not approve the Amendment as proposed, steps in the process may be repeated.

## How Does the Process Relate to CEQA?

The California Resources Agency has certified the basin planning process to be “functionally equivalent” to the process required by the California Environmental Quality Act, or CEQA. The Basin Plan Amendment and supporting staff report, including all attachments (such as the CEQA checklist), serves as the environmental document functionally equivalent to an Environmental Impact Report or Negative Declaration.

## PUBLIC PARTICIPATION OPPORTUNITIES

Public participation is a vital part of the TMDL Basin Planning process. The TMDL Basin Planning process provides several opportunities for public involvement including public meetings and opportunities to review and submit comments on draft reports and items posted on the Water Board TMDL web site, [www.swrcb.ca.gov/rwqcb2/tmdlmain.htm](http://www.swrcb.ca.gov/rwqcb2/tmdlmain.htm).

The Basin Planning process also includes a formal 45-day public comment period and at least one Water Board public hearing. Interested parties can stay informed by visiting the Clean Estuary Partnership (CEP) web site, [www.cleanestuary.org](http://www.cleanestuary.org), and registering to receive updates on specific pollutants or regions of interest. The CEP has produced several outreach materials, such as a fact sheet on legacy pollution, and plans to develop additional fact sheets on issues such as adaptive implementation.

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## WEB SITES

Clean Estuary Partnership: [www.cleanestuary.org](http://www.cleanestuary.org)

Water Board TMDLs: [www.swrcb.ca.gov/rwqcb2/tmdlmain.htm](http://www.swrcb.ca.gov/rwqcb2/tmdlmain.htm)

Water Board Basin Planning: [www.swrcb.ca.gov/rwqcb2/basinplan.htm](http://www.swrcb.ca.gov/rwqcb2/basinplan.htm)

