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STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 95-24

ADOPTION OF THE WATER QUALITY CONTROL PLAN
FOR THE
SAN FRANCISCO BAY/SACRAMENTO-SAN JOAQUIN DELTA ESTUARY

WHEREAS:

1. The State Water Resources Control Board (SWRCB) is responsible for the regulation of activities and factors which may affect the quality of the waters of the state. (Wat. Code §§ 13000, 13001.)
2. The SWRCB has undertaken a proceeding under its water quality authority at Water Code section 13000 et seq. to establish a water quality control plan that will supersede (1) the Water Quality Control Plan for Salinity for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary adopted May 1991 (1991 Plan) in SWRCB Resolution No. 91-34 and (2) the Water Quality Control Plan for the Sacramento-San Joaquin Delta and Suisun Marsh, adopted August 1978 in SWRCB Resolution No. 78-43.
3. The SWRCB commenced this proceeding on March 25, 1994 by issuing a notice of a series of public workshops to review the existing standards for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Estuary). The SWRCB held six public workshops in April through October 1994 and the SWRCB staff held three additional public workshops in September and October 1994. Notice of all workshops was sent to all parties who indicated an interest in receiving notice.
4. During the workshops, the SWRCB urged the interested parties to develop alternatives for revising the previous water quality objectives for the Bay-Delta Estuary. The Department of Fish and Game, Bay Institute of San Francisco, Delta Wetlands and United States Environmental Protection Agency developed proposals for the SWRCB to consider. The SWRCB evaluated these alternatives in its environmental review for the development of a draft Bay-Delta plan. After negotiations, a number of parties reached an agreed-upon recommendation to the SWRCB for changes in the Bay-Delta water quality objectives. This agreement is called the "Principles for Agreement" and was signed on behalf of numerous interest groups and governmental agencies on December 15, 1994. The SWRCB used several elements of this agreement (with some modifications) and the other recommendations from interested parties in preparing the draft plan.
5. The SWRCB released the first draft of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) for public review and comment

on December 15, 1994. On January 3, 1995, the SWRCB issued a notice of public hearing for consideration of the plan, in accordance with state and federal requirements. The notice was sent to all interested parties and was published. On January 24, 1995, the SWRCB released a draft environmental report appendix to the draft Bay-Delta Plan. The SWRCB held the public hearing on February 23, 1995. The comment period for the draft Bay-Delta Plan and the appended Environmental Report closed March 10, 1995.

6. The Bay-Delta Plan will protect the same beneficial uses that were protected by the 1991 Plan. The definitions of the beneficial uses, however, have been changed nonsubstantively to ensure consistency with the SWRCB's current policy and uniform direction to the Regional Water Quality Control Boards.

The water quality objectives for municipal and industrial beneficial uses and for agricultural beneficial uses are unchanged from the 1991 Plan except that the effective date of the agricultural salinity objectives for the southern Delta stations on the Old River has been extended from January 1, 1996 to December 31, 1997.

The objectives for fish and wildlife beneficial uses for salinity and temperature in the 1991 Plan, and the flow and operational objectives in the 1978 Plan that were not superseded by the 1991 Plan have been replaced with a complete new set of objectives for fish and wildlife.

7. The SWRCB has considered all the oral and written comments that were submitted and, in accordance with the SWRCB's regulations (23 Cal. Code Regs. § 3779), has prepared responses to the comments containing significant environmental points as well as responding to other comments.
8. The portions of the Bay-Delta Plan consisting of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and the appended Environmental Report, have been revised in response to the comments received from the interested parties and the Responses to Comments has been added as a second appendix.
9. The Bay-Delta Plan will be reviewed periodically in compliance with Water Code section 13240 and federal Clean Water Act section 303(c) (33 U.S.C. § 1313(c)).
10. The Bay-Delta Plan supplements the other water quality control plans that cover the Bay-Delta Estuary; together they include all necessary elements of water quality control plans in accordance with Water Code sections 13241 and 13242 and federal requirements.

11. In compliance with the California Environmental Quality Act, the SWRCB has prepared the Bay-Delta Plan under a program certified under Public Resources Code section 21080.5 as a substitute document for an environmental impact report or a negative declaration. The SWRCB has reviewed the Environmental Report which is appended to the Bay-Delta Plan and has considered the information in it.

12. Appendix I of the Bay-Delta Plan, at Chapter XIV, identifies significant or potentially significant environmental effects that may or will occur if the Bay-Delta Plan is implemented, and makes findings with respect to the measures that may be used to mitigate any significant environmental effects of implementation. Those findings are incorporated herein by reference. (See Pub. Res. Code §§ 21080.5(d)(2)(i) and 21081, 14 Cal. Code Regs. §§ 15091 and 15093, and 23 Cal. Code Regs. § 3780.)

13. Newly adopted water quality standards and water quality standards that have been revised after a periodic review are to be submitted to the United States Environmental Protection Agency (U.S. EPA) for approval. Other portions of water quality control plans, such as the program of implementation are to be submitted to U.S. EPA as part of the continuing planning process but do not require approval. The SWRCB does not concede that it is required under the federal Clean Water Act to submit all parts of this plan to the U.S. EPA for approval. In the view of the SWRCB, the objectives for flow and operations are not subject to U.S. EPA approval, although the SWRCB recognizes that the U.S. EPA may disagree.

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THEREFORE BE IT RESOLVED:

1. That the SWRCB adopts the Bay-Delta Plan in accordance with Water Code section 13170, including the appended Environmental Report and the Responses to Comments.
2. That the Executive Director is directed to forward the Bay-Delta Plan to the U.S. EPA for review and approval in accordance with requirements of the federal Clean Water Act (33 U.S.C. § 1251 et seq.).

CERTIFICATION

The undersigned, Administrative Assistant 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 May 22, 1995.

AYE: John P. Caffrey
Mary Jane Forster
Marc Del Piero
James M. Stubchaer
John W. Brown

NO: None

ABSENT: None

ABSTAIN: None

for Walt Pettit
Maureen Marché
Administrative Assistant to the Board