

**WATER QUALITY CONTROL POLICY  
FOR THE  
ENCLOSED BAYS AND ESTUARIES  
OF CALIFORNIA  
AS ADOPTED BY RESOLUTION NO. 95-84  
ON NOVEMBER 16, 1995**

**STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
(Amendments shown on page 2, Chapter 1.B, 1.b in underscore)**

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 95-84

ADOPTION OF AN AMENDMENT TO THE  
WATER QUALITY CONTROL POLICY FOR THE ENCLOSED BAYS  
AND ESTUARIES OF CALIFORNIA

WHEREAS:

1. The Water Quality Control Policy for the Enclosed Bays and Estuaries of California (Policy) was adopted by the State Water Resources Control Board (SWRCB) in 1974.
2. Section 13143 of the California Water Code provides that State policy for water quality control may be revised.
3. The San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) proposed that the Policy be amended to allow discharges from ground water cleanup projects to San Francisco Bay south of the Dumbarton Bridge when reclamation or other disposal methods are unavailable or not appropriate and when other SWRCB and SFBRWQCB plans, policies, and regulations are met.
4. At the time of SWRCB adoption of the Policy, ground water cleanup projects were not widely undertaken and, there is no evidence that discharges from these projects were considered in the development of the Policy.
5. Appropriate ground water cleanup projects should be encouraged.
6. The discharges from ground water cleanup projects could be allowed where reclamation is not feasible and the need to dispose of treated ground water outweighs the need to prohibit the discharge south of the Dumbarton Bridge.
7. SWRCB staff prepared public notices and documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act (Public Resources Code 21000 et seq.) and other State and Federal statutes and regulations.
8. The SWRCB held a public hearing regarding the proposed amendments on November 2, 1995.
9. Amendments to SWRCB policies do not become effective until regulatory provisions are approved by the Office of Administrative Law (OAL).

THEREFORE BE IT RESOLVED THAT

The SWRCB:

1. Approves the following amendment to the Policy:

Add to the end of Chapter I.B., 1b.:

Exceptions to this provision may be granted to allow discharges south of the Dumbarton Bridge of treated ground water from ground water cleanup projects. Prior to allowing such a discharge, the Regional Board must make the following findings:

1. That the discharge will comply with all applicable State and Regional Board plans, policies and regulations.
  2. That the reclamation or other reuse of the treated ground water prior to discharge is not practicable.
  3. That there is no other feasible location to discharge the treated ground water.
  4. That the need to dispose of treated ground water outweighs the need to prohibit the discharge south of the Dumbarton Bridge.
2. The SFBRWQCB shall continue to implement provisions of existing State and Federal laws regarding the discharge of toxic pollutants. In particular, the SFBRWQCB shall issue National Pollutant Discharge Elimination System permits in compliance with the Porter-Cologne Water Quality Control Act and applicable State and Federal regulation, including, but not limited to, 40 CFR, Section 122.44(d).
  3. Within three years after Department of Fish and Game (DFG) notifies the SFBRWQCB that specific water bodies support threatened or endangered species and that scientific evidence indicates that certain existing water quality objectives for these water bodies do not adequately protect such species, the SFBRWQCB shall determine, in consultation with DFG, whether these objectives are adequately protective. In cases where such existing objectives do not provide adequate protection for threatened and endangered species, the SFBRWQCB shall develop and adopt adequately protective site-specific objectives for these constituents.
  4. Has determined after careful consideration of all comments testimony, and written reports, that while the proposed amendment may have some impacts on the environment, those impacts are not significant and will not result in degradation of water quality.

5. Authorizes the SWRCB staff to submit the approved amendment to the U.S. Environmental Protection Agency and regulatory provisions to OAL for approval.

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 November 16, 1995.

  
Maureen Marché  
Administrative Assistant to the Board

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WATER QUALITY CONTROL POLICY  
FOR THE ENCLOSED  
BAYS AND ESTUARIES OF CALIFORNIA<sup>14</sup>

INTRODUCTION

The purpose of this policy is to provide water quality principles and guidelines to prevent water quality degradation and to protect the beneficial uses of waters of enclosed bays and estuaries. Decisions on water quality control plans, waste discharge requirements, construction grant projects, water rights permits, and other specific water quality control implementing actions of the State and Regional Boards shall be consistent with the provisions of this policy.

The Board declares its intent to determine from time to time the need for revision this policy.

This policy does not apply to wastes from vessels or land runoff except as specifically indicated for siltation (Chapter III 4.) and combined sewer flows (Chapter III 7.)

CHAPTER I.  
PRINCIPLES FOR MANAGEMENT OF  
WATER QUALITY IN ENCLOSED BAYS AND ESTUARIES

- A. It is the policy of the State Board that the discharge of municipal wastewaters and industrial process waters <sup>24</sup> (exclusive of cooling waste discharges) to enclosed bays and estuaries, other than the San Francisco Bay-Delta system, shall be phased out at the earliest practicable date. Exceptions to this provision may be granted by a Regional Board only when the Regional Board finds that the wastewater in question would consistently be treated and discharged in such a manner that it would enhance the quality of receiving waters above that which would occur in the absence of the discharge.<sup>24</sup>
- B. With regard to the waters of the San Francisco Bay-Delta system, the State Board finds and directs as follows:
- 1.a. There is a considerable body of scientific evidence and opinion which suggests the existence of biological degradation due to long-term exposure to toxicants which have been discharged to the San Francisco Bay-Delta system. Therefore, implementation of a program which controls toxic effects through a combination of source control for toxic materials, upgraded wastewater treatment, and improved dilution of wastewaters shall proceed as rapidly as is practicable with the objective of providing full protection to the biota and the beneficial uses of Bay-Delta waters in a cost-effective manner.
- 1.b A comprehensive understanding of the biological effects of wastewater discharge on San Francisco Bay, as a whole, must await the results of further scientific study. There is, however, sufficient evidence at this time to indicate that the continuation of wastewater discharges to the southern reach of San Francisco Bay, south of the Dumbarton Bridge, is an unacceptable condition. The State Board and the San Francisco Bay Regional Board shall take such action as is necessary to assure the elimination of wastewater discharges to waters of the San Francisco Bay, south of Dumbarton Bridge, at the earliest practicable date. Exceptions to this provision may be granted to allow discharges south of the Dumbarton Bridge of treated ground water from ground water cleanup projects. Prior to allowing such a discharge, the Regional Board must make the following findings:

1. That the discharge will comply with all applicable State and Regional Board plans, policies and regulations.
2. That the reclamation or other reuse of the treated ground water prior to discharge is not practicable.
3. That there is no other feasible location to discharge the treated ground water.
4. That the need to dispose of treated ground water outweighs the need to prohibit the discharge south of the Dumbarton Bridge.

1.c In order to prevent excessive investment which would unduly impact the limited funds available to California for construction of publicly owned treatment works, construction of such works shall proceed in a staged fashion, and each stage shall be fully evaluated by the State and Regional Boards to determine the necessity for additional expenditures. Monitoring requirements shall be established to evaluate any effects on water quality, particularly changes in species diversity and abundance, which may result from the operation of each stage of planned facilities and source control programs. Such a staged construction program, in combination with an increased monitoring effort, will result in the most cost-effective and rapid progress toward a goal of maintaining and enhancing water quality in the San Francisco Bay-Delta system.

2. Where a waste discharger has an alternative of in-bay or ocean disposal and where both alternatives offer a similar degree of environmental and public health protection, prime consideration shall be given to the alternative which offers the greater degree of flexibility for the implementation of economically feasible wastewater reclamation options.

C. The following policies apply to all of California's enclosed bays and estuaries:

1. Persistent or cumulative toxic substances shall be removed from the waste to the maximum extent practicable through source control or adequate treatment prior to discharge.
2. Bay or estuarine outfall and diffuser systems shall be designed to achieve the most rapid initial dilution<sup>41</sup> practicable to minimize concentrations of substances not removed by source control or treatment.

3. Wastes shall not be discharged into or adjacent to areas where the protection of beneficial uses requires spatial separation from waste fields.
4. Waste discharges shall not cause a blockage of zones of passage required for the migration of anadromous fish.
5. Nonpoint sources of pollutants shall be controlled to the maximum practicable extent.

CHAPTER II.  
QUALITY REQUIREMENTS FOR  
WASTE DISCHARGES

1. In addition to any requirements of this policy, effluent limitations shall be as specified pursuant to Chapter 5.5 of the Porter-Cologne Water Quality Control Act, and Regional Boards shall limit the mass emissions of substances as necessary to meet such limitations. Regional Boards may set more restrictive mass emission rates and concentration standards than those which are referenced in this policy to reflect dissimilar tolerances to wastewater constituents among different receiving water bodies.
2. All dischargers of thermal wastes or elevated temperature wastes to enclosed bays and estuaries which are permitted pursuant to this policy shall comply with the "Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California", State Water Resources Control Board, 1972, and with amendments and supplements thereto.
3. Radiological limits for waste discharges (for which regulatory responsibility is not preempted by the Federal Government) shall be at least as restrictive as limitations indicated in Section 30269, and Section 30355, Appendix A, Table II of the California Administrative Code.
4. Dredge spoils to be disposed of in bay and estuarine waters must comply with federal criteria for determining the acceptability of dredged spoils to marine waters, and must be certified by the State Board of Regional Boards as in compliance with State Plans and Policies.

CHAPTER III.  
DISCHARGE PROHIBITIONS

New discharges<sup>54</sup> of municipal wastewaters and industrial process waters<sup>24</sup> (exclusive of cooling water discharges) to enclosed bays and estuaries, other than the San Francisco Bay-Delta system, which are not consistently treated and discharged in a manner that would enhance the quality of receiving waters above that which would occur in the absence of the discharge, shall be prohibited.

The discharge of municipal and industrial waste sludge and untreated sludge digester supernatant, centrate, or filtrate to enclosed bays and estuaries shall be prohibited.

- 3 The deposition of rubbish or refuse into surface waters or at any place where they would be eventually transported to enclosed bays or estuaries shall be prohibited.<sup>64</sup>
- 4 The direct or indirect discharge of silt, sand, soil clay, or other earthen materials from onshore operations including mining, construction, agriculture, and lumbering, in quantities which unreasonably affect or threaten to affect beneficial uses shall be prohibited.
- 5 The discharge of materials of petroleum origin in sufficient quantities to be visible or in violation of waste discharge requirements shall be prohibited, except when such discharges are conducted for scientific purposes. Such testing must be approved by the Executive Officer of the Regional Board and the Department of Fish and Game.
- 6 The discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste shall be prohibited.
- 7 The discharge or by-passing of untreated waste to bays and estuaries shall be prohibited. <sup>14</sup>

CHAPTER IV.  
GENERAL PROVISIONS

A. Effective Date

This policy is in effect as of the date of adoption by the State Water Resources Control Board.

B. Review and Revision of Plans, Policies and Waste Discharge Requirements

Provisions of existing or proposed policies or water quality control plans adopted by the State or Regional Boards for enclosed bays or estuaries shall be amended to conform with the applicable provisions of this policy.

Each appropriate Regional Board shall review and revise the waste discharge requirements with appropriate time schedules for existing discharges to achieve compliance with this policy and applicable water quality objectives. Each Regional Board affected by this policy shall set forth for each discharge allowable mass emission rates for each applicable effluent characteristic included in waste discharge requirements.

Regional Boards shall finalize waste discharge requirements as rapidly as is consistent with the National Pollutant Discharge Elimination System Permit Program.

C. Administration of Clean Water Grants Program

The Clean Water Grants Program shall require that the environmental impact report for any existing or proposed wastewater discharge to enclosed bays and estuaries, other than the San Francisco Bay-Delta system, shall evaluate whether or not the discharge would enhance the quality of receiving waters above that which would occur in the absence of the discharge.

The Clean Water Grants Program shall require that each study plan and project report (beginning with F.Y. 1974-75 projects) for a proposed wastewater treatment or conveyance facility within the San Francisco Bay-Delta system shall contain an evaluation of the degree to which the proposed project represents a necessary and cost-effective stage in a program leading to compliance with an objective of full protection of the biota and beneficial uses of Bay-Delta waters.

D. Administration of Water Rights

Any applicant for a permit to appropriate from a water course which is tributary to an enclosed bay or estuary may be required to present to the State Board an analysis of the anticipated effects of the proposed appropriation on water quality and beneficial uses of the effected bay or estuary.

E. Monitoring Program

The Regional Board shall require dischargers to conduct self-monitoring programs and submit reports as necessary to determine compliance with waste discharge requirements and to evaluate the effectiveness of wastewater control programs. Such monitoring programs shall comply with applicable sections of the State Board's Administrative Procedures, and any additional guidelines which may be issued by the Executive Officer of the State Board.

## FOOTNOTES

- 1/ Enclosed bays are indentations along the coast which enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between headlands or outer most harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. This definition includes, but is not limited to: Humboldt Bay, Bodega Harbor, Tomales Bay, Drakes Estero, San Francisco Bay, Morro Bay, Los Angeles-Long Beach Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay.

Estuaries, including coastal lagoons, are waters at the mouths of streams which serve as mixing zones for fresh and ocean waters. Mouths of streams which are temporarily separated from the ocean by sandbars shall be considered as estuaries. Estuarine waters will generally be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of fresh water and seawater. Estuarine waters shall be considered to extend seaward if significant mixing of fresh and saltwater occurs in the open coastal waters. Estuarine waters include, but are not limited to, the Sacramento-San Joaquin Delta, as defined by Section 12220 of the California Water Code, Suisun Bay, Carquinez Strait downstream to Carquinez Bridge, and appropriate areas of the Smith, Klamath, Mad, Eel, Noyo, and Russian Rivers.

- 2/ For the purpose of this policy, treated ballast waters and innocuous nonmunicipal wastewater such as clear brines, washwater, and pool drains are not necessarily considered industrial process wastes, and may be allowed by Regional Boards under discharge requirements that provide protection to the beneficial uses of the receiving water.
- 3/ Undiluted wastewaters covered under this exception provision shall not produce less than 90 percent survival, 50 percent of the time, and not less than 70 percent survival, 10 percent of the time of a standard test species in a 96-hour static or continuous flow bioassay test using undiluted waste. Maintenance of these levels of survival shall not by themselves constitute sufficient evidence that the discharge satisfies the criteria of enhancing the quality of the receiving water above that which occur in the absence of the discharge. Full and uninterrupted protection for the beneficial uses of the receiving water must be maintained. A Regional Board may require physical, chemical, bioassay, and bacteriological assessment of treated wastewater quality prior to authorizing release to the bay or estuary of concern.

- 4/ Initial dilution zone is defined as the volume of water near the point of discharge within which the waste immediately mixes with the bay or estuarine water due to the momentum of the waste discharge and the difference in density between the waste and receiving water.
- 5/ A new discharge is a discharge for which a Regional Board has not received a report of waste discharge prior to the date of adoption of this policy, and which was not in existence prior to the date of adoption of this policy.
- 6/ Rubbish and refuse include any cans, bottles, paper, plastic, vegetable matter, or dead animals or dead fish deposited or caused to be deposited by man.
- 7/ The prohibition does not apply to cooling water streams which comply with the "Water Quality Control Plan for the Control of Temperature in Coastal and Interstate Waters and Enclosed Bays and Estuaries of California" - State Water Resources Control Board.

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 74- 43

WATER QUALITY CONTROL POLICY FOR THE  
ENCLOSED BAYS AND ESTUARIES OF CALIFORNIA

WHEREAS:

1. The Board finds it necessary to promulgate water quality principles, guidelines, effluent quality requirements, and prohibitions to govern the disposal of waste into the enclosed bays and estuaries of California;
2. The Board, after review and analysis of testimony received at public hearings, has determined that it is both feasible and desirable to require that the discharge of municipal wastewaters and industrial process waters to enclosed bays and estuaries (other than the San Francisco Bay-Delta system) should only be allowed when a discharge enhances the quality of the receiving water above that which would occur in the absence of the discharge;
3. The Board has previously promulgated requirements for the discharge of thermal and elevated temperature wastes to enclosed bays and estuaries (Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California - SWRCB, 1972);
4. The Board, after review and analysis of testimony received at public hearings, has determined that implementation of a program which controls toxic effects through a combination of source control for toxic materials, upgraded waste treatment, and improved dilution of wastewaters, will result in timely and cost-effective progress toward an objective of providing full protection to the biota and beneficial uses of San Francisco Bay-Delta waters;
5. The Board intends to implement monitoring programs to determine the effects of source control programs, upgraded treatment, and improved dispersion of wastewaters on the condition of the biota and beneficial uses of San Francisco Bay-Delta waters.

THEREFORE, BE IT RESOLVED, that

1. The Board hereby adopts the "Water Quality Control Policy for the Enclosed Bays and Estuaries of California".
2. The Board hereby directs all affected California Regional Water Quality Control Boards to implement the provisions of the policy.

3. The Board hereby declares its intent to determine from time to time the need for revising the policy to assure that it reflects current knowledge of water quality objectives necessary to protect beneficial uses of bay and estuarine waters and that it is based on latest technological improvements.

#### CERTIFICATION

The undersigned, Executive Officer of the State Water Resources Control 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 16, 1974.



Bill B. Dendy  
Executive Officer