

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
JANUARY 15, 2008**

ITEM 7

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY BASIN (BASIN PLAN) TO ADOPT SITE-SPECIFIC OBJECTIVES FOR COPPER IN SAN FRANCISCO BAY

DISCUSSION

The Basin Plan amendment for site-specific objectives (SSOs) for copper in San Francisco Bay Basin was adopted by the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) on June 13, 2007 under [Resolution No. R2-2007-0042](#). The goal of this Basin Plan amendment is to replace existing marine water quality objectives for copper, a toxic pollutant, with SSOs for San Francisco Bay segments north of the Dumbarton Bridge. Also, it proposes an implementation plan to ensure attainment of the SSOs and protection of water quality and beneficial uses. SSOs were adopted for copper and nickel for South San Francisco Bay in 2002.

This proposed amendment builds on the work completed for the 2002 Basin Plan amendment. The proposed implementation plan has been adapted from the existing copper action plan for South San Francisco Bay. Changes are proposed in the existing implementation plan for South San Francisco Bay in order to create an implementation plan for copper that is consistent bay wide. The proposed Basin Plan amendment includes the adoption of specific translators, a ratio of dissolved to total metal concentrations, which will be used to compute numeric effluent limits for wastewater facilities.

The Basin Plan amendment proposes chronic and acute copper SSOs to replace the existing California Toxics Rule (CTR) objectives (3.1 micrograms per liter [$\mu\text{g/L}$] chronic, and 4.8 $\mu\text{g/L}$ acute). The proposed SSOs for Suisun Bay, San Pablo Bay, central bay, and lower bay north of the Hayward Shoals are 6.0 $\mu\text{g/L}$ chronic and 9.4 $\mu\text{g/L}$ acute, and, for the portion of lower bay south of the Hayward Shoals, are 6.9 $\mu\text{g/L}$ chronic and 10.8 $\mu\text{g/L}$ acute. These SSOs are necessary and appropriate because: (a) despite the performance of reasonable treatment, source control, and pollution prevention measures, effluent limits based on the current CTR objectives are not being consistently met; and (b) they are based on U.S. Environmental Protection Agency (USEPA) approved procedures for establishing SSOs.

POLICY ISSUE

Should the State Water Resources Control Board (State Water Board) approve the amendment to the Basin Plan to adopt SSOs for copper in San Francisco Bay and the implementation plan, as adopted under San Francisco Bay Water Board [Resolution No. R2-2007-0042](#).

FISCAL IMPACT

San Francisco Bay Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL WATER BOARD IMPACT

Yes, approval of this resolution will amend the Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan as adopted under San Francisco Bay [Resolution No. R2-2007-0042](#).
2. Authorizes the Executive Director or designee to submit the amendment adopted under San Francisco Bay Water Board [Resolution R2-2007-0042](#) to the Office of Administrative Law for approval of the regulatory provisions and to USEPA for approval of the Basin Plan amendment.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2008-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE SAN FRANCISCO BAY BASIN (BASIN PLAN) TO
ADOPT SITE-SPECIFIC OBJECTIVES FOR COPPER IN SAN FRANCISCO BAY

WHEREAS:

1. An updated Basin Plan was adopted by the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) on May 22, 2002, approved by the State Water Resources Control Board (State Water Board) on October 17, 2002, and approved by the Office of Administrative Law (OAL) on December 17, 2002.
2. On June 13, 2007, the San Francisco Bay Water Board adopted Resolution No. R2-2007-0042 ([Attachment](#)) amending the Basin Plan to establish site-specific objectives (SSOs) for copper in San Francisco Bay.
3. The San Francisco Bay Water Board found that the environmental documents of the draft amendment language, staff report, the California Environmental Quality Act (CEQA) checklist, and supporting documentation prepared by the San Francisco Bay Water Board staff complies with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in the California Code of Regulations, Title 23, section 3775 et seq.
4. The San Francisco Bay Water Board found that adoption of this amendment would result in no adverse effect on wildlife, and the amendment would be consistent with the State Antidegradation Policy ([State Water Board Resolution No. 68-16](#)) and federal antidegradation requirements.
5. The State Water Board finds that the Basin Plan amendment is in conformance with the California Water Code (CWC) section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans, section 13241, which specifies what needs to be considered when establishing water quality objectives, and section 13242, which requires a program of implementation of water quality objectives. The State Water Board also finds that the amendment is consistent with the requirements of the federal Clean Water Act section 303(c).
6. The Basin Plan amendment proposes chronic and acute copper SSOs to replace the existing California Toxics Rule (CTR) objectives (3.1 micrograms per liter [$\mu\text{g/L}$] chronic, and 4.8 $\mu\text{g/L}$ acute). The proposed SSOs for Suisun Bay, San Pablo Bay, central bay, and lower bay north of the Hayward Shoals are 6.0 $\mu\text{g/L}$ chronic and 9.4 $\mu\text{g/L}$ acute, and, for the portion of lower bay south of the Hayward Shoals, are 6.9 $\mu\text{g/L}$ chronic and 10.8 $\mu\text{g/L}$ acute. These SSOs are necessary and appropriate because: (a) despite the performance of reasonable treatment, source control, and pollution prevention measures,

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effluent limits based on the current CTR objectives are not being consistently met; and (b) they are based on U.S. Environmental Protection Agency (USEPA) approved procedures for establishing SSOs.

7. The proposed SSOs are currently being met in San Francisco Bay and must be maintained. Therefore, the SSOs are supported by an implementation plan designed to prevent water quality degradation. The implementation plan satisfies the requirement for a program of implementation for achieving water quality objectives under CWC section 13242.
8. The Basin Plan amendment must be submitted for review and approval by the State Water Board, OAL, and USEPA. Once approved by the State Water Board, the amendment is submitted to OAL and USEPA. The Basin Plan amendment will become effective upon approval by OAL and USEPA. Additionally, for the SSOs to apply over the CTR criteria for copper, USEPA must also amend the CTR to remove the applicability of the CTR copper criteria in the San Francisco Bay, which the amendment can and should be done concurrently with USEPA approval of the Basin Plan amendment.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approve the amendment to the Basin Plan as adopted under San Francisco Bay Water Board [Resolution No. R2-2007-0042](#).
2. Authorizes the Executive Director or designee to submit the amendment adopted under San Francisco Bay Water Board [Resolution R2-2007-0042](#) to OAL for approval of the regulatory provisions and to USEPA for approval of the Basin Plan amendment.

CERTIFICATION

The undersigned Acting Clerk 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 January 15, 2008.

Jeanine Townsend
Acting Clerk to the Board