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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2020-

APPROVAL OF AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY BASIN (BASIN PLAN) TO ESTABLISH A TOTAL MAXIMUM DAILY LOAD FOR BACTERIA IN THE PETALUMA RIVER WATERSHED

WHEREAS:

1. On November 13, 2019, the Regional Water Quality Control Board for the San Francisco Bay Region (San Francisco Bay Water Board) adopted [Resolution No: R2-2019-0030](#) to amend the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan amendment) to establish a Total Maximum Daily Load (TMDL) and Implementation Plan for bacteria in the Petaluma River Watershed.
2. The San Francisco Bay Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) "Substitute Environmental Documents" for the proposed Basin Plan amendment, including the CEQA Checklist, the [final staff report](#), titled "Total Maximum Daily Load for Bacteria In the Petaluma River Watershed," and the responses to comments complies with the State Water Resources Control Board (State Water Board) regulations for the implementation of CEQA, as set forth in the California Code of Regulations, Title 23, sections 3775 through 3781. The State Water Board has reviewed the Substitute Environmental Documents for the Basin Plan amendment and concurs with the San Francisco Bay Water Board's findings and determinations.
3. The Basin Plan amendment meets the "necessity" standard of the Administrative Procedure Act, Government Code, Section 11352, subdivision (b). The Basin Plan amendment is required to fulfill the San Francisco Bay Water Board's obligation pursuant to the Clean Water Act section 303(d) to establish a TMDL for impaired waters and the California Water Code to exercise its power to protect the quality of waters in the state, including the duties to formulate and revise a water quality control plan that includes beneficial uses of waters, water quality objectives for the reasonable protection of those uses, and a program of implementation for achieving water quality objectives. (33 U.S.C. § 1313, subd. (d)(1)(C); Wat. Code, §§ 13240-13242.) The Basin Plan amendment establishes a TMDL to achieve bacteria water quality objectives to protect water contact recreation beneficial uses and a program of implementation necessary to achieve the TMDL.
4. The State Water Board concurs with the San Francisco Bay Water Board's finding the Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining the High Quality of Waters in California ([State Water Board Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 C.F.R. § 131.12), in that it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards.

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5. On [May 19, 2020](#), the Executive Officer of the San Francisco Bay Water Board made [minor, non- substantive amendments](#) to the Basin Plan amendment, as authorized by San Francisco Bay Water Board Resolution No. R2-2019-0030.
6. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code sections 13240, which specifies the process by which regional water quality control boards may revise basin plans, and 13242, which requires a program of implementation for achieving water quality objectives. The State Water Board also finds that the TMDL, as reflected in the Basin Plan amendment, is consistent with the requirements of section 303(d) of the federal Clean Water Act.
7. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The TMDL must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the [Basin Plan amendment](#) adopted under San Francisco Bay Water Board Resolution No. R2-2019-0030, as amended by the Executive Officer of the San Francisco Bay Water Board on May 19, 2010.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under San Francisco Bay Water Board Resolution No. R2-2019-0030 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL.

CERTIFICATION

The undersigned 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 June 2, 2020.

Jeanine Townsend
Clerk to the Board