

Item 6 - Appendix A

Tentative Resolution

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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

RESOLUTION No. R2-2019-00XX

**APPROVAL OF RECOMMENDATIONS FOR THE
FEDERAL CLEAN WATER ACT
SECTION 303(d) LIST**

WHEREAS, the California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board) finds that:

1. Section 303(d) of the CWA and Title 40, Code of Federal Regulations, section 130.7 require states to develop and submit to U.S. EPA for approval a list of impaired waters, or water bodies for which water quality standards (beneficial uses and water quality objectives) are not attained, or are not expected to be attained, with the implementation of certain technology-based controls. This list is commonly referred to as the "303(d) List" or the "List of Impaired Waters."
2. The 303(d) List must include a description of the pollutants causing impairment and a completion date for ranking the development of a Total Maximum Daily Load for each pollutant. Each of the nine regional water boards prepares a list of impaired waters in its region.
3. The process for developing and approving the 303(d) List, including requests for review of specific listing recommendations by a Regional Water Board, is outlined in the State Water Board's Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy).
4. Upon approval, the Regional Water Board's recommended 303(d) List is submitted to the State Water Board and compiled into a statewide 303(d) List. The statewide 303(d) List is subject to the approval of the State Water Board and U.S. EPA.
5. The Regional Water Board submitted an updated 303(d) List of impaired waters in the San Francisco Bay Region to the State Water Board and U.S. EPA in 2017, which was respectively approved on October 3, 2017, and April 6, 2018.
6. Today, the Regional Water Board is recommending a focused set of changes to the 303(d) List (Regional Water Board 2018 303(d) List), including listings and de-listings of a few, select waterbodies.
7. The Regional Water Board released for public comment a draft recommended 2018 303(d) List for the San Francisco Bay Region on December 21, 2018, and a final recommended 2018 303(d) List on March 6, 2019, which included written responses to comments received by the January 21, 2019, deadline.
8. After reviewing all relevant evidence submitted before or during the comment period for the Regional Water Board 2018 303(d) List, Regional Water Board staff has made recommendations to modify the 303(d) List for the San Francisco Bay Region.

9. On March 13, 2019, the Regional Water Board held a Public Hearing to consider the recommendations for the 2018 303(d) List for the San Francisco Bay Region. The Water Board considered all evidence provided by Water Board staff and the public.

THEREFORE BE IT RESOLVED THAT:

1. The Regional Water Board hereby approves the recommendations for the 2018 303(d) List for the San Francisco Bay Region.
2. The Executive Officer is to transmit the Regional Water Board's recommendations for the 2018 303(d) List with its supporting information and evidence, to the State Water Board for its consideration and incorporation into the final statewide 2018 303(d) List.
3. In accordance with sections 6.2 and 6.3 of the Listing Policy, before the Executive Director of the State Water Board or the State Water Board approves the statewide 303(d) List, the State Water Board will provide advance notice and opportunity for public comment. The State Water Board will only consider timely public comment on the waters affected by the Regional Water Board's listing recommendations, unless the Executive Director or the State Water Board elects to consider recommendations on other waters. To request that the State Water Board or Executive Director should review specific listing recommendations approved by the Regional Water Board, the request must be submitted to the State Water Board within 30 days after the Regional Water Board's approval.

CERTIFICATION

I, Michael Montgomery, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on March 13, 2019.

Michael Montgomery
Executive Officer