

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Farhad Ghodrati)  
MEETING DATE: April 9, 2008

ITEM: 6

SUBJECT: Proposed Amendment to the Water Quality Control Plan (Basin Plan) to establish a Total Maximum Daily Load (TMDL) and Implementation Plan for Pathogens in Richardson Bay —Hearing to Consider Testimony on Proposed Basin Plan Amendment

CHRONOLOGY: February 2008 – Public Notice of Proposed Basin Plan Amendment

DISCUSSION: This is the first of two hearings on a Basin Plan amendment to establish a TMDL and an implementation plan to control pathogen discharges in Richardson Bay and to protect the public from exposure to waterborne diseases. The proposed amendment (Appendix A) and supporting staff report (Appendix B) were available for public comment for 45 days. In addition, during the development of this proposed TMDL, we offered several opportunities for stakeholder input via meetings with stakeholders and workshops. This first hearing is an opportunity for stakeholders to communicate their interests directly to the Board and for the Board to ask questions of staff and stakeholders. The adoption hearing for this amendment is scheduled for June.

### **Background**

Water quality monitoring results from the 1970's to the present have shown that certain parts of Richardson Bay have higher pathogen levels than are considered safe for water contact recreation (e.g., swimming, fishing) and shellfish harvesting (e.g., oyster, clam, and mussel harvesting). Waterborne pathogens are water-transmittable parasitic organisms capable of causing disease in their hosts. The presence of pathogens is inferred from high concentrations of fecal coliform bacteria (a commonly used indicator of human pathogenic organisms). Controllable pathogen sources in Richardson Bay include stormwater runoff, sanitary sewer system overflows, faulty houseboat (floating home) sewage collection systems, and vessel sewage discharges (recreation, live-aboard, and anchor-out boats).

In order to improve the water quality impairment in Richardson Bay, this Board passed a resolution in the mid-1980s to designate Richardson Bay as a “no vessel waste discharge area.” This resolution prohibited discharge of sewage, whether treated or untreated, from any vessel into Richardson Bay. In addition, two other Basin Plan prohibitions prohibit discharge of “any wastewater which has particular characteristics of concern to beneficial uses...” and “discharge of raw sewage or any waste failing to meet waste discharge requirements...” to Richardson Bay. We are pleased to note that significant progress has been made by local parties since the

1970s and 1980s in controlling discharges from vessels and floating homes in Richardson Bay.

### **Solving the Problem**

The proposed Basin Plan amendment will establish the following:

- Numeric water quality targets for pathogens based on existing water quality objectives to protect shellfish harvesting and recreational uses;
- A density-based total maximum daily load of 14 fecal coliform/100 mL for Richardson Bay, based on protection of shellfishing, yet protective of all beneficial uses;
- TMDL allocations of zero for all human sources of pathogens, such as sanitary sewer systems, houseboats (floating homes), and vessels; and a TMDL allocation of 14 fecal coliform/100 mL for stormwater runoff and wildlife;
- A plan to implement the TMDL;
- A monitoring program that evaluates progress in meeting the targets, TMDL, and allocations; and,
- An adaptive implementation strategy to track and evaluate implementation actions while improving our understanding of sources and their contributions.

The Basin Plan amendment requires implementing parties to take actions to reduce and/or eliminate discharges of pathogens to the Bay. The goal of the amendment is to continue and improve upon actions that have been taken in the watershed in the past that have resulted in the water quality improvements that we have observed. The proposed implementation plan relies upon regulatory programs that are already in place for stormwater runoff and sanitary sewer overflows and establishes an inspection and maintenance program that implements the prohibitions applicable to vessels and houseboats (floating homes).

### **Comments from Stakeholders**

We received ten comment letters (Appendix C) from U.S. EPA, San Francisco Baykeeper, County of Marin (Public Works, Community Development), City of Sausalito, two marinas--Sausalito Yacht Harbor and Pelican Harbor, the Floating Homes Association, the California Department of Transportation and the Sausalito-Marín City Sanitary District. Many of the comments reflected support for the water quality improvement goals of the TMDL, or requested changes that are straight forward. However, a number of comments voiced the following points:

- Multiple concerns that Shellfish Harvesting is not an existing beneficial use, or alternatively, should not apply to all of Richardson Bay
- Comments that the TMDL and the numeric target protective of Shellfish Harvesting are not achievable
- Concern on the part of stormwater management agencies that the allocation to stormwater equivalent to the Shellfish Harvesting water quality objective is not achievable
- Comments from the marinas that wildlife and storm runoff are potential significant contributors to pathogens in the marinas

- Concern that pathogen sources and their contributions may not be fully characterized in the TMDL
- Comments about the need for a robust water quality monitoring plan
- In light of the recent sewage spill incident into Richardson Bay, comments calling for more specific implementation measures to address spills from sanitary sewer systems

After this testimony hearing, we will compile and prepare responses to all written and oral comments received, and, as appropriate, prepare revisions to the proposed Basin Plan amendment and/or supporting staff report. We will continue to engage in constructive dialogue to respond to all stakeholder comments and concerns.

RECOMMEN- No action is necessary at this time.  
DATION:

APPENDIX: A. Proposed Basin Plan Amendment  
B. Staff Report  
C. Comment Letters