

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

**STAFF SUMMARY REPORT: Gerardo Martinez
MEETING DATE: May 14, 2025**

ITEM: 5

Triennial Review of the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) – Triennial Review Public Hearing and Consideration of Resolution and List of Prioritized Basin Planning Projects

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DISCUSSION:

This item is a public hearing for the Triennial Review of the Basin Plan and for the Board to consider adoption of a Resolution and Prioritized List of Basin Planning projects. This package includes the Tentative Resolution and list of prioritized basin planning projects (Appendix A), the supporting Triennial Review Staff Report (Appendix B), and our Responses to Written Comments (Appendix C).

The Basin Plan is the master policy document for the San Francisco Bay Regional Water Quality Control Board and contains applicable water quality standards (comprising beneficial uses of waters in the Region, the water quality objectives necessary to protect those uses, and antidegradation policies) and programs of implementation to achieve water quality objectives. The Triennial Review has been conducted consistent with section 303(c) of the federal Clean Water Act, section 131.20 of title 40 of the Code of Federal Regulations, and section 13240 of the California Water Code, which require periodic review of all applicable water quality standards and, as appropriate, modification and adoption of standards. The Triennial Review provides the opportunity to review all the water quality standards and identify portions of the Basin Plan that need to be updated or modified. Since the San Francisco Bay Region only has two funded staff positions for all Basin Plan activities, the Triennial Review also serves as a process to set priorities for the optimal use of staff resources.

We began the Triennial Review in early 2024, reviewing water quality standards, the status of Basin Plan issues identified during the previous Triennial Review completed in 2021, and identifying new issues for consideration. On April 10th, 2024, we posted a document titled “Candidate Projects for the 2024 Triennial Review of the San Francisco Bay Basin Water Quality Control Plan” describing a wide range of candidate projects based on our review of the Basin Plan. At the same time, we created and distributed an online form allowing the public to comment on the Triennial Review process and the Basin Plan, as well as recommend Basin Plan issues for investigation. We considered this stakeholder input while developing, refining, and ranking a list of 11 candidate Basin Plan projects. The Triennial Review Staff Report includes a summary of the public

participation process, description of the ranking criteria, candidate project descriptions, and final project ranking.

The high priority Basin Plan projects, excluding TMDL projects, include the following:

- Designate Tribal Tradition and Culture, Tribal Subsistence Fishing, and Subsistence Fishing Beneficial Uses
- Climate Change and Shoreline Adaptation Policy
- Climate Change and Riparian Area Protection Policy
- Develop Nutrient Water Quality Attainment Strategy
- Addition of Commercial and Sport Fishing Beneficial Uses to Lakes and Reservoirs

The draft Staff Report and list of proposed priority projects were circulated to interested parties on September 13, 2024. We received four comment letters during the public comment period (September 13 – October 14, 2024). We received comment letters from: Bay Area Clean Water Agencies; San Francisco Baykeeper; San Francisco Baykeeper and Clean Water Action; Clean Water Action and San Francisco Baykeeper.

Responses to public comments can be found in the Response to Comment document (see Appendix C). After consideration of public comments, the overall project rankings were adjusted due to statements of support. The *Designate Tribal Tradition and Culture, Tribal Subsistence Fishing, and Subsistence Fishing Beneficial Uses* received full points in the public support criterion, thus making it the highest ranked project. In addition, the *Develop Nutrient Water Quality Attainment Strategy* project also received full points in the public support criterion, but it remained the fourth ranked project. For this same project, we also made some minor editorial revisions to the project description. Lastly, we made a change to the *TMDL Development Section* of the Staff Report to note that the San Francisco Bay PCB TMDL as well as the San Francisco Bay Hg TMDL will likely be updated over the next three years. We appreciate all the interest and input from stakeholders.

On November 23, November 26, and December 9, the Water Board received three late comment letters from Ecological Rights Foundation (ERF). Responses to its comments are also in the Response to Comment document. ERF expressed concerns that the Water Board failed to consider or adopt water quality standards for priority toxic pollutants and failed to reexamine waterbody segments that do not have fishable/swimmable beneficial use designations, among other concerns. In response, the Water Board postponed the triennial review public hearing scheduled for December 11, 2024. In addition, the Water Board updated the Staff Report and created two new appendices to the Revised Staff Report. The new Appendix B to the Revised Staff Report documents the evaluation of whether site-specific water quality objectives for toxic pollutants in the Basin Plan need to be revised due to U.S. EPA's recommended criteria under Clean Water Act section 304(a). The site-specific objectives are protective and do not need to be revised. The new Appendix C to the Revised Staff Report documents the assessment of whether new information has become available that indicates fishable/swimmable beneficial uses are attainable in water bodies without

these beneficial use designations. There is new information that supports designating new Commercial and Sport Fishing beneficial uses for certain waters in the region and a standards action is slated to adopt these uses.

The revisions to the Revised Staff Report are shown in underline and ~~strikeout~~ format. On February 28, 2025, the Revised Staff Report and new appendices were posted for public comment. The Water Board did not receive any additional comment letters during the second public comment period (February 28 through March 31, 2025).

APPENDICES:

- A. Tentative Resolution and List of Prioritized Basin Planning Projects
- B. Triennial Review Staff Report with Appendices
- C. Responses to Written Comments