STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2009-0065

ADOPTION OF THE 2009 STAFF REPORT ON THE PERIODIC REVIEW OF THE 2006 WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY/SACRAMENTO-SAN JOAQUIN DELTA ESTUARY

WHEREAS:

1. The State Water Resources Control Board (State Water Board) is responsible for the regulation of activities and factors that may affect the quality of the waters of the State (Wat. Code §§ 13000, 13001).

2. The State Water Board adopted a water quality control plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan or Plan) in Resolution 2006-0098. The Bay-Delta Plan was adopted by the State Water Board to establish water quality control measures that contribute to the protection of beneficial uses in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

3. The California Water Code and the federal Clean Water Act require, respectively, a periodic and a triennial review of water quality objectives or standards under Water Code sections 13170 and 13240 and under section 303(c)(1) of the federal Clean Water Act (33 USC § 1313(c)(1)).

4. The State Water Board began this review of the Bay-Delta Plan by issuing a notice of public workshop on August 29, 2008. The State Water Board accepted written comments through October 1, 2008, and held a public workshop on October 8, 2008.

5. Pursuant to a commitment included in the State Water Board's 2008 Strategic Workplan for Activities in the San Francisco Bay/ Sacramento-San Joaquin Estuary (Bay-Delta Strategic Workplan), at the same time the State Water Board issued the notice for the periodic review, it made a request for written input on critical factual issues regarding the Bay-Delta's ecology and the impacts of water pollution and diversions.

6. State Water Board staff have prepared a Draft Staff Report considering information received as part of this periodic review process and from scientific literature and other pertinent sources, including comments related to the request for written input on critical factual issues regarding the Bay-Delta's ecology and the impacts of water pollution and diversions.

7. On May 15, 2009, the State Water Board released the Draft Staff Report to the public. The State Water Board accepted written comments on the report through June 15, 2009, and held a public hearing on July 7, 2009 to consider adoption of the report.

8. To aid the public in understanding the bases for the staff's recommendations, the Draft Staff Report contains a summary of some of the scientific literature and other sources of information relating to the staff's recommendations. This information as well as other relevant information will be subject to further review and evaluation during the water quality control planning process and does not represent the final conclusions of the State Water Board on these matters. The Draft Staff Report does not establish findings of fact and will not have a binding effect in subsequent quasi-legislative or adjudicative proceedings.

9. Based on review of the comments and information, as well as analysis of the issues, the Draft Staff Report recommends that the State Water Board conduct further review in the water quality control planning process of the following:

- Delta Outflow Objectives
- Export/Inflow Objectives
- Delta Cross Channel Gate Closure Objectives
- Suisun Marsh Objectives
- Reverse Flow Objectives (Old and Middle River Flow Objectives)
- Floodplain Habitat Flow Objectives
- Changes to the Monitoring and Special Studies Program
- Other Changes to the Program of Implementation

10. The Draft Staff Report also includes a discussion of two issues that have already been identified for further review in the water quality control planning process: southern Delta salinity and San Joaquin River flow objectives.

11. The Draft Staff Report does not recommend further reviewing ammonia, toxicity, fish screens, and biological indicators in this water quality control planning process, but instead addressing those subjects as recommended in the report.

12. With respect to ammonia and toxicity, the Draft Staff Report recommends that the State Water Board and San Francisco Bay and Central Valley Regional Water Quality Control Boards (Regional Water Boards) continue to coordinate their efforts on these issues. The Draft Staff Report recommends that the Regional Water Boards address these issues as part of their water quality control programs while the State Water Board will continue to consider ammonia and toxicity effects on beneficial uses during the Board's review of various flow objectives. The Regional Water Boards should provide periodic updates to the State Water Board on their efforts.

13. According to the Draft Staff Report, State Water Board staff will immediately begin a detailed review of the issues that the Board has determined should receive further consideration, including holding one or more additional California Environmental Quality Act (CEQA) scoping meetings and water quality control planning workshops.

14. Based on the information received during the periodic review, any additional information received during future workshops, and other available scientific information, State Water Board staff will develop recommendations for any needed changes to the Bay-Delta Plan. Staff will prepare draft Plan amendments or a draft revised Plan for consideration by the State Water Board and any environmental documentation required under CEQA. At that time, interested persons will have the opportunity, at a public hearing, to comment on staff's recommendations and on the environmental analysis.

15. After the hearing, State Water Board staff will prepare responses to comments. Subsequently, the State Water Board will hold a Board meeting to consider adopting any proposed changes.

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THEREFORE, BE IT RESOLVED:

1. That the State Water Board adopts the Staff Report on the Periodic Review of the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and authorizes the Executive Director to transmit the Staff Report to the U.S. Environmental Protection Agency, Region 9, in compliance with section 303(c)(1) of the federal Clean Water Act.

2. That the Regional Water Boards are directed to provide updates on their efforts to address ammonia and toxicity as part of the quarterly updates on the Bay-Delta Strategic Workplan.

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 August 4, 2009.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Arthur G. Baggett, Jr.
Board Member Tam M. Doduc

NAY: None

ABSENT: None

ABSTAIN: None

Jeanine Townsend

Jeanine Townsend
Clerk to the Board

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