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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2024-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY BASIN TO CORRECT ERRORS IN FRESHWATER METAL WATER QUALITY OBJECTIVES, TO CLARIFY THE BASIS TO ESTABLISH DILUTION CREDITS FOR NON-PRIORITY POLLUTANTS, AND TO ALLOW ESTABLISHMENT OF ALTERNATIVE CYANIDE DILUTION CREDITS AND MERCURY CONCENTRATION TRIGGERS FOR WASTEWATER TREATMENT OPERATIONS

WHEREAS:

1. On December 13, 2023, the Regional Water Quality Control Board, San Francisco Bay Region (San Francisco Bay Water Board) adopted [Resolution No. R2-2023-0026](#), to amend the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan amendment) to 1) correct errors in freshwater objective calculation formulas for selected metals to be consistent with the California Toxics Rule (CTR) and National Toxics Rule (NTR); 2) clarify that other applicable policies, regulations, and guidance aside from the State Implementation Policy may be used when developing dilution credits for non-priority pollutants; 3) allow establishment of alternative cyanide dilution credits and mercury concentration triggers to accommodate water recycling projects or to reflect material and substantial changes in wastewater treatment operations and conditions; and 4) make minor editorial changes to Table 3-4, to add clarifications, update obsolete information, and improve formatting.
2. The San Francisco Bay Water Board found that the analyses contained in the California environmental Quality Act (CEQA) "Substitute Environmental Documentation" for the proposed Basin Plan amendment, including the CEQA Checklist, the [Final Staff Report](#) entitled "*Basin Plan Amendment: Correct Errors in Freshwater Metal Water Quality Objectives, Clarify the Basis for Establishing Dilution Credits for Non-Priority Pollutants, and Allow Establishment of Alternative Cyanide Dilution Credits and Mercury Concentration Triggers for Wastewater Treatment Operations*," and the response to comments comply with the State Water Board's 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 Documentation for the Basin Plan amendment and concurs with San Francisco Bay Water Board's findings.
3. The San Francisco Bay Water Board also adopted the Basin Plan amendment pursuant to the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b). The

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necessity of the Basin Plan amendment is established in the Staff Report for the amendment.

4. The State Water Board concurs with the San Francisco Bay Water Board finding that the Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining High Quality of Waters in California ([State Water Board Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 C.F.R. § 131.12).
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise basin plans.
6. 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). Changes to water quality standards 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. R2-2023-0026.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under San Francisco Bay Water Board Resolution No. R2-2023-0026 to OAL and U.S. EPA for approval.

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 April 17, 2024.

Courtney Tyler
Clerk to the Board