

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

TENTATIVE RESOLUTION NO. R2-2026-00XX

**Supporting an Advance Restoration Plan to Achieve Water Quality Objectives for Bacteria at
Six San Francisco Bay Beaches in San Mateo County**

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

1. Clean Water Act (CWA) section 303(d) requires states to identify water bodies that do not meet water quality standards and to take appropriate actions to remedy the impairment(s).
2. Six San Francisco Bay Beaches in San Mateo County (County): Oyster Point Beach in the City of South San Francisco (South San Francisco); Coyote Point Beach in County parkland; and Kiteboard Beach, Gull Park Beach, Erckenbrack Park Beach, and Marlin Park Beach in the City of Foster City (Foster City) (all six beaches are collectively referred to as the Project beaches), are identified on California's Clean Water Act section 303(d) List (303(d) list) as impaired by elevated levels of fecal indicator bacteria (FIB).
3. The beneficial uses of the Project beaches impaired by FIB include contact and non-contact water recreation (e.g., swimming, wading, kiteboarding, paddle boarding, kayaking, and fishing).
4. Water Board staff assembled and considered all readily available data to assess water quality conditions in the Project beaches to evaluate these listings, consistent with the "Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List" (Listing Policy).
5. Monitoring data indicate that levels of FIB at the Project beaches remain high and water quality standards are not being attained.

Advance Restoration Plan for Project Beaches

6. Under Clean Water Act section 303(d), the Water Board is required to establish a TMDL for those pollutants identified as causing impairment of waters on the section 303(d) list.
7. Consistent with U.S. EPA's "2022–2032 Vision for the Clean Water Act Section 303(d) Program" (Vision), the Water Board developed an Advance Restoration Plan to Achieve Water Quality Objectives for Bacteria at the Project Beaches (Plan). The Plan is a near-term plan with a schedule and milestones that is more immediately beneficial and practicable to address bacteria impairment in the Project beaches and achieve water quality objectives. The Plan describes FIB sources in the Project beaches, proposes high-priority implementation actions to reduce FIB loading, and identifies the existing regulatory mechanisms pursuant to which these actions may be undertaken.
8. The Plan identifies human waste from sanitary sewer collection systems, domestic pet waste, trash, discharges associated with people experiencing unsheltered homelessness, stormwater runoff, and vessel marinas as high-priority sources of FIB in the Project

beaches area, and outlines actions to restore and protect the Project beaches' water contact recreation beneficial use. The Plan also includes ongoing water quality monitoring to assess effectiveness of the corrective actions and verify attainment of applicable water quality objectives.

9. The Plan identifies the following existing regulatory mechanisms under which such actions to reduce FIB loading may be undertaken:
 - California Water Code (CWC) section 13263, which authorizes the Water Board to issue waste discharge requirements (WDRs) to regulate discharges of waste;
 - CWC sections 13267 and 13383, which authorize the Water Board to require technical or monitoring program reports from dischargers;
 - CWC section 13269, which allows the Water Board to issue waivers of WDRs;
 - CWA section 402 and CWC section 13377, which authorize the Water Board to issue NPDES permits for wastewater discharges from sanitary sewer collection systems and for stormwater discharges from municipal separate storm sewer systems;
 - The Water Board's Municipal Regional Stormwater NPDES permit, Order No. R2-2022-0018, as amended;
 - Enforcement of Basin Plan Discharge Prohibition No. 15, which states: "it shall be prohibited to discharge raw sewage or any waste failing to meet waste discharge requirements to any waters of the Basin";
 - The State Water Resources Control Board's Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (Order No. WQ 2022-0103-DWQ);
 - Vessel sanitation requirements under Harbors and Navigation Code section 775 et seq.
10. U.S. EPA's Vision allows for flexibility in addressing impairments by letting states use alternative strategies that may be more practicable in achieving water quality standards.
11. The water bodies that are part of the Project beaches are small; the sources of FIB loadings are delineated; some actions to reduce loadings have already taken place; and remaining actions can be implemented through existing regulatory mechanisms.
12. Water Board staff has conducted outreach to stakeholders in the watershed during the past few years, and some parties have already begun voluntary implementation efforts. Thus, the non-TMDL, near-term plan is appropriate for addressing the bacteria impairment at the Project beaches.
13. Development and implementation of the Plan does not eliminate the requirement to develop a TMDL. If water quality objectives for FIB are not attained within 10 years, the Water Board will consider development of a TMDL. Staff will provide an annual review of the status of implementation to the Water Board.
14. While U.S. EPA is required to approve a TMDL, it is not required to approve the Plan.

15. The Water Board’s support for the Advance Restoration Plan for San Francisco Bay Beaches in San Mateo County is not a “project” as defined in the California Environmental Quality Act (Pub. Res. Code § 21065) because the Plan is not an “activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” (Pub. Res. Code § 21065). The Plan identifies and discusses existing regulatory programs expected to remedy the impairment in the Project beaches, but does not mandate additional compliance activities.
16. On March 24, 2026, Water Board staff publicly noticed and distributed for public review and comment the Draft Advance Restoration Plan.

THEREFORE, BE IT RESOLVED that the Water Board supports implementation of the Advance Restoration Plan to achieve water quality objectives for FIB in the Project beaches.

I, Eileen M. White, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the Water Board, San Francisco Bay Region, on June 10, 2026.

Eileen M. White, P.E.
Executive Officer

Attachment:
Attachment A – Advance Restoration Plan