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## San Francisco Bay Regional Water Quality Control Board

Notice date: September 21, 2023

### **NOTICE OF FILING, NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT, AND NOTICE OF PUBLIC HEARING**

### **ON AMENDMENT TO THE SAN FRANCISCO BAY BASIN WATER QUALITY CONTROL PLAN, AND DRAFT SUBSTITUTE ENVIRONMENTAL DOCUMENT**

**NOTICE IS HEREBY GIVEN** that the San Francisco Bay Regional Water Quality Control Board (Water Board) has filed a draft substitute environmental document supporting a proposed amendment to the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) to 1) correct errors in freshwater objective calculation formulas for selected metals to be consistent with the California Toxics Rule (CTR) or National Toxics Rule (NTR); 2) clarify that other applicable policies, regulations, and guidance aside from the State Implementation Policy (SIP) may be used when developing dilution credits for non-priority pollutants; 3) allow establishment of alternative cyanide dilution credits and mercury concentration triggers to reflect changes in wastewater treatment operations; and 4) general cleanup to add clarifications, update obsolete information, and improve document formatting.

The Water Board is considering the Basin Plan amendment in accordance with a certified regulatory program exempt under section 21080.5 of the Public Resources Code from the requirement to prepare an environmental impact report under the California Environmental Quality Act. (Pub. Res. Code, §§ 21000 et seq.) The draft staff report serves as the substitute environmental documentation required under the Water Board's certified regulatory program (Cal. Code Regs., tit. 23, §§ 3775 et seq.) and includes the required environmental analyses of the proposed Basin Plan amendment.

**NOTICE IS ADDITIONALLY HEREBY GIVEN** that the Water Board will receive public comments on the proposed Basin Plan amendment and draft staff report in accordance with this notice.

**NOTICE IS ADDITIONALLY HEREBY GIVEN** that the Water Board will hold a public hearing to receive public comments on and consider adoption of the proposed amendment and draft staff report. The hearing will be held in-person with a remote participation option as follows:

DATE: **December 13, 2023**  
TIME: 9:00 a.m. (approximate)

JAYNE BATTEY, CHAIR | EILEEN M. WHITE, EXECUTIVE OFFICER

## LOCATION

In-Person: Elihu M. Harris Building  
First Floor Auditorium  
1515 Clay Street, Oakland, CA 94612

Remotely: Please check  
[https://www.waterboards.ca.gov/sanfranciscobay/board\\_info/remote\\_meeting/index.html](https://www.waterboards.ca.gov/sanfranciscobay/board_info/remote_meeting/index.html) to find out how to participate the hearing remotely.

## STAFF CONTACT:

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**DOCUMENT AVAILABILITY:** The proposed Basin Plan amendment and supporting draft staff report are available online at the Water Board's "Public Notices and Documents for Review" page (under Basin Planning and TMDLs): [https://www.waterboards.ca.gov/sanfranciscobay/public\\_notices/#basin](https://www.waterboards.ca.gov/sanfranciscobay/public_notices/#basin), and the project webpage: [https://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/planningtmdls/amendments/NPDES\\_corrections.html](https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/amendments/NPDES_corrections.html).

**SUBMISSION OF WRITTEN COMMENTS:** The Water Board will accept written comments on the proposed Basin Plan amendment and draft staff report. Written comments must be received no later than 5:00 p.m. on November 7, 2023 to be considered in the revised Basin Plan amendment or draft staff report and be included in the written response to comments before the Board hearing. Please send all written comments to the staff contact identified above. Additionally, all evidence, testimony, and exhibits to be offered at the hearing must be submitted in writing by this date to the above staff contact. Non-evidentiary policy statements to be made at the hearing need not be submitted in advance.

One week before the Board hearing date, any proposed changes to the proposed Basin Plan amendment and draft staff report, along with written responses to all comments received during the public comment period, will be posted at the Board Meeting agenda page: [https://www.waterboards.ca.gov/sanfranciscobay/board\\_info/agenda.html](https://www.waterboards.ca.gov/sanfranciscobay/board_info/agenda.html).

**PROCEDURAL MATTERS:** The Water Board will receive oral public testimony on the proposed Basin Plan amendment and draft staff report at the hearing. At the conclusion of the hearing, the Board will consider adoption of the proposed Basin Plan amendment and draft staff report, including changes to the proposed Basin Plan amendment that are consistent with the general purpose of the proposed amendment and are a logical outgrowth of the comments received.

The public hearing will be conducted in accordance with the California Code of Regulations, title 23, section 649.3. To ensure a productive, efficient and fair hearing in which all participants have an opportunity to be heard, oral comments will generally be limited to five minutes. Participants with similar comments are strongly encouraged to make joint presentations.

Individuals who require special accommodations are requested to contact Executive Assistant Julie Haas, (510) 622-2399, [Julie.Haas@Waterboards.ca.gov](mailto:Julie.Haas@Waterboards.ca.gov), at least five (5) working days before a meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

**FUTURE NOTICES:** Any changes in the date of the hearing, the availability of responses to comments or any other updates will be noticed by the GovDelivery e-mail list. Any person desiring to receive future notices concerning the proposed Basin Plan amendment should sign up for the GovDelivery e-mail list at [https://public.govdelivery.com/accounts/CAWRCB/subscriber/new?qsp=san\\_francisco\\_bay](https://public.govdelivery.com/accounts/CAWRCB/subscriber/new?qsp=san_francisco_bay), and select the box for “ALL Basin Planning/TMDL” under the “Basin Planning/TMDL” category.