

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

STAFF SUMMARY REPORT (Richard Looker)  
MEETING DATE: June 11, 2014

ITEM: 7

SUBJECT: **Proposed Amendment to the Water Quality Control Plan (Basin Plan) to Incorporate New Onsite Wastewater Treatment System Policy, Amend Wet Weather Overflow Policy, and Update Other Basin Plan Information - Hearing to Consider Adoption of Proposed Basin Plan Amendment**

DISCUSSION: At this hearing the Board will be asked to consider adopting the Revised Tentative Resolution (Appendix A) to amend the Basin Plan. The proposed non-regulatory Basin Plan amendment (Appendix B) would do the following:

1. Revise the Basin Plan section on onsite wastewater treatment systems (OWTS) to incorporate new State Board policy (the OWTS Policy);
2. Revise the section on wet weather overflow policy and combined sewer overflows; and
3. Make editorial changes to information on graywater systems; update a table of discharge locations for municipal wastewater treatment plants; and remove a reference to a previously-rescinded resolution.

Additional documentation in this package includes the Staff Report (Appendix C), the Response to Comments (Appendix D), and copies of all written comments received during the 30-day public comment period (Appendix E).

The proposed amendment contains four elements:

The first element is to revise the Basin Plan's section on OWTS, which include septic and other onsite treatment systems, to incorporate the OWTS Policy and to revise existing language pertaining to OWTS to maintain consistency with the new OWTS Policy. The OWTS Policy makes three significant changes to the way we have been regulating septic and other onsite systems: 1) it only authorizes subsurface disposal of domestic strength, and in limited instances (e.g., commercial food service buildings) high strength, wastewater. Other high-strength wastewater disposal (e.g., winery wastewater) that has been permitted by local agencies in the past will now require permitting by the Water Board; 2) new community wastewater treatment systems that the Water Board has permitted in the past can now be permitted by a local agency; and 3) it establishes a risk-based tiered approach for regulation and management of OWTS. Consistent with our current practice, the OWTS Policy recognizes that local agencies can provide the most efficient means of managing OWTS and specifies local agency requirements and responsibilities. To facilitate consistent statewide implementation, the OWTS Policy requires that Regional Water Boards amend their Basin Plans to incorporate the requirements of the OWTS Policy.

The second element is to revise the Basin Plan's implementation section on wet weather overflows. It deletes language that conflicts with the federal Clean Water Act

and revises the section on combined sewer overflows (CSOs) to ensure consistency with U.S. EPA's CSO Control Policy. This element was identified as a high priority Basin Planning project in the 2012 Triennial Review. This revision is intended to satisfy a directive of the State Board's remand of the 2005 East Bay Municipal Utility District wet weather facilities permit.

The third and fourth elements include additional updates to keep the Basin Plan current. These minor editorial updates include amended language to: 1) the informational section on graywater systems to reflect the revised California graywater standards approved in 2009 by the California Building Standards Commission, and 2) Table 4-8 of the Basin Plan, which lists the effluent flow rates and discharge locations for municipal wastewater treatment plants. Also, since opening the 30-day comment period, staff has made a minor staff-initiated change to the Basin Plan amendment to remove a reference to a policy that was rescinded in 1994.

This proposed amendment consists only of updates, corrections, and editorial changes and is not subject to additional environmental review pursuant to the California Environmental Quality Act.

### **Comments from Stakeholders and Staff Response**

We received three comment letters during the 30-day comment period that closed on April 28, 2014 (Attachment E). These included comments from the San Francisco Public Utilities Commission (SFPUC), Robert Feinbaum (a citizen), and the Solano County Department of Resource Management. Staff considered and responded to the comment letters we received as described in Attachment D. The SFPUC commented on changes to the CSO policy. Based on information provided by the SFPUC, we revised the proposed Basin Plan amendment to include additional information about San Francisco's combined sewer system. We did not make changes in response to the comment letters addressing the OWTS Policy, although we acknowledge that the OWTS Policy does create a workload challenge for the Water Board in that we will now have responsibility to issue permits for high-strength wastewater generating facilities and reviewing and approving local area management plans that address systems that do not meet the minimum standards of the OWTS Policy.

RECOMMEN- Adoption of the Revised Tentative Resolution  
DATION:

Appendices:

- A. Revised Tentative Resolution with Exhibit A, Revised Basin Plan amendment
- B. Proposed Basin Plan Amendment Showing Changes
- C. Staff Report
- D. Response to Comments
- E. Comment Letters