State of California
Office of Administrative Law

In re:
State Water Resources Control Board

Regulatory Action:
Title 23, California Code of Regulations
Adopt section: 3919.21

NOTICE OF APPROVAL OF REGULATORY ACTION

Government Code Section 11353
OAL Matter Number: 2021-0910-01
OAL Matter Type: Regular (S)

On November 18, 2020, the San Francisco Bay Regional Water Quality Control Board adopted Resolution No. R2-2020-0031, amending the Water Quality Control Plan for the San Francisco Bay Region. The Basin Plan amendment (1) establishes chlorine water quality objectives for the protection of aquatic life beneficial uses in marine, estuarine, and fresh surface waters in the region; (2) replaces the total residual chlorine technology-based effluent limitation with water quality-based effluent limitations for wastewater discharges; (3) includes provisions specifying how these water quality-based effluent limitations are to be implemented in wastewater discharge permits; (4) removes the four-day average freshwater mercury objective; (5) adds a reference to the Statewide Mercury Provisions, which contain mercury water quality objectives applicable to the region's surface waters; and (6) corrects the applicability of the oil and grease effluent limitations to apply only to sewage treatment facilities that do not provide secondary or advanced secondary treatment. On May 18, 2021, the State Water Resources Control Board approved the Basin Plan amendment adopted under Resolution No. R2-2020-0031.

OAL approves this regulatory action pursuant to section 11353 of the Government Code.

Date: October 22, 2021

Original: Eileen Sobeck, Executive Director
Copy: Tong Yin

For: Kenneth J. Pogue
   Director

Steven J. Escobar
Senior Attorney
A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE

2. REQUESTED PUBLICATION DATE

3. NOTICE TYPE

   Notice re Proposed Regulatory Action
   Other

4. AGENCY CONTACT PERSON

   TELEPHONE NUMBER
   FAX NUMBER (Optional)

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

   SECTION(S) AFFECTED
   (List all section number(s) individually. Attach additional sheet if needed.)

   TITLE(S) 23

   ADOPT
   AMEND
   REPEAL

3. TYPE OF FILING

   ☐ Regular Rulemaking (Gov. Code §11346)
   ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code §§11349.3, 11349.4)
   ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.2, 11349.3)
   ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
   ☐ Emergency Readopt (Gov. Code, §11346.1(h))
   ☐ Other (Specify)

4. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

   ☐ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
   ☐ Effective on filing with Secretary of State
   ☐ $100 Changes Without Regulatory Effect (Specify)
   ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

   Department of Finance (Form STD. 399) (SAM §6680)
   Fair Political Practices Commission
   State Fire Marshal
   Other (Specify)

6. CONTACT PERSON

   TELEPHONE NUMBER
   FAX NUMBER (Optional)
   E-MAIL ADDRESS (Optional)

   Tong Yin 510-622-2418 tong.yin@waterboards.ca.gov

7. SIGNATURE OF AGENCY HEAD OR DESIGNEE

   TYPED NAME AND TITLE OF SIGNATORY

   Michael Montgomery, Executive Officer

   ENDORSED - FILED

   OCT 22 2021

   For use by Secretary of State only

   ENDORSED APPROVED

   OCT 22 2021

   Office of Administrative Law
Concise Summary of Regulatory Provisions

TITLE 23. Waters
Division 4. Regional Water Quality Control Boards
Chapter 1. Water Quality Control Plans, Policies, and Guidelines
Article 2. San Francisco Bay Region

The following section 3919.21 is to be added to Title 23 of the California Code of Regulations:

Section 3919.21. Chlorine Water Quality Objectives and Total Chlorine Residual Water Quality-Based Effluent Limitations.

On November 18, 2020, the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) adopted Resolution No. R2-2020-0031, amending the Water Quality Control Plan for the San Francisco Bay Region. The Basin Plan amendment includes changes to:

(1) Establish chlorine water quality objectives for the protection of aquatic life beneficial uses in marine, estuarine, and fresh surface waters in the region.

(2) Replace the total residual chlorine technology-based effluent limitation with water quality-based effluent limitations for wastewater discharges.

(3) Include the provisions specifying how these water quality-based effluent limitations are to be implemented in wastewater discharge permits.

(4) Remove the 4-day average freshwater mercury objective.

(5) Make a reference to the Statewide Mercury Provisions, which contains mercury water quality objectives applicable to the region's surface waters.

(6) Correct the applicability of the oil and grease effluent limitations to apply only to sewage treatment facilities that do not provide secondary or advanced-secondary treatment.

The objective of this amendment is to allow wastewater dischargers that are subject to total residual chlorine effluent limitations the flexibility to stop dechlorination over-dosing practices, thus saving operational cost and reducing the discharge of excess chemicals into receiving waters.