

**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

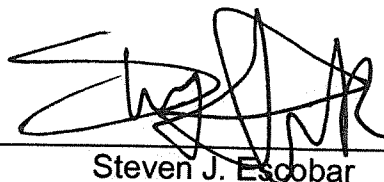
OAL Matter Number: 2021-0910-01

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



Steven J. Escobar
Senior Attorney

Original: Eileen Sobeck, Executive
Director

Copy: Tong Yin

For: Kenneth J. Pogue
Director

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2021-0910-01S	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		OFFICE OF ADMIN. LAW 2021 SEP 10 PM2:12	
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

OCT 22 2021

1:15 P.M.

AGENCY WITH RULEMAKING AUTHORITY
State Water Resources Control Board

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Chlorine WQOs and Total Residual Chlorine Effluent Limits	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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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.)	ADOPT 3919.21
TITLE(S) 23	REPEAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> 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.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>Gov. Code §11353 (basin plan amendment)</u>	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <u>Upon Approval (Gov. Code, §11353)</u>

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Tong Yin	TELEPHONE NUMBER 510-622-2418	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) tong.yin@waterboards.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Michael Montgomery</i>	DATE 7/12/21
TYPED NAME AND TITLE OF SIGNATORY Michael Montgomery, Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 22 2021

Office of Administrative Law

ref agency request: 30, 10/21/2021

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.