

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

STAFF SUMMARY REPORT: Tong Yin  
MEETING DATE: December 13, 2023

**ITEM: 5**

**Proposed Amendment to the Water Quality Control Plan (Basin Plan) to Correct Errors in Freshwater Metal Water Quality Objectives, to Clarify the Basis to Establish Dilution Credits for Non-Priority Pollutants, and to Allow Establishment of Alternative Cyanide Dilution Credits and Mercury Concentration Triggers for Wastewater Treatment Operations— Hearing to Consider Adoption of Proposed Basin Plan Amendment**

**DISCUSSION:**

The attached Tentative Resolution (Appendix A) and revised proposed Basin Plan amendment (Appendix B) would amend the Basin Plan to do the following:

- Correct errors in Table 3-4 for freshwater objective calculation formulas for selected metals to be consistent with the California Toxics Rule (CTR) and National Toxics Rule (NTR);
- 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;
- Allow establishment of alternative cyanide dilution credits and alternative performance-based mercury concentration triggers for municipal wastewater dischargers to account for water conservation and water recycling projects;
- Allow establishment of alternative cyanide dilution credits and alternative performance-based mercury concentration triggers for industrial wastewater dischargers to accommodate water recycling projects or to reflect material and substantial changes in operations and conditions.

The proposed amendment also includes minor, editorial, non-regulatory corrections to the Basin Plan to remove obsolete information and make clarifications to Table 3-4.

We circulated the proposed amendment and supporting Staff Report, which also serves as the draft Substitute Environmental Documentation required for CEQA equivalency, for public review and received comment letters from the Bay Area Clean Water Agencies and the U.S. Environmental Protection Agency (U.S. EPA) (Attachment D). Both support the proposed amendment. We prepared responses to the comments (Appendix E) and made minor revisions reflected in the revised Staff Report (Appendix C) and the proposed amendment in response to the comments. The revisions are informational corrections that did not substantively change the proposed amendment.

**APPENDICES:**

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

## APPENDIX A

Tentative Resolution with Exhibit A, Proposed Basin Plan  
Amendment

APPENDIX B  
Revised Basin Plan Amendment

APPENDIX C  
Revised Staff Report

## APPENDIX D

### Comment Letters

For an electronic copy of the comments, please contact Tong Yin via email to [Tong.Yin@waterboards.ca.gov](mailto:Tong.Yin@waterboards.ca.gov) or at (510) 622-2418

APPENDIX E  
Response to Comments