

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2014-0064**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE
SAN FRANCISCO BAY BASIN TO INCORPORATE THE NEW ONSITE WASTEWATER
TREATMENT SYSTEM POLICY, AMEND THE WET WEATHER OVERFLOW POLICY, AND
UPDATE OTHER BASIN PLAN INFORMATION

WHEREAS:

1. On June 11, 2014, the Regional Water Quality Control Board for the San Francisco Bay Region (San Francisco Bay Water Board) adopted [Resolution No. R2-2014-0028](#), an amendment to the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan amendment, Attachment 1), to: incorporate new onsite wastewater treatment system (OWTS) policy; amend wet weather overflow policy; update graywater system information; and update a table of municipal wastewater discharge locations.
2. The San Francisco Bay Water Board found that the portion of the subject amendment concerning OWTS is completely within the scope of the OWTS Policy as analyzed by the State Water Board in the Substitute Environmental Document (SED) its staff prepared for the OWTS Policy in accordance with the Water Boards' certified regulatory program (Cal. Code Regs., tit. 23, §§ 3775-3781). The State Water Board approved the OWTS Policy and the SED on June 19, 2012. No substantive changes or modifications to the previously approved OWTS Policy are proposed in the subject Basin Plan amendment, no substantial changes with respect to circumstances under which the project will be undertaken have occurred, and no new information triggers the need for supplemental or subsequent CEQA analysis (Pub. Res. Code § 21166; Cal. Code Regs., tit. 14, §§ 15162 and 15163). The rescission of Water Board policies described herein is not a project as defined in CEQA. There is no possibility that the activity in question may have a significant effect on the environment (Cal. Code Regs., tit. 14, §§ 15378 and 15061, subd. (b)(3) and Cal. Code Regs., tit. 23, § 3720).
3. The San Francisco Bay Water Board found that the portions of the subject amendment updating non-regulatory Basin Plan language concerning wet weather overflow implementation, graywater systems, Table 4-8, and Resolution No. 77-1 are entirely informational and contain no regulatory provisions. Therefore, they are not subject to CEQA because they will not result in a direct or reasonably foreseeable indirect physical change in the environment (Pub. Res. Code § 21065; Cal. Code Regs., tit. 14, §§ 15061, subd. (b)(3) and 15378).
4. The San Francisco Bay Water Board found the Basin Plan amendment would not have a significant adverse effect on the environment and is consistent with the State Antidegradation Policy ([State Water Board Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 C.F.R. § 131.12).
5. The Executive Officer of the San Francisco Bay Board transmitted a [memo](#) to the State Water Board's Deputy Director on October 21, 2014 to communicate two non-substantive corrections to the Basin Plan amendment. These corrections address an erroneous California Code of Regulations citation pertaining to graywater standards and a typographical error in a single digit of the longitude of the Sewerage Agency of

Southern Marin discharge shown in Table 4-8 of the amendment. The Regional Water Board Resolution No. R2-2014-0028 allows the Executive Officer to make such corrections without the need for a Board hearing.

6. The State Water Board finds that the regulatory action meets the “necessity” standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b). The necessity of the Basin Plan amendment is established in the Staff Report for the amendment.
7. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise basin plans.
8. A Basin Plan amendment does not become effective until approved by the State Water Board and submitted to the Office of Administrative Law (OAL).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under San Francisco Bay Water Board Resolution No. R2-2014-0028.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under San Francisco Bay Water Board Resolution No. R2-2014-0028 to OAL.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 18, 2014.

AYE: Chair Felicia Marcus
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Steven Moore
Board Member Dorene D’Adamo

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board