



November 21, 2014

Attn: Dyan Whyte  
Assistant Executive Officer  
Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

**Subject: Mercury and PCB TMDL Risk Management Activities**

Dear Ms. Whyte,

The Bay Area Clean Water Agencies (BACWA) is a joint powers agency whose members own and operate publicly-owned treatment works (POTWs) and sanitary sewer systems that provide sanitary services in the nine-county San Francisco Bay Area.

The dischargers we represent are tasked with meeting the risk reduction requirements outlined in the Mercury/PCB Watershed Permit (R2-2012-0096). As part of the risk reduction efforts required during the previous permit term, we provided funding for the San Francisco Bay Fish Project conducted by the California Department of Public Health (CDPH). Our intent is to continue efforts to reduce exposure to mercury and polychlorinated biphenyls (PCBs) from consumption of fish in San Francisco Bay, as is the “spirit and intent” of the mercury and PCB TMDLs.

Our desire is to again work collaboratively by providing grant funds to community-based organizations (CBOs) to distribute fish consumption safety information and educate public groups most at risk. Over the last year several options have been explored as part of our efforts to meet the permit requirements. Unfortunately many of these options either failed or were not ready to launch. In discussion with your staff, we have at this time identified three alternatives that appear viable for completing the risk reduction activities as required by the current watershed permit. These alternatives are as follows:

1. Collaborate with the Bay Area Stormwater Management Agencies Association (BASMAA) whose members are currently undertaking pilot studies in San Mateo and Santa Clara counties. The pilot efforts consist of utilizing the outreach materials developed under the Fish Project and distribute the materials to at-risk communities. They would then report back providing metrics on their efforts. Based on the results of these pilot efforts other BASMAA members may expand the program into their

counties. BACWA would contribute funds in support of these county programs.

2. Utilizing the expertise of staff from the Aquatic Science Center/San Francisco Estuary Institute (ASC/SFEI) who managed the last risk reduction effort in the Bay Area, will provide us a structure under which we can work with CBOs. Under this alternative ASC/SFEI will provide two important services: 1) convening a steering committee to choose grant recipients and reviewing their reports, and 2) to serve as the "banker" to collect and distribute funds for this effort., BACWA, and perhaps other dischargers would sit on the steering committee along with the Water Board, EPA, OEHHA and CDPH. The dischargers would provide funding to the steering committee to be distributed as grants to CBOs based on submitted proposals. The steering committee would meet once or twice a year to award grants and receive progress reports from the grantees.
3. Based on the successful 2012 Fish Project, BACWA would contact one or more of the four CBOs who were trained to conduct outreach and to evaluate the effectiveness of their outreach efforts and request proposals. These would be evaluated and one or more grants would be awarded. The CBOs would conduct their outreach efforts and provide progress reports which would be submitted to the Water Board.

BACWA is prepared to contribute \$50,000 to fund one of these alternatives over the current 5 Year Permit term which expires on December 31, 2017. We look forward to working with your staff over the coming couple of months and collaborating with other dischargers who can also help fund one of these risk reduction efforts to put a program in place and proceed with completing this requirement under the Watershed Permit.

Respectfully,

*David R. Williams*

David R. Williams,  
Executive Director  
Bay Area Clean Water Agency