



October 13, 2017

James Parrish
Regional Water Quality Control Board
San Francisco Bay Region
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Oakland, CA 94612

VIA EMAIL: jparrish@waterboards.ca.gov

**Subject: Tentative Order for Mercury and PCB Watershed Permit, R2-2017-00XX
(NPDES No. CA0038849)**

Dear Mr. Parrish:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to provide comments on Tentative Order No. R2-2017-00XX (NPDES No. CA0038849), Waste Discharge Requirements for Mercury and PCBs From Municipal and Industrial Wastewater Discharges to San Francisco Bay (Tentative Order). BACWA is a joint powers agency whose members own and operate publicly-owned treatment works (POTWs) and sanitary sewer systems that collectively provide sanitary services to over 7.1 million people in the nine-county San Francisco Bay (SF Bay) Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health.

Our member agencies are proud to have made significant progress in reducing mercury loads to the San Francisco Bay since the adoption of the first Mercury Watershed Permit in 2007. Bay Area POTWs have decreased their loads from 4.5 kg/yr in 2008 to 2.6 kg/yr in 2016 through the implementation of very successful dental amalgam programs throughout the region, mercury reduction in hospitals, thermometer exchange programs, and many other examples.

Prior to 2013, there were problems with inconsistent PCB congener results from different contract laboratories. In response, BACWA developed the *POTW Sampling Analysis and Reporting Protocols Using EPA Method 1668C* (Protocols) to provide better uniformity in laboratory technique and reporting. The Regional Water Board distributed this document in a

letter dated December 31, 2013¹. Following the incorporation of the Protocols into laboratory practices in 2014, PCB congener data has been consistent.

BACWA supports the Tentative Order's reduction in monitoring frequency for PCB congeners via Method 1668C for most agencies. At roughly one thousand dollars per sample, PCB congener analysis is the second most expensive test that our member agencies perform, after chronic toxicity testing. It is BACWA's hope that as the data set for PCB congeners continues to grow, and continues to show that PCB loads in municipal wastewater effluent are not increasing, the Regional Water Board will continue to further reduce monitoring frequency requirements in future permit cycles.

To fulfil the risk reduction requirements in the current permit term, BACWA funded a competitive grant program. BACWA awarded \$25,000 each to APA Family Support Services and the California Indian Environmental Alliance (CIEA) to provide risk education to communities that may be impacted by eating fish from the San Francisco Bay with high levels of mercury and PCBs. BACWA arranged a progress update on this effort for Regional Water Board staff on October 25, 2016. Materials from that meeting are posted on BACWA's website². While this is worthwhile work, BACWA hopes that if risk reduction is in fact a priority for the State Water Board, that in the future, State Agencies will provide leadership to develop a sustainable Statewide risk reduction program.

Besides these general comments, BACWA also has specific recommendations for language changes in the Tentative Order, which are below.

1. Clarify language on duplicate analyses

In Footnote c to Table 4-A on page 11 of the Tentative Order, the equation provided to calculate Monthly Mass Emission uses the mercury concentration from each individual sample. BACWA recommends the following language be added to the bottom of footnote c to clarify the use of duplicate samples:

The Discharger shall report the average of duplicate results in multiple sample analyses when reporting a single sample result (or the median if one or more of the duplicates is DNQ or ND), except when being used for sample batch quality control purposes.

2. Specify that Method 608 is used for PCB compliance at additional locations in the Permit

Monitoring PCB congeners via EPA Method 1668C is required by the current Permit and the Tentative Order for informational purposes only, since it has not been promulgated by EPA.

¹ <https://bacwa.org/wp-content/uploads/2014/02/PCBs-Sampling-Analysis-and-Reporting-Protocols-Dec13.pdf>

² <https://bacwa.org/mercurypcb-risk-reduction-materials/>

Method 608 is used for compliance, although it has a very high method detection limit compared to commonly observed concentrations of PCBs in wastewater effluent. The compliance method should be specified at additional points in the Permit to prevent potential misinterpretation. BACWA recommends the following additions:

- Page 11, Table 4B - Add a footnote:
Dischargers shall use U.S. EPA Method 608 for Aroclor monitoring. These data will be used for assessing compliance with the limits in Tables 4B and 5B. Non-detected and/or estimated values shall be treated as zeros in the calculation of Total PCBs.
- Pg. F-13, add the following language:
2. PCBs. PCBs loads for Municipal and Industrial Dischargers have been well below mass allocations since the previous order became effective in 2013, ~~as~~. The sum of PCB congeners, as measured by Method 1668C for informational, rather than compliance purposes, is shown in the charts below

3. PCB units should be consistent

In Table E-3 - Effluent Monitoring, the units required for monitoring congeners are µg/L. However, Attachment E, Section V.B.6.f., requires that concentrations be reported as pg/L. BACWA recommends that Attachment E be revised such that the units are consistent.

4. The PCB Runoff Adjustment should be consistent with the Basin Plan

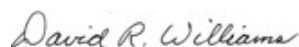
In the Tentative Order, Section VI.C.6., the allowable PCBs Discharge Adjustment for Urban Stormwater Treatment by Municipal Dischargers” (Runoff Adjustment) is listed as 1.0 kg/yr. This allocation is different from the current permit, which is stated as “one kg/yr” and different from the allocation in Table 7.2.3-2 of Basin Plan, which is listed as “1”. BACWA recommend that the Runoff Adjustment be changed back to the integer value of 1 to match the Basin Plan.

5. SFPUC’s compliance point should be added to Table E-2

SFPUC’s Southeast Water Pollution Control Plant;s compliance point is E001A and should be added to the footnotes in Table E-2, Monitoring Locations.

We appreciate your attention to our comments. Please do not hesitate to contact us with any questions or concerns.

Sincerely,



David R. Williams
Executive Director

Cc: BACWA Executive Board
Chris Dembiczak, BACWA Permits Committee Chair
Robert Wilson, BACWA Permits Committee vice-Chair