

November 7, 2023

Tong Yin San Francisco Bay Regional Water Quality Control Board 1515 Clay Street, Suite 1400 Oakland, CA 94612

Via Email: Tong.Yin@waterboards.ca.gov

**Subject:** Comments on Proposed Basin Plan Amendment and Draft Staff Report --

Freshwater Water Quality Objectives, Dilution Credits, and Mercury Triggers

## Dear Tong Yin:

On behalf of the Bay Area Clean Water Agencies (BACWA), we thank you for the opportunity to provide comments on the proposed Basin Plan Amendment to freshwater water quality objectives, dilution credits, and mercury triggers, as well as the Amendment's associated draft staff report. BACWA is a joint powers agency whose members own and operate publicly-owned treatment works and sanitary sewer systems that collectively provide sanitary services to over seven million people in the nine-county San Francisco Bay Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health.

BACWA is allied with the Regional Water Board in supporting the growth of recycled water programs among our member agencies. For this reason, BACWA supports adoption of this proposed Basin Plan Amendment, which has potential to reduce regulatory barriers related to recycled water.

BACWA also supports the Regional Water Board's goal of correcting factual errors in the Basin Plan and improving its accessibility. BACWA encourages the Regional Water Board to continue working towards the goal of making the entire Basin Plan accessible as a single downloadable document that conforms with style and format requirements of the Americans with Disabilities Act. We understand that this task is outside the scope of the current proposal, but suggest that this effort could be included in a future triennial review.

BACWA has no suggested changes to the proposed Basin Plan Amendment. The table below lists suggested minor edits to the draft staff report that are requested for clarity and accuracy.

## **Suggested Minor Edits to Draft Staff Report**

Page	Proposed Markup	Explanation
No.		
3	As a result, the water-recycling process and blended discharges can prevent wastewater agencies from meeting NPDES permit requirements based on cyanide dilution credits and mercury concentration triggers currently in the Basin Plan.	Typically, dischargers do not comply directly with the dilution credits listed in the Basin Plan. Instead, the dilution credits are used to establish water quality-based effluent limits.
3, 13	California All, et al. Gov. Gavin Newsom (or list report title)	The document titled "California's Water Supply Strategy – Adapting to a Hotter, Drier Future" was prepared by the Governor's office in 2022. "California for All" is not the author of the report.
8, 12,	Order No. R2-2017-0041	The Mercury and PCBs Watershed Permit
14	Order No. R2-2022-0038	was reissued in 2022.
13	<del>Driver</del> <u>Drier</u>	Туро

Respectfully Submitted,

Lorien Fono, Ph.D., P.E.

**Executive Director** 

Bay Area Clean Water Agencies

Cc: BACWA Executive Board