

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**RESOLUTION NO. 00-058**

**TRANSMITTAL TO THE U.S. EPA  
TOTAL MAXIMUM DAILY LOAD REPORT  
MERCURY IN SAN FRANCISCO BAY ESTUARY**

**WHEREAS**, the Federal Water Pollution Control Act section 303(d) requires each State to 1) identify, on a biennial frequency, waters for which water quality standards are not met after implementation of technology based effluent limitations (hereinafter the 303(d) list), and 2) establish the total maximum daily load (hereinafter TMDL) of those pollutants impairing the waters, at a level necessary to restore attainment of the water quality standards.

**WHEREAS**, the staff of the California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Board), presented to the Board at a public meeting on February 18, 1998, a revised 303(d) list, a package of public comments, and responses to comments.

**WHEREAS**, the revised 303(d) list identified all segments of the San Francisco Bay estuary in the San Francisco Bay Region as impaired due to mercury, and identified this impairment as a high priority for establishment of a TMDL by 2003.

**WHEREAS**, the Board, at the February 18, 1998, public meeting, directed the staff to transmit the revised 303(d) list to the State Water Resources Control Board (hereinafter State Board); and the State Board approved this 303(d) list and transmitted it on June 25, 1998, to the United States Environmental Protection Agency (hereinafter the U.S. EPA); and the U.S. EPA issued a final 303(d) list on May 12, 1999, with two modifications, neither of which affects the listing for mercury.

**WHEREAS**, in June 1998, the staff of the Board formally initiated a public process to establish a TMDL for mercury in the Bay by releasing for public review, a 125-page draft staff report entitled "Defining the Mercury Problem in the Northern Reaches of San Francisco Bay and Designing Appropriate Regulatory Approaches."

**WHEREAS**, the staff of the Board convened a stakeholder group named the San Francisco Bay Watershed Mercury Council (hereinafter the Mercury Council), on March 9, 1999, to advise the staff on the establishment of a TMDL for mercury in the Bay.

**WHEREAS**, the Executive Director of the State Board, by letter of March 1, 1999, committed to the U.S. EPA, that the State will establish two TMDLs for each of the nine regions of California by April 2000, as a condition for receipt of future federal grant funding to establish TMDLs for other pollutants impairing the State waters.

**WHEREAS**, with input from the Mercury Council, staff prepared a draft report entitled "Watershed Management of Mercury in the San Francisco Bay Estuary: A Total Maximum Daily Load Report to the U.S. EPA" (hereinafter the TMDL Report), and distributed this draft TMDL Report to the U.S. EPA for review in April 2000 to meet the commitment for federal grant funding of future TMDLs.

**WHEREAS**, the staff of the Board prepared a revised draft of the TMDL Report and distributed it to members of the Mercury Council for review on May 9 and May 17, 2000.

**WHEREAS**, the Board has received periodic updates from staff on the progress of TMDL development for mercury, specifically in December 1998, October 1999, and March 2000, and have heard public testimony on this issue.

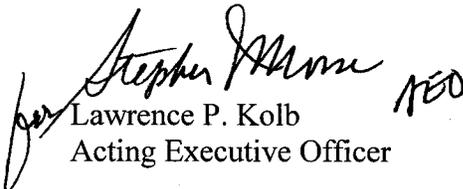
**WHEREAS**, the Board, on June 21, 2000, received a staff summary of the TMDL Report, a list of outstanding technical issues, received written comments, and heard public testimony on the matter.

**THEREFORE, BE IT RESOLVED** that the Board concurs with the public process being used by staff to establish a TMDL for mercury in the San Francisco Bay Estuary, and directs staff to:

- 1) continue work on establishing a TMDL for mercury;
- 2) develop an implementation plan for the TMDL including resolution of or a plan for resolution of outstanding issues;
- 3) provide periodic updates to the Board;
- 4) bring a complete TMDL for Board consideration as an amendment to the Water Quality Control Plan no later than June 2002; and.
- 5) ensure that development of the state TMDL complies with all statutory requirements, including the Porter-Cologne Water Quality Control Act, the California Environmental Quality Act, and the Administrative Procedures Act.

**BE IT FURTHER RESOLVED** that the Board directs the Acting Executive Officer to transmit to the U.S. EPA the TMDL Report along with comments received on the TMDL Report.

I, Lawrence P. Kolb, Acting Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 21, 2000.

  
Lawrence P. Kolb  
Acting Executive Officer