

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Thomas Mumley)  
MEETING DATE: November 16, 2005

ITEM: 11

SUBJECT: **Amendment to the Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region to Establish San Francisco Bay Mercury Total Maximum Daily Load (TMDL) and Implementation Plan - Status Report on Remand by the State Water Resources Control Board - Information Item**

CHRONOLOGY: September 2004 – Board adopts Basin Plan Amendment to establish San Francisco Bay Mercury TMDL and Implementation Plan  
September 2005- State Water Board adopts resolution remanding Basin Plan Amendment back to the Board

DISCUSSION: This item describes the issues raised in the State Water Board resolution that remands the San Francisco Bay Mercury TMDL Basin Plan Amendment back to our Board and our approach for addressing those issues and the remand. We have prepared a Status Report (Appendix A) that presents our response to the remand's issues in terms of actions we are already taking or plan to take and options for revising the TMDL Basin Plan Amendment. It also includes an estimate of the staff resources and time required to accomplish the response, with emphasis on tasks above and beyond our current implementation efforts.

The remand's issues can be grouped into the following areas:

- ❑ The TMDL may not require all wastewater sources to implement the most effective pollution prevention practices and treatment technologies;
- ❑ Dredging and watershed mercury legacy sources of mercury affecting San Francisco Bay may need more attention;
- ❑ More public health risk reduction associated with consumption of mercury contaminated fish is needed; and
- ❑ It is uncertain whether the TMDL bird egg wildlife target and the water quality objective for mercury in Bay waters will be attained by the TMDL.

Although we have asserted that the issues raised by the State Water Board are either already accounted for in the TMDL Basin Plan Amendment already adopted by the Board or will be resolved through implementation of the TMDL, not all stakeholders agree. As such, we propose some relatively straightforward and low costs revisions that we could make, along with some additional implementation actions that should result in an approvable TMDL Basin Plan Amendment by both the State Water Board and USEPA, while still moving the Bay's recovery forward. Efforts to resolve the dredging, public health risk reductions, wildlife target, air deposition, and recovery timeframe issues are underway and can be accomplished with existing staff resources.

Our recommended next steps for the other issues and estimated timeframe and resource needs are summarized below.

To resolve wastewater issues, we will evaluate a revised wastewater wasteload allocation scheme for consideration by the Board in a revised TMDL Basin Plan Amendment that recognizes and drives load reductions that could be met via aggressive pollution prevention, offsets per a state pollutant trading program under development, and other cost-effective methods. We will also clarify that wastewater dischargers are required to monitor methylmercury in their effluent as part of studies regarding the bioavailability of mercury in wastewater effluent, the fate of such mercury after it enters the Bay, and the potential for wastewater flows to increase as the Region grows.

To resolve watershed mercury legacy sources-related issues, we will survey and evaluate mercury mine sites and Bay margin cleanup sites in the Region to ensure cleanup requirements will be consistent with the TMDL.

To resolve the water quality objective issue, we will prepare a Basin Plan Amendment for consideration by the Board that would establish the fish tissue target of the TMDL as a water quality objective.

We estimate to carry out the wastewater wasteload allocation revisions to the TMDL and water quality objectives Basin Plan Amendments would take six to nine months for a full staff person, and the watershed legacy sources effort will take six months for a half time staff person.

RECOMMEN- No action necessary, but we will seek feedback on our response plan.  
DATION:

Appendix A – Staff Report