

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

STAFF SUMMARY REPORT (Naomi Feger)
MEETING DATE: December 13, 2006

ITEM: 6

SUBJECT: Proposed Amendment to the Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region to Establish New Water Quality Objectives and Implementation Plan for Cyanide in San Francisco Bay – Hearing to Consider Adoption of Proposed Basin Plan Amendment

CHRONOLOGY: August 2006 – Public Notice of Proposed Basin Plan Amendment
October 2006 – Hearing to Receive Testimony on Proposed Basin Plan Amendment

DISCUSSION: At this hearing, the Board will be asked to consider adopting a Resolution (Appendix A) amending the Basin Plan to establish site-specific marine water quality objectives for cyanide for San Francisco Bay. We will discuss revisions to the Basin Plan Amendment (Appendix B) and supporting documentation that were made in response to stakeholder comments received during the comment period, and comments raised by Board members at the testimony hearing which was held in October. Additional documentation in this package includes our revised Staff Report (Appendix C), Responses to Comments (Appendix D), copies of all written comments received during the public comment period (Appendix E), and the transcript of the October testimony hearing (Appendix F).

The proposed Basin Plan amendment will establish the following:

- Site-specific marine cyanide objectives (acute 9.4 µg/l and chronic 2.9 µg/l) for all segments of San Francisco Bay to replace the existing National Toxics Rule (NTR) acute and chronic objectives of 1 µg/l;
- Dilution credits for cyanide for shallow water wastewater dischargers; and
- An implementation plan that calls for cyanide effluent limits and monitoring and surveillance requirements in NPDES permits for wastewater dischargers to prevent degradation of water quality.

The proposed site-specific objectives are based on both state and federal guidance and policy that address development of site-specific objectives. The state Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy) allows for consideration of site-specific objectives when permit limits based on existing water quality objectives may not be attainable, the current objectives are not appropriate for the water body, and there is no evidence of adverse water quality impacts. All these conditions are met for cyanide in San Francisco Bay. In particular, Regional Program Monitoring data for cyanide in the Bay reflect concentrations that are well below the existing objective. In addition, cyanide does not persist in natural waters and does not bioaccumulate in biota.

Implementation of the site-specific objectives for cyanide will be accomplished primarily via numeric effluent limits in NPDES wastewater permits derived in accordance with the State Implementation Policy. The proposed Basin Plan amendment includes specified dilution credits to establish limits for shallow water wastewater dischargers that reflect site-specific conditions. Dischargers will also be required to implement pollution prevention measures and to conduct surveillance and monitoring.

During the public review period that closed on October 2, 2006, we received 11 comment letters. Those letters included comments from USEPA, San Francisco Bay wastewater dischargers, the Bay Area Clean Water Agencies and the Tri-TAC, which is jointly sponsored by the California Association of Sanitation Agencies, the California Water Environment Association and the League of California Cities.

We have responded to all of the issues raised by the public and Board members via minor changes in the Basin Plan amendment and by enhancing the supporting documentation to demonstrate that there will be no adverse water quality impacts as a consequence of the proposed dilution credits and conditions in the resulting mixing zones.

The proposed cyanide site-specific objectives and implementation plan protect water quality, meet all federal and state requirements, and are responsive to stakeholder concerns.

We anticipate that the State Board will approve this amendment as State Board legal and technical staff have indicated to us that they agree that the determination of dilution credits and mixing zones in the proposed amendment are in compliance with the methods set forth in the State Implementation Policy.

RECOMMEN-
DATION

Adopt the Resolution.

APPENDIX:

- A. Tentative Resolution with Exhibit A, Proposed Basin Plan Amendment
- B. Proposed Basin Plan Amendment showing changes since August 18, 2006
- C. Supporting Staff Report
- D. Responses to Comments
- E. Comment Letters
- F. October 11, 2006 Hearing Transcript