

Appendix D

COMMENT LETTERS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco CA 94105

DATE : *Oct. 2, 2006*

PAGES (Including Cover Sheet) : *4*

To : Name : *Naomi Feger*

Organization : *SF RB*

Office/Mail Code :

Fax Number : *510 - 622 - 2460*

Verification Number :

From : Name : *Susan Hatfield*

Mail Code *WTR-5*

Phone Number : *415 - 947 - 3520*

Fax Number : *415 - 947 - 3545*

NOTE :

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

SEP 29 2006

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

RE: Draft Basin Plan Amendment and Staff Report on Proposed Site-Specific Water Quality Objectives for Cyanide for San Francisco Bay

Dear Ms. Feger:

EPA has reviewed the August 18, 2006 *Draft Staff Report on Proposed Site-Specific Water Quality Objectives for Cyanide for San Francisco Bay*. It is our understanding that the marine site-specific objectives that were developed for Puget Sound and incorporated into the draft Basin Plan amendment for San Francisco Bay were developed consistent with EPA methods, and we believe they are protective of the beneficial uses in the Basin Plan for San Francisco Bay. We do not have any substantive comments on these objectives at this time. It will, however, be necessary to consult with the USFWS and NOAA Fisheries concerning the effects on endangered and threatened species when we take our action on these amendments.

We have recently met with you and your staff to discuss our concerns in relation to the implementation of the proposed amendments. We appreciate the work that your staff has undertaken to modify the proposal in an effort to help resolve EPA's concerns. We do, however, continue to have concerns regarding the proposed mixing zones for shallow water dischargers as outlined below.

Beneficial Use Protection Within Mixing Zones

We are still concerned that this proposal could jeopardize beneficial uses within the mixing zones. The calculated mixing zone surface areas are quite extensive for most of the shallow water dischargers, and range from a median of 4.2 acres to the largest mixing zones for San Jose and Hayward Marsh of 41 acres. In general, we accept the staff report's conclusion that acute water quality objectives will be met within the mixing zones, and that the "main" body of the Bay will not exceed the site-specific objectives. However, we are concerned that given the extent of the mixing zones, aquatic organisms including swimming fish as well as drifting and sessile organisms are likely to live out their lives within these mixing zones. The chronic objectives were developed to protect organisms from chronic effects on a frequency of an average of 4 days once every 3 years. This proposal, however, would allow exceedences of the chronic objectives at all times within the mixing zones.

Attenuation vs. Dilution

The SIP, as well as EPA policy and regulation, allow for dilution credits, but do not present any procedures for calculating attenuation credits. The staff report asserts that "cyanide

is a pollutant that chemically degrades to harmless by-products in natural waters over time, as opposed to pollutants like elemental metals." (Page 1-1) However, we cannot find any scientific information in the staff report supporting this statement. Because cyanide is not elemental, we certainly agree that there may be more degradation than would occur with a metal. However, the staff report does not demonstrate the extent of the degradation of cyanide in Bay waters to "harmless by-products." In fact, the staff report's discussion of uncertainties surrounding industrial inputs of thiocyanate (page 5-34) underscores the need for a better understanding of the various cyanide-containing compounds that may not be accounted for in a total cyanide analysis. EPA is concerned that the process defined in the staff report as "attenuation" (a ratio of effluent cyanide values to values found in the ambient water column) may include a number of processes other than degradation to harmless by-products. For example, many of the by-products may not be harmless, and cyanide may potentially be adhering to sediment that is settling in the benthic zone.

Non-compliance with SIP

It is unclear whether the SIP requirements (page 15) for mixing zones have been met for all the mixing zones proposed. The SIP requires that each discharger complete an "independent mixing zone study" and that the mixing zone shall not "adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or State endangered species laws." Additionally, the SIP requires that the mixing zone not "dominate the receiving water body." In the case of many of these discharges, the receiving water body is a slough tributary to the Bay, not the entire Bay.

To evaluate the overall acceptability of mixing zones, EPA's *Technical Support Document for Water Quality-based Toxics Control* suggests the use of a multi-step procedure, described in an EPA document entitled *Allocated Impact Zones for Areas of Non-Compliance*. (EPA 823-R-95-003) To determine whether the proposed mixing zones are appropriate, ecosystem information and other considerations as discussed in EPA's *Allocated Impact Zones for Areas of Non-Compliance* should be analyzed and discussed in the staff report.

Endangered Species Concerns

EPA is required to complete a consultation with the Federal resource agencies prior to approval of any state water quality standards action. EPA believes the mixing zones proposed in this document contain critical habitat areas for the threatened Central California Coastal steelhead and the endangered delta smelt. The staff report does not provide information regarding the behavior of these federally-listed species within the mixing zones, and whether exceedences of the chronic cyanide SSO will impact these species. At a minimum, the staff report should provide information for each discharge that explains compliance with the SIP requirement under 1.4.2.2 A, that a mixing zone shall not (3) restrict the passage of aquatic life, and (4) adversely impact biologically sensitive or critical habitats, including but not limited to, habitat of species listed under federal or State endangered species laws. This analysis is required by the SIP, but will also be critical to EPA's Endangered Species Act (ESA) consultation obligations.

Calculation Discrepancies

We do not understand the discrepancy between some outfall levels in Appendix D and the mean and maximum concentrations in Table 2 of Appendix C (i.e., for Fairfield-Suisun Sewer District.) Please explain the discrepancies between these two sets of numbers.

Our comments in this letter do not constitute an approval, disapproval or determination by EPA under Clean Water Act section 303(c) or 303(d). We will act upon any water quality standards following formal State adoption and submittal to EPA.

We look forward working with you on these issues in the future. If you have any questions, please do not hesitate to contact me at (415) 972-3420, Susan Hatfield at (415) 972-3520, or Nancy Yoshikawa at (415) 972-3535.

Sincerely,



Douglas E. Eberhardt, Chief
CWA Standards and Permits Office



SOUTH BAYSIDE SYSTEM AUTHORITY

JOINT POWERS AUTHORITY

A Public Entity

1400 Radio Road • Redwood City, California 94065-1220 •

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City of Belmont

City of Redwood City

City of San Carlos

West Bay Sanitary District

Mr. Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

September 27, 2006
13-80.3

RE: Proposed Amendment to the Water Quality Control Plan for the San Francisco Bay Basin, Site Specific Water Quality Objectives and Implementation Plan for Cyanide in San Francisco Bay

Dear Mr. Wolfe:

The South Bayside System Authority (SBSA) is committed to the protection of San Francisco Bay and its beneficial uses. SBSA strives on a daily basis to improve the water quality of the bay through high quality and consistent treatment of over eighteen (18) million gallons of wastewater each day. SBSA supports the proposed site specific water quality objectives and the proposed Basin Plan Amendment which incorporates the Implementation Plan for Cyanide in San Francisco Bay.

SBSA commends the Water Board on the comprehensive analysis of the available site-specific information and the review and application of new national studies to the development of this proposed site specific objective for Cyanide. SBSA also commends the Board on its approach to the implementation of the cyanide objectives as effluent limits for deep water and shallow water dischargers, which is consistent with State and Federal laws and regulations.

The adoption of the National Toxic Rule (NTR) for specific pollutants is intended to protect the uses of the San Francisco Bay. In some cases, the NTR numbers are derived from analyses of sensitive aquatic species that are not resident in the San Francisco Bay. Such is the case for the species of *Cancer* crab used to determine the NTR number for Cyanide. SBSA specifically supports the basis of the Water Board's recalculation, the sensitivity of four (4) west coast crab species, which is consistent with the updated criteria for the Puget Sound. This action has been accepted by EPA and the State of Washington and is consistent with the approved EPA method for developing a site-specific objective.

San Francisco Bay Regional Water Quality Control Board
Attn: Bruce Wolfe, Executive Officer
September 27, 2006
Page 2

It is accurate to state that not all cyanide discharged by clean water agencies is free cyanide, however, free cyanide is the most toxic form. The lack of analytical tools that allow for speciation of cyanide has led the Water Board to the conservative assumption that all cyanide in wastewater effluent is free cyanide. It is our expectation that improvement in analytical methodology will result in the speciation of chemical substances so that the actual composition of cyanide species in wastewater effluent can be determined in the future and appropriate adjustments made to the Basin Plan.

Cyanide is not a persistent pollutant; it degrades and attenuates in the environment. We concur with the Water Board that accounting for this natural degradation of cyanide in surface water is critical to the development of the Basin Plan amendment and implementation plan for the site-specific objective. The NTR does not, and could not, account for this attenuation because the studies that brought this fact to light were conducted after the NTR was adopted. The Water Board proposal is therefore, based on more current, more scientific, and more importantly, site-specific information about the aquatic life in the San Francisco Bay and other western marine waters.

We are fortunate that the San Francisco Bay Regional Monitoring Program (RMP), along with SR Hansen and Associates studies, have provided additional information about ambient conditions in both shallow and open waters of the Bay. The studies indicate that cyanide is not present in harmful amounts, nor is there any indication of cyanide toxicity in the Bay. In the case of wastewater discharges into shallow water, the cyanide exhibited rapid degradation and decline in concentration and is not present at concentrations toxic to sensitive species.

Current NTR standards for cyanide are not achievable as final NPDES effluent limits for clean water agencies. The SIP requires that any new objective must provide reasonable protection of the beneficial uses and be in accordance with Federal and State laws and regulations. Data collected and analyzed within the studies cited in the Water Board staff report indicate there is no evidence of cyanide toxicity in the Bay and support a Basin Plan amendment to change the existing cyanide objectives for marine waters. SBSA considers it unreasonable and unnecessary to require the continued use of the NTR in the face of the new scientific information and the knowledge that widespread non-compliance will result.

The South Bayside System Authority is dedicated to protecting the waters of the San Francisco Bay and to the development of knowledge and information about effects of wastewater discharges. The requirements in the proposed Basin Plan amendment to implement a monitoring and a surveillance program are consistent with our goals.

Our industrial pretreatment and pollution prevention programs are very effective. We agree that a review of the sources of cyanide in our influent should be done every five

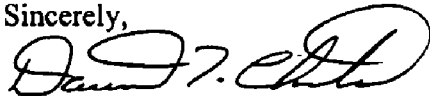
San Francisco Bay Regional Water Quality Control Board
Attn: Bruce Wolfe, Executive Officer
September 27, 2006
Page 3

years and other programs such as the detection of illicit discharges should include cyanide as a pollutant of concern.

The mandatory effluent limits proposed in the Basin Plan may lead to program inefficiencies in the future as clean water agencies will utilize resources to meet regulatory program requirements regardless of their overall impact toward pollution prevention. SBSA encourages the Water Board to include a program evaluation component into the Basin Plan. This language should require an adaptive management review and evaluation of this standard and the implementation of findings after 10 years. The purpose is to evaluate the effectiveness of these requirements and to determine if there is new scientific or water quality information which support revisions to the site specific objective.

We understand that developing a site specific objective is not required by either the CWA or the Poter Cologne Act; therefore, we appreciate the dedication exhibited by the Water Board to review new scientific information and to prepare this comprehensive analysis. SBSA believes this is an excellent example of what can result from directed investment in data, scientific inquiry and analysis. The long term protection of the San Francisco Bay and point source compliance with NDPES permits are the fortunate results of the Water Board staff's dedication.

Sincerely,



Daniel T. Child
Manager

cc: USEPA Region IX, Doug Eberhardt
SWRCB, Ken Harris



Central Contra Costa Sanitary District

5019 Imhoff Place, Martinez, CA 94553-4392

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FAX: (925) 228-4624

September 28, 2006

SEP 29 2006

JAMES M. KELLY
General Manager

KENTON L. ALM
Counsel for the District
(510) 808-2000

ELAINE R. BOEHME
Secretary of the District

Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Dear Mr. Wolfe:

PROPOSED AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY BASIN, SITE SPECIFIC WATER QUALITY OBJECTIVES AND IMPLEMENTATION PLAN FOR CYANIDE IN SAN FRANCISCO BAY

The Central Contra Costa Sanitary District (CCCSD) is committed to protecting the San Francisco Bay and its beneficial uses. CCCSD supports the proposed cyanide site-specific water quality objectives and the proposed Basin Plan Amendment, which incorporates the Implementation Plan for Cyanide in San Francisco Bay.

The adoption of the National Toxic Rule (NTR) for specific pollutants was intended to protect the uses of the San Francisco Bay. In some cases these NTR numbers are derived from analyses of sensitive aquatic species that are not resident in the San Francisco Bay. Such is the case for the species of *Cancer* crab used to determine the NTR number for Cyanide.

CCCSD specifically supports the basis of the Water Board's recalculation of the site-specific water quality objective for cyanide, which accurately accounts for the sensitivity of four West Coast crab species. The recalculation is consistent with the updated criteria for the Puget Sound, which has been accepted by the EPA and the State of Washington, and is consistent with the approved EPA method for developing a site-specific objective.

Cyanide is not a persistent pollutant; it degrades and attenuates in the environment. CCCSD concurs with the Water Board that accounting for this natural degradation of cyanide in surface water is critical to the development of the Basin Plan amendment and implementation plan for the site-specific objective. The NTR does not account for this attenuation because the studies that brought this to light were conducted after the NTR was adopted. The Water Board proposal is therefore, based on more current, more scientific, and more importantly, site-specific information about the aquatic life in the San Francisco Bay and other western marine waters.

The San Francisco Bay Regional Monitoring Program (RMP), and the SR Hansen and Associates studies provide additional information about ambient conditions in the open waters of the Bay. These studies indicate that cyanide is not present in harmful amounts nor is there any indication of cyanide toxicity in the Bay. Data collected and analyzed within the studies cited in the Water Board staff report indicate there is no evidence of cyanide toxicity in the Bay and support a Basin Plan amendment to change the existing cyanide objectives for marine waters.

The development of the site-specific cyanide objective is an excellent example of what can result from the directed investment in data, scientific inquiry, and analysis. CCCSD firmly supports the Water Board Staff evaluation to revise the existing cyanide objectives for marine waters.

Sincerely,



James M. Kelly
General Manager

JMK/mvp

cc: Doug Eberhardt, USEPA Region IX
Ken Harris, SWRCB



Tri-TAC
Jointly Sponsored by:
League of California Cities
California Association of Sanitation Agencies
California Water Environment Association

September 29, 2006

Reply to: 813 Sixth Street, Third Floor
Sacramento, CA 95814
(916) 446-7979
blarson@lawssd.com

Via E-mail & First-Class Mail

Mr. Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

SUBJECT: Proposed Amendment to the Water Quality Control Plan for the San Francisco Bay Basin: Site Specific Water Quality Objectives and Implementation Plan for Cyanide in San Francisco Bay

Dear Mr. Wolfe:

The California Association of Sanitation Agencies (CASA) and Tri-TAC appreciate the opportunity to provide comments on the proposed amendment of the Water Quality Control Plan for the San Francisco Bay Basin to adopt site-specific water quality objectives and an associated implementation plan for cyanide. CASA and Tri-TAC are statewide organizations comprised of members from public agencies and other professionals responsible for wastewater treatment. Tri-TAC is jointly sponsored by CASA, the California Water Environment Association, and the League of California Cities. The constituency base for CASA and Tri-TAC collects, treats and reclaims more than two billion gallons of wastewater each day and serves most of the sewered population of California.

CASA and Tri-TAC support the proposed site specific water quality objectives and the proposed Basin Plan Amendment which incorporates the Implementation Plan for Cyanide in San Francisco Bay. We have identified the development of appropriate objectives and effluent limitations for cyanide as a top priority. We are concerned that implementation of the National Toxic Rule (NTR) criteria for cyanide as end-of-pipe effluent limitations may place public wastewater treatment agencies in noncompliance, yet there is no evidence that these levels are required to protect beneficial uses in all

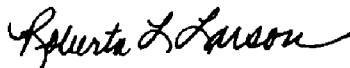
Mr. Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water
Quality Control Board
September 29, 2006
Page 2

waters of the state. In some cases, the NTR criteria are derived from analyses of sensitive aquatic species that are not resident in the water body. Such is the case with San Francisco Bay.

Cyanide is not a persistent pollutant; it degrades and attenuates in the environment. We concur with the Regional Water Board that accounting for this natural degradation of cyanide in surface water is critical to the development of the Basin Plan amendment and implementation plan for the site-specific objective. The NTR does not account for this attenuation because the studies that brought this to light were conducted after the NTR was adopted. The Regional Water Board proposal is based on the most current scientific and site-specific information about the aquatic life in the San Francisco Bay and other western marine waters.

We commend the Regional Water Board for undertaking this process. The development of site specific objectives is an important tool to ensure appropriate standards for our state's waters. The proposed cyanide Basin Plan amendment is an excellent demonstration of how this process, involving rigorous science and water body specific data, can be successful in protecting both water quality and public resources.

Sincerely,



Roberta L. Larson
Director, Legal and Regulatory Affairs
CASA



Charles V. Weir
Chair
Tri-TAC

RLL/jp
CVW/jp

cc: USEPA Region IX, Doug Eberhardt
SWRCB, Ken Harris

City of Palo Alto
Public Works Department

September 29, 2006

Mr. Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: Proposed Amendment to the Water Quality Control Plan for the San Francisco Bay Basin, Site Specific Water Quality Objectives and Implementation Plan for Cyanide in San Francisco Bay

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650.496.6958 fax
Operations
650.496.6974
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Regional Water
Quality Control
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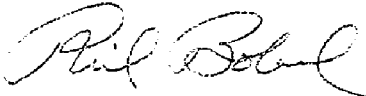
Dear Mr. Wolfe:

Thank you for the opportunity to comment on the proposed Site Specific Water Quality Objective and Implementation Plan for Cyanide in San Francisco Bay. The City of Palo Alto strongly supports adoption of the proposed Basin Plan amendment. As detailed in the Draft Staff Report proposing the site specific objective and implementation plan, there is no evidence of impairment of San Francisco Bay due to cyanide. Moreover, the National Toxics Rule criteria for cyanide that are currently in effect were derived using toxicity data for crab species not present in San Francisco Bay.

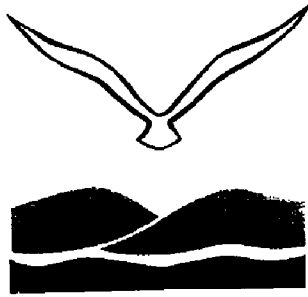
The City of Palo Alto operates a regional wastewater treatment facility that discharges an average of 25 million gallons per day of treated wastewater to Lower South San Francisco Bay. The concentrations of cyanide present in Palo Alto's effluent have been demonstrated to be a byproduct of chlorine disinfection. Despite our aggressive cyanide source control programs, Palo Alto will be unable to meet the projected final cyanide effluent limits if the site specific objective and implementation plan are not adopted.

The City of Palo Alto is committed to protecting San Francisco Bay, and we take special pride in the proactive leadership role that we have been able to assume with regard to pollution issues affecting the Bay. Most recently, our staff have led efforts to improve public awareness on the issue of proper management of unused and expired medications, and we are currently working with other Bay Area agencies to establish a long term regional medication takeback program. We credit your staff for conducting a thorough analysis in its preparation of the Draft Staff Report, and for proposing a resolution that continues to be protective of San Francisco Bay without diverting the finite resources of dischargers away from issues of greater concern.

Best regards,



Phil Bobel, Manager
Environmental Compliance Division



Bay Area Clean Water Agencies

Leading the Way to Protect Our Bay

A Joint Powers Public Agency

P.O. Box 24055, MS 702

Oakland, California 94623

October 2, 2006

Via E-Mail and First Class Post

Mr. Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

RE: Proposed Amendment to the Water Quality Control Plan for the San Francisco Bay Basin, Site Specific Water Quality Objectives and Implementation Plan for Cyanide in San Francisco Bay

Dear Mr. Wolfe:

BACWA supports the proposed site specific water quality objectives and the proposed Basin Plan Amendment which incorporates the Implementation Plan for Cyanide in San Francisco Bay. We specifically support the dilution zones for the shallow water dischargers and note that these are based on the updated and reviewed scientific information which tells us that there is not toxicity or harm to the Bay aquatic environment due to these effluent discharges.

The Bay Area Clean Water Agencies (BACWA) is committed professionally and as public agencies to protect the San Francisco Bay and its beneficial uses. The adoption of the National Toxic Rule (NTR) for specific pollutants was intended to protect the uses of the San Francisco Bay. In some cases these NTR numbers are derived from analyses of sensitive aquatic species that are not resident in the San Francisco Bay. Such is the case for the species of *Cancer* crab used to determine the NTR number for Cyanide.

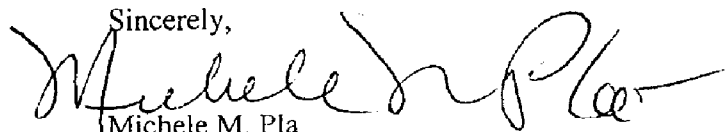
BACWA commends the Water Board on this comprehensive analysis of the available site-specific information and the review and application of new national studies to the development of this proposed site specific objective for Cyanide. BACWA also commends the Board on its approach to the implementation of the cyanide objectives as effluent limits for deep water and shallow water dischargers, consistent with State and Federal laws and regulations.

We have two major comments which we hope will be considered as the Water Board adopts this new objective and develops other objectives in the future:

1. It is our expectation that improvement in analytical methodology will result in the speciation of chemical substances so that the actual composition of cyanide species in wastewater effluent can be determined in the future. It is fair to say that not all the cyanide that is discharged by clean water agencies is free cyanide. Free cyanide is the most toxic form. The lack of analytical tools that allow for speciation of cyanide has led the Water Board to the conservative assumption that all cyanide in wastewater effluent is free cyanide.
2. The mandatory effluent limits proposed in the Basin Plan may lead to program inefficiencies in the future as the clean water agencies will utilize resources to meet regulatory program requirements **regardless** of their overall impact toward pollution prevention and water quality restoration. BACWA encourages the Water Board to include a program evaluation component into their Basin Plan language which will require an adaptive management review and evaluation of this standard and the implementation after 10 years. The purpose is to evaluate the effectiveness of these requirements and to determine if there is new scientific or water quality information which could support revisions to this site specific objective.

We understand that developing a site specific objective is not required by either the CWA or the Poter Cologne Act, therefore we appreciate the dedication exhibited by the Water Board to review new scientific information and to prepare this comprehensive analysis. BACWA believes that this is an excellent example of what can result from the directed investment in data, scientific inquiry and analysis. The long term protection of the San Francisco Bay and point source compliance with NDPES permits are the fortunate results of the Water Board staff's dedication.

Sincerely,



Michele M. Pla
Executive Director

Cc: USEPA Region IX, Doug Eberhardt
SWRCB, Ken Harris

Delta Diablo Sanitation District

OFFICE AND TREATMENT PLANT: 2500 PITTSBURG-ANTIOCH HIGHWAY, ANTIOCH, CA 94509-1373
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CALIFORNIA REGIONAL WATER

October 2, 2006

OCT 02 2006

QUALITY CONTROL BOARD

Mr. Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

**SUBJECT: PROPOSED AMENDMENT TO WATER QUALITY CONTROL PLAN FOR
SAN FRANCISCO BAY BASIN, SITE SPECIFIC WATER QUALITY
OBJECTIVES AND IMPLEMENTATION PLAN FOR CYANIDE IN SAN
FRANCISCO BAY**

Dear Mr. Wolfe:

On behalf of Delta Diablo Sanitation District (DDSD), we are writing to encourage the Water Board to adopt the proposed site specific water quality objectives and the proposed Basin Plan Amendment which incorporates the Implementation Plan for Cyanide in San Francisco Bay. DDSD is a member of the Bay Area Clean Water Agencies (BACWA) group. DDSD understands that BACWA also fully supports the proposed amendment and implementation plan.

Cyanide is not a persistent pollutant; it degrades and attenuates in the environment. We agree with the Water Board that accounting for this natural degradation of cyanide in surface water is critical to the development of the Basin Plan amendment and implementation plan for the site-specific objective. The National Toxics Rule (NTR) does not account for this attenuation because the studies that brought this to light were conducted after the NTR was adopted. We believe the Water Board proposal is, therefore, based on more current, more scientific, and more importantly, site-specific information about the aquatic life in the San Francisco Bay and other western marine waters.

The San Francisco Bay Regional Monitoring Program (RMP), along with SR Hansen and Associates studies, have provided additional information about ambient conditions, both in the shallow and open waters of the Bay. These studies indicate that cyanide is not present in harmful amounts nor is there any indication of cyanide toxicity in the Bay. In the case of wastewater discharges into shallow water, the cyanide exhibited rapid degradation and decline in concentration and is not present at concentrations toxic to sensitive species.

One of our greatest concerns is that current NTR standards for cyanide are not achievable as final National Pollutant Discharge Elimination System (NPDES) effluent limits for clean water agencies. The State Implementation Plan (SIP) requires that any new objective must provide reasonable protection of the beneficial uses and be in accordance with Federal and State laws and regulations. Data collected and analyzed within the studies cited in the Water Board Staff Report

Mr. Bruce Wolfe, Executive Officer

October 2, 2006

PROPOSED AMENDMENT TO WATER QUALITY CONTROL PLAN FOR SAN FRANCISCO BAY BASIN, SITE SPECIFIC WATER QUALITY OBJECTIVES AND IMPLEMENTATION PLAN FOR CYANIDE IN SAN FRANCISCO BAY

Page 2

indicate there is no evidence of cyanide toxicity in the Bay and support a Basin Plan amendment to change the existing cyanide objectives for marine waters. As such, we feel it is unreasonable and unnecessary to require the continued use of the NTR in the face of the new scientific information and the knowledge that widespread non-compliance would result.

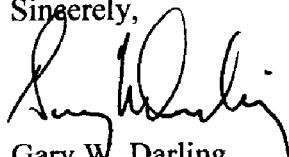
Our Industrial Pretreatment and Pollution Prevention Program is among the best in the Bay Area, recently receiving the Water Quality Excellence Award at the March 2006 Water Board meeting. We agree that a review of the sources of cyanide in our influent should be conducted every five years and other programs, such as for the detection of illicit discharges, should include cyanide as a pollutant of concern.

We also agree with BACWA that the mandatory effluent limits proposed in the Basin Plan may lead to program inefficiencies in the future as we could be forced to utilize resources to meet regulatory program requirements, regardless of their overall impact toward pollution prevention.

We understand that developing a site specific objective is not required by either the Clean Water Act or the Poter Cologne Act; therefore, we appreciate the dedication shown by the Water Board to review new scientific information and to prepare this comprehensive analysis.

For these reasons, DDS D encourages the Water Board to adopt the proposed site specific water quality objectives and the proposed Basin Plan Amendment which incorporates the Implementation Plan for Cyanide in San Francisco Bay.

Sincerely,



Gary W. Darling
General Manager

GWD/DFL:dcj

cc: Darrell Cain, Laboratory Director, DDS D
Dennis F. Laniohan, Operational Services Director, DDS D
Amanda Wong, Assistant Engineer, DDS D
Michele Pla, Executive Director, BACWA
Doug Eberhardt, Manager, NPDES Permits & Stormwater, Region IX, U.S. EPA
Ken Harris, Section Chief, TMDL Section, SWRCB
District File CORP.15.02-CORRES-21
Chron File



October 2, 2006

Post-it® Fax Note	7671	Date	10/2/06	# of pages	2
To	Naomi Fagerl Barbara Baginska	From	Dave Erablec		
Co.	RWOCB	Co.	City of Sunnyvale		
Fax #	510-622-2460	Phone #	408-730-7704		
		Fax #			

Mr. Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: Proposed Amendment to the Water Quality Control Plan for the San Francisco Bay Basin, Site Specific Water Quality Objectives and Implementation Plan for Cyanide in San Francisco Bay

Dear Mr. Wolfe:

The City of Sunnyvale supports the proposed Basin Plan Amendments to establish Site-Specific Objectives and an Implementation Plan for Cyanide in San Francisco Bay. Sunnyvale commends the Water Board on the comprehensive analysis of the available site-specific information and its review and application of new national studies to the development of the proposed objectives. Sunnyvale also commends the Board on its approach to the implementation of the cyanide objectives as effluent limits for deep water and shallow water dischargers, an approach which is consistent with State and Federal laws and regulations.

The San Francisco Bay Regional Monitoring Program (RMP) has provided information about ambient conditions both in the shallow and open waters of the Bay. These studies indicate that cyanide is not present in harmful amounts, nor is there any indication of cyanide toxicity in the Bay. In the case of wastewater discharges into shallow water, the cyanide exhibited rapid degradation and decline in concentration, and is not present at concentrations toxic to sensitive species. Sunnyvale was one of several POTWs that participated in a regional study which demonstrated this rapid decline in receiving water concentrations.

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The current National Toxics Rule-based objectives for cyanide were derived from analyses of sensitive aquatic species that are not resident to San Francisco Bay. The NTR standards for cyanide are not achievable as final NPDES effluent limits for many dischargers, and, given studies that indicate no evidence of cyanide toxicity in the Bay, would represent an unreasonable burden on dischargers.

As a member of the Bay Area Clean Water Agencies (BACWA), Sunnyvale is dedicated to advancing knowledge of San Francisco Bay, and in particular the effects of wastewater discharges to the Bay. The requirements in the proposed Basin Plan amendment to implement a monitoring and a surveillance program are consistent with those goals. Sunnyvale takes pride in its industrial pretreatment and pollution prevention. Sunnyvale agrees that a periodic review of the sources of cyanide in our influent should be done every five years and that other source control programs such as the detection of illicit discharges should include cyanide as a pollutant of concern.

Sunnyvale believes that the mandatory effluent limits proposed in the Basin Plan may lead to program inefficiencies in the future, as agencies will apportion resources to meet regulatory requirements regardless of their overall impact toward pollution prevention. We therefore recommend that the Water Board include a program evaluation component into the Basin Plan language that would require an adaptive management review and evaluation of the revised objective and implementation mechanism after 10 years.

Sunnyvale wishes to express its appreciation for the dedication exhibited by the Water Board to review new scientific information and to prepare this comprehensive analysis. We believe that this is an excellent example of what can result from a collaborative approach and the directed investment in data, scientific inquiry and analysis.

Sincerely,

David A. Distie (for Lorrie Gervin)

City of Sunnyvale

Lorrie Gervin

Environmental Division Manager



VALLEJO SANITATION &
FLOOD CONTROL DISTRICT
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Ron Matheson

September 28, 2006

Mr. Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

OCT 02 2006

QUALITY CONTROL BOARD

**RE: Proposed Amendment to the Water Quality Control Plan for the
San Francisco Bay Basin, Site Specific Water Quality Objectives and
Implementation Plan for Cyanide in San Francisco Bay**

Dear Mr. Wolfe:


Vallejo Sanitation and Flood Control District (District) supports the proposed site-specific water quality objectives and the proposed Basin Plan Amendment that incorporates the Implementation Plan for Cyanide in San Francisco Bay. In particular, the District supports the basis of the Water Board's recalculation using the sensitivity of four west coast crab species. The NTR number for cyanide was derived from analyses of sensitive aquatic species that are not resident in the San Francisco Bay.

Cyanide is not a persistent pollutant and the District agrees with the Water Board that accounting for this natural degradation of cyanide in surface water is critical to the development of the Basin Plan amendment and implementation plan for the site-specific objective. The Regional Monitoring Program (RMP) has provided additional information for ambient conditions both in the shallow and open waters of the Bay indicating that cyanide is not present in harmful amounts, nor is there any indication of cyanide toxicity in the Bay.

The current NTR standards for cyanide are not achievable as final NPDES effluent limits for our facility. The SIP requires that any new objective must provide reasonable protection of the beneficial uses and be in accordance with Federal and state laws and regulations. The Water Board's report indicates there is no evidence of cyanide toxicity in the Bay and supports a basin plan amendment to change the existing cyanide objectives for marine waters.

The District appreciates the efforts taken by the Water Board in reviewing all the information and preparing this comprehensive analysis.

Sincerely,


for Ronald J. Matheson
District Manager

Cc: USEPA Region IX, Doug Eberhardt
SWRCB, Ken Harris
Environmental Services
File



SAN FRANCISCO PUBLIC UTILITIES COMMISSION

1155 Market St., 11th Floor, San Francisco, CA 94103 • Tel. (415) 554-3155 • Fax (415) 554-3161 • TTY (415) 554.3488



October 2, 2006

Mr. Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

RE: Proposed Amendment to the Water Quality Control Plan for the San Francisco Bay Basin, Site Specific Water Quality Objectives and Implementation Plan for Cyanide in San Francisco Bay.

Dear Mr. Wolfe:

The City and County of San Francisco Public Utilities Commission (SFPUC) appreciates the opportunity to comment on the proposed Basin Plan Amendment for Cyanide in San Francisco Bay. The SFPUC, under the National Pollutant Discharge Elimination System Permit Program, is permitted to discharge treated wastewater into San Francisco Bay for the Southeast Water Pollution Control Plant and the Bayside Wet Weather Facilities (NPDES Permit No. CA0037664). The SFPUC is dedicated to maintaining compliance with NPDES permit conditions and as a public agency member of the Bay Area Clean Water Agencies (BACWA) is committed to protecting and restoring the San Francisco Bay and its beneficial uses.

The SFPUC supports the proposed site-specific water quality objectives and the proposed Basin Plan Amendment that incorporate the Implementation Plan for Cyanide in San Francisco Bay. We support the concept that review and use of the most recent verifiable data available is necessary to determine water quality objectives to protect beneficial uses in San Francisco Bay, and support studies using species of organisms resident to San Francisco Bay rather than species of organisms that do not reside in the Bay.

As a member agency to BACWA, the SFPUC supports all comments contained within the BACWA letter submitted in support of the proposed Cyanide site-specific water quality objective and Basin Plan Amendment. The SFPUC commends the Water Board for detailed staff effort in preparing the background information for this amendment

Sincerely,

William Keaney
San Francisco Public Utilities Commission
Wastewater Enterprise
Planning and Regulatory Compliance Division