

EPA Talking Points during 2/14/01 meeting

## Hg TMDL for SF Bay

### Issues/ Status

**1. Numeric Targets:** Controlling numeric target in the TMDL must show a clear relationship to meeting water quality standards for which impairment is listed on 303(d) list. Sediment target appears to be background from Central Valley and explicitly does not address wildlife and human health impairment listings. EPA understood that Phase 2 numeric targets would address wildlife and human health impairments and would be completed simultaneously with implementation measures by June 2001. Basin Plan amendments to follow Phase 2 analysis.

**Current Understanding:** Phase 1 TMDL using sediment target will be "refined" and implementation measures and Basin Plan amendment will be based on Phase 1. Purpose of Phase 1 is to "stabilize" the increasing mercury inputs to the Bay. Phase 2, which will look at human health and wildlife impairments, will not be addressed for at least another 10 years.

**Problem:** TMDL is not approvable if numeric targets do not address listed impairments. Further, EPA understood that Phase 2 would be completed by June 2001, and that implementation measures and Basin Planning amendments would be based on Phase 2 (which would address the wildlife and human health impairments).

**2. Analysis for Entire Bay:** TMDL analyses must address the entire Bay. A complete TMDL analysis is only included for the South Bay. Further, TMDL data show impairment throughout the Bay based on water column data (as well as sediment data and fish tissue data), while document appears to conclude "no impairment" with statement that delisting may be an option for segments north of the South Bay (below Dumbarton Bridge).

**Current Understanding:** "Refined" Phase 1 analysis (including assimilative capacity analysis) will continue to focus only on South Bay. **Problem:** If data show impairments to water quality standards and water body is listed on 303(d) list, RB must address all impairments in all segments of the Bay for the TMDL to be approvable.

**3. Waste Load Allocations for NPDES Dischargers:** Phase 1 TMDL allows NPDES sources to double their flow to allow for a doubling of their mass of mercury to the Bay (to allow growth). Analysis must show reasonable certainty that other sources of mercury will be sufficiently limited such that water quality standards will be met.

**Current Understanding:** "Refined" Phase 1 to continue to allow NPDES dischargers throughout the Bay to increase loadings, while analysis to show reasonable certainty that sources from Guadalupe River will be restricted. **Problem:** While it may be sufficient to show that South Bay dischargers may increase their loads if other South Bay sources (Guadalupe River) can be restricted with reasonable certainty, allowing all NPDES dischargers into the Bay to increase is contrary to EPA regulations.

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## Other Issues

- 4. Source Identification:** The TMDL analysis contains substantial uncertainty regarding the quantitative analysis of several sources including the Guadalupe River, atmospheric deposition, remobilization of sediments. These sources must be better identified and quantified in the final TMDL analysis.
- 5. Load Reductions:** The TMDL does not propose load reductions for the two largest identified sources by mass, sediment remobilization and sediment from the Central Valley. These sources must be addressed in the final TMDL.
- 6 Allocation Analysis:** The TMDL does not identify allocation criteria. The final TMDL must identify, explain and apply in a clear manner the allocation criteria, and the allocations must sum to or be equal to the allocation criteria.
- 7. Waste Load Allocations for Urban Runoff/Storm water Sources:** The sediment target is discussed as a control measure, but the TMDL analysis does not discuss monitoring or limiting methyl mercury in discharges. WLAs for Storm water sources must be addressed.
- 8. Load Allocations for Air Sources:** The discussion is not clear; while a reduction is discussed, sources are not identified. This discussion must be clarified.
- 9. Margin of Safety/Seasonal Variations:** The TMDL analysis is not complete; the analysis must look at individual sources of uncertainty and then all the sources of uncertainty to provide a margin on safety. The complete TMDL analysis must also look at seasonal variations.