



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Secretary for
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger
Governor

DATE: June 30, 2006

«FACILITY_NAME»
ATTENTION: «CONTACT_NAME»
«ADDITIONAL_LINE»
«MAIL_STREET»
«MAIL_CITY_ST_ZIP»

SUBJECT: Order For Unfiltered Methylmercury Waste Discharge Data Pursuant To California Water Code Section 13267

This letter requires that you submit a report of monitoring data on methylmercury discharged with the wastewater effluent from your facility. We are requiring wastewater facilities having average daily effluent discharge of 5 million gallons per day (MGD) or greater to monitor monthly and all other wastewater facilities to monitor quarterly. If your facility appears in the list on Table 2 in the attachment, you are required to perform monthly sampling and report your results by the deadline below. The facilities in that table had average daily effluent flow (rounded to nearest whole million MGD) of at least 5 MGD during the period 2004 to 2005. If your facility does not appear on this list, you are required to perform quarterly sampling (i.e., one sample in the period January-March, one sample in period April-June, one sample in July-September, and one sample in October-December) and report your results by the deadline below.

This requirement for a report of monitoring data is made pursuant to California Water Code Section 13267, which allows the Water Board to require technical or monitoring program reports from any party who has discharged, discharges, proposes to discharge, or is suspected of discharging waste that could affect water quality. The attachment provides additional information about Section 13267 requirements. The Water Board needs the required information in order to better assess the significance of wastewater facilities as a source of methylmercury discharges into San Francisco Bay. You are being required to submit a monitoring report because your facility discharges wastewater effluent containing mercury, a portion of which is very likely methylmercury, into San Francisco Bay. Evidence of your status as a discharger is available in the Water Board's public files.

Additionally, the information provided hereunder will assist the Water Board's mercury total maximum daily load (TMDL) efforts. For example, State Water Resource Control Board Resolution 2005-0060, remanding the Board's mercury TMDL, points to the importance of understanding methylmercury in wastewater effluent discharges. Additionally, the information provided will partially satisfy the Water Board's mercury TMDL implementation requirements to:

Preserving, enhancing, and restoring the San Francisco Bay Area's waters for over 50 years

- *Conduct or cause to be conducted studies to better understand mercury fate, transport, and biological uptake in San Francisco Bay and tidal areas (this requirement can be satisfied by supporting or conducting investigations that result in this information being made available to the Water Board beginning with the first adaptive implementation review);*
- *Conduct or cause to be conducted studies to evaluate the presence or potential for local effects on fish, wildlife, and rare and endangered species in the vicinity of wastewater discharges; (page 75 of September 2004 TMDL Staff Report.)*

With respect to monitoring requirements, instantaneous grab samples shall be collected according to the frequency mentioned above for one year (September 2006-August 2007) from your facility's wastewater effluent (this order does not apply to stormwater or once-through cooling water discharges). Intermittent or seasonal dischargers shall collect samples during those months for which a discharge occurs. The samples shall be collected downstream from the last connection through which wastes can be admitted into the outfall, and shall be representative of the quality of the discharge from the treatment plant. Unfiltered methylmercury samples shall be taken using clean hands/dirty hands procedures and shall be analyzed by U.S. EPA method 1630/1631 (Revision E) with a method detection limit of 0.02 ng/l. A partial list of laboratories performing U.S. EPA method 1630/1631 is attached as Table 1. A matrix spike/matrix spike duplicate shall also be analyzed with either the first or second set of samples to insure an acceptable methylmercury recovery rate in your effluent. Travel and field blanks must also be collected and analyzed with every other set of samples. Any other methylmercury monitoring data collected by your facility during the above period shall also be reported to the Water Board. Methylmercury samples should be collected concurrently with total mercury samples. Therefore, total mercury samples must be collected at least as frequently as the methylmercury sampling required by this letter. If your NPDES permit requires your facility to monitor for total mercury more frequently than the methylmercury sampling required by this letter, this letter does not obviate the need to collect those total mercury samples at the greater frequency.

While not required by this letter, we also recommend that instantaneous grab samples be collected from the facility's upstream receiving water and the main influent to determine the methylmercury treatment efficiency of your facility, as well as information about methylmercury and total mercury concentrations in influent water.

You are required to submit the report containing your monitoring results to the Water Board (attention Richard Looker), along with all laboratory sheets and supporting documentation associated with the analysis, by 30 September 2007. Your cooperation with this special discharge monitoring requirement is sincerely appreciated. However, we must advise that failure to comply with this order as required by Section 13267 of the California Water Code or falsifying any information provided may be subject to an administrative civil liability of up to \$1,000 per day of violation in accordance with Section 13268. Examples of non-compliance include, but are not limited to, failure to timely submit a required plan or report or failure to submit an adequate plan or report. Any request to amend the requirements herein

must made in writing. Any approval of such a request will be made by Water Board staff and must be in writing in order to be effective.

If you have any question, please contact Richard Looker at (510) 622-2451, or via e-mail at rlooker@waterboards.ca.gov.

Sincerely,

Bruce H. Wolfe
Executive Officer

Attachment 1: list of Analytical Laboratories Measuring Methylmercury by U.S. EPA Method 1630/1631 and list of dischargers required to perform monthly sampling.

Attachment 2: Fact Sheet - Requirements For Submitting Technical Reports Under Section 13267 of the California Water Code

Attachment 1

Table 1. List of Analytical Laboratories Measuring Methylmercury by U.S. EPA Method 1630/1631. Presence on the list does not constitute endorsement by the Water Board.

Lab	Contact	Phone
Battelle Marine Science Laboratory 1529 West Sequim Bay Road Sequim, WA 98382	Brenda Lasorsa	360-681-3650
Frontier GeoSciences 414 Pontius Ave N Seattle, WA 98109 http://www.frontiergeosciences.com	Michelle Gauthier	206-622-6960
Brook-Rand Trace Metal Analysis and Products 3958 6 th Ave N.W. Seattle, WA 98107 http://www.brooksrand.com	Colin Davis	206-632-6206
Studio Geochimica 4744 University Way NE Seattle, WA 98105 Studiogeochimica.org	Nicholas Bloom	206-525-6156
Caltest Analytical Laboratory 1885 North Kelly Rd Napa, CA 94558	Peter Halpin	707-258-4000
San Jose/Santa Clara WPCP laboratory 700 Los Esteros Road San Jose, CA 95134	Dr. Bob Wandro	408-945-3737

Table 2. List of Dischargers Required to Perform Monthly Sampling for Methylmercury

Central Contra Costa Sanitary District	San Jose & Santa Clara
Central Marin Sanitation Agency	San Mateo City
Chevron Richmond Refinery	South Bay System Authority
Delta Diablo Sanitation District	South San Francisco & San Bruno
East Bay Dischargers Authority	Sunnyvale
East Bay Municipal Utility District	USS – Posco
Fairfield-Suisun Sewer District	Vallejo Sanitation and Flood Control District
Shell Martinez Refining Company	West County/Richmond
Napa Sanitation District	Palo Alto
North San Mateo	Petaluma
S.F.City & County Southeast, North Point & Bayside	



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- attachment 2 -

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Fact Sheet – Requirements For Submitting Technical Reports Under Section 13267 of the California Water Code

What does it mean when the regional water board requires a technical report?

Section 13267¹ of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged or discharging, or who proposes to discharge waste...that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires."

This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?

The requirement for a technical report is a tool the regional water board uses to investigate water quality issues or problems. The information provided can be used by the regional water board to clarify whether a given party has responsibility.

Are there limits to what the regional water board can ask for?

Yes. The information required must relate to an actual or suspected or proposed discharge of waste (including discharges of waste where the initial discharge occurred many years ago), and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The regional water board is required to explain the reasons for its information demand.

What if I can provide the information, but not by the date specified?

A time extension may be given for good cause. Your request should be promptly submitted in writing, giving reasons.

Are there penalties if I don't comply?

Depending on the situation, the regional water board can impose a fine of up to \$5,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who submits false information or fails to comply with a requirement to submit a technical report may be found guilty of a misdemeanor. For some reports, submission of false information may be a felony.

Do I have to use a consultant or attorney to comply?

There is no legal requirement for this, but as a practical matter, in most cases the specialized nature of the information required makes use of a consultant and/or attorney advisable.

What if I disagree with the 13267 requirements and the regional water board staff will not change the requirement and/or date to comply?

You may ask that the regional water board reconsider the requirement, and/or submit a petition to the State Water Resources Control Board. See California Water Code sections 13320 and 13321 for details. A request for reconsideration to the regional water board does not affect the 30-day deadline within which to file a petition to the State Water Resources Control Board

If I have more questions, whom do I ask?

Requirements for technical reports indicate the name, telephone number, and email address of the regional water board staff contact.

¹ All code sections referenced herein can be found by going to www.leginfo.ca.gov.