WEST COUNTY AGENCY

A JOINT POWERS AGENCY

of

West County Wastewater District

and

City of Richmond Municipal Sewer District

2910 Hilltop Drive
Richmond, California 94806-1674
(510) 222-6700

June 4, 2009

Ms. Dorothy Rice
Executive Officer
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

Attention: Jeannie Townsend, Clerk to the Board

Via Electronic Mail: commentletters@waterboards.ca.gov

SUBJECT: Comments on Proposed Basin Plan Amendment for San Francisco Bay PCB TMDL

Dear Ms. Rice:

The West County Agency appreciates the opportunity to provide comments to the State Water Resources Control Board regarding the proposed polychlorinated-biphenyls (PCBs) TMDL Basin Plan amendment for the San Francisco Bay. Our comments pertain to the proposed requirements for municipal wastewater dischargers. West County Agency is the NPDES permit authority that operates a combined outfall in the Central San Francisco Bay. The outfall receives treated municipal wastewater from the Richmond Water Pollution Control Plant and the West County Wastewater District Wastewater Treatment Plant. The combined dry weather capacity of the two treatment plants is 28.5 MGD.

The West County Agency has significant concerns about the PCB TMDL that are described below. We appreciate your serious consideration of these concerns as we believe that the accumulation of issues has resulted in a TMDL that is not statistically valid or scientifically accurate. By reference, West County Agency also supports all comments made by the Bay Area Clean Water Agencies (BACWA).

The PCB allocations are not representative of municipal discharger performance, and should not be used as a basis for compliance determinations.

The February 2008 Basin Plan Amendment for the PCB TMDL states that the group and individual waste load allocations for municipal wastewater discharges is performance based. This statement is factually incorrect. Table A-1 of the PCB TMDL estimates the aggregate loading from municipal wastewater dischargers at 2.3 kg/yr. Table A-2 reduces that estimated waste load allocation (WLA) for municipal wastewater dischargers to 2 kg/yr. Table A-3 of the TMDL further divides the aggregate municipal loading into separate, smaller waste load allocations for individual dischargers. All of the proposed waste load allocations are based on a limited effluent dataset collected from only nine municipal wastewater dischargers between 1999-2001 and calculated using 2003 flow data. West County Agency believes that the analytical data set is inadequate to establish either the proposed total WLA to San Francisco Bay or individual WLAs. Use of limited concentration data, as well as use of a 10-year old baseline (1999-2001 for concentration and 2003 for flows) indicates that the WLAs are not representative of current performance by all municipal wastewater dischargers.

Group Municipal Wastewater Discharger Waste Load Allocation

West County Agency does not believe that the aggregate loading of 2.3 kg/yr for all municipal wastewater is substantiated in the TMDL documentation. This WLA is based on just 23 data points from a limited number of municipal wastewater dischargers that were determined using an unapproved analytical method. Nor do we believe that a reduction from the estimated 2.3 kg/yr to 2 kg/yr is necessary or will result in meaningful water quality benefits for the San Francisco Bay. The PCB TMDL appears to arbitrarily round the municipal wastewater WLA to a whole number and just one significant figure. In contrast, the industrial discharger WLA was calculated to 2 significant figures (0.035 kg/yr).

Individual Municipal Wastewater Discharger Waste Load Allocations

As a consequence of the limited effluent data set, the individual wasteload allocations for municipal wastewater dischargers are based solely on an estimated performance by a limited number of secondary and advanced secondary treatment facilities and calculated using individual facility flow design. The result is that secondary treatment facilities have disproportionately lower waste load allocations, which cannot accurately be called "performance-based."

Facility Type	Average PCB Concentration, 1999-2001 (pg/L)	Wastewater Treatment Plants Represented by Data in the PCB WLA	Wastewater Treatment Plants in San Francisco Bay Watershed
Secondary Wastewater Treatment Plants	3460	5	32
Advanced Secondary Wastewater Treatment Plants	208	4	15

The proposed individual allocations were developed based on PCB effluent concentration data for select dischargers as presented in the PCB TMDL Project Report (December, 2003). As shown in the table above, data were collected from just four (4) dischargers with advanced secondary treatment and five (5) dischargers with secondary treatment. Two to four samples were analyzed for each of the selected dischargers. A total of fourteen (14) samples were collected over a nine (9) month period to characterize PCB effluent levels for advanced secondary treatment in 1999-2000 and a total of nine (9) samples were collected over a three (3) month period in 2000-2001 to characterize PCB effluent levels for secondary treatment. No data is available to characterize the remaining wastewater treatment facilities listed in Table A-3 of the proposed Basin Plan amendment.

Thank you again for the opportunity to comment on the proposed PCB Basin Plan Amendment and staff report. We look forward to reviewing any additional drafts and the final proposed documents.

Sincerely,

E.J. Shaloby
Manager
West County Agency

cc: Michele Pla, BACWA Executive Director (mpla-cleanwater@comcast.net)
Melissa Thorme, Downey Brand, LLP (mthorme@DowneyBrand.com)