

EBDA

EAST BAY DISCHARGERS AUTHORITY
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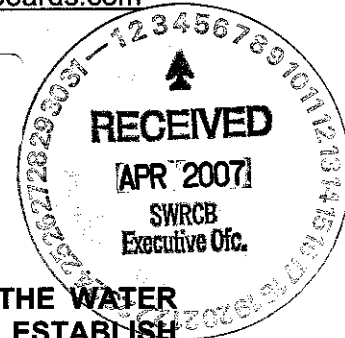
A Joint Powers Public Agency

April 4, 2007

Sent Via email to commentletters@waterboards.com

Tam M. Doduc, Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

SF Bay Mercury
Deadline: 4/4/07 Noon



Attention: Song Her, Clerk to the Board

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY REGION TO ESTABLISH MERCURY FISH TISSUE OBJECTIVES, VACATE A MERCURY WATER QUALITY OBJECTIVE, AND ESTABLISH A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR MERCURY IN SAN FRANCISCO BAY

Chair Doduc and Members of the Board:

The East Bay Dischargers Authority and its member agencies provide wastewater collection and treatment services to 900,000 residents of southern and eastern Alameda County. Collectively there are six publicly owned treatment plants (POTWs) that discharge through the Authority's outfall to San Francisco Bay.

The San Francisco Bay Regional Water Board adopted a revised Basin Plan Amendment modifying the Mercury TMDL based on the State Water Board's Resolution No.2005-0060. The TMDL will require a 40% reduction in current Mercury loads from the Authority's POTWs. All of the Bay Area POTWs will be required to reduce either 20% or 40% based on current treatment levels. The Bay Area POTWs are the smallest source of mercury to the Bay, yet have one of the largest reduction requirements. The POTWs continue to be a primary focus despite their small contribution to the mercury load to the Bay.

The Authority supports the comments that have been submitted by the Bay Area Clean Water Agencies (BACWA) and urges the State Water Board to approve a resolution that approves revised Regional Water Board's Basin Plan Amendment for the Mercury TMDL. The revised TMDL clearly responds to the State Water Board's Remand Resolution.

The Authority's POTWs are in the process of spending over \$100,000,000 to upgrade their facilities in large part in response to the Mercury TMDL that was first adopted by the Regional Water Board in 2004. To meet the 40% reduction will require additional treatment, additional pretreatment and pollution prevention, or implementation of an offset program.

Resolved No. 8 of the Remand Resolution addresses offsets and reads as follows:

Directs State Water Board staff to develop a State policy for water quality control that establishes alternative methods to allow dischargers to meet mercury effluent

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| | | | | | Charles T. Killian |

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*limitations that are directed to preventing contributions to excursions above water quality standards. The policy shall allow dischargers to perform other activities aside from eliminating mercury from their discharges than they would be required to remove by applicable technology-based effluent limitations. This policy shall require more rigorous activities for: (a) dischargers not in compliance with their wasteload allocations and/or other applicable criteria or objectives; and (b) dischargers seeking to increase their mercury load. The policy shall include provisions that recognize the efforts of those dischargers who are meeting or outperforming their wasteload allocations, and that recognize the expenditures made by dischargers who are employing higher treatment levels. **The policy shall not include requirements that would leverage existing point source discharges as a means of forcing dischargers to bear more than their fair share of responsibility for causing or contributing to any violation of water quality standards. In this context "fair share" shall refer to the dischargers' proportional contribution to the impairment.** The policy shall also include provisions that prevent localized disparate impacts. (emphasis added)*

The Authority is confused that the State Water Board would request public comments on this TMDL instead of just including an approval resolution on a regular agenda. This TMDL has been in development for nearly ten years, and it is time to end the debate and move forward.

In conclusion, the Authority and its member agencies urge the State Water Board to adopt a Resolution Approving the Regional Water Board's amended Basin Plan for the revised Mercury TMDL as expeditiously as possible.

Your consideration of our request is appreciated.

Sincerely,



Charles V. Weir
General Manager

c: Commissioners
Member Agency Managers
Michele Plá, BACWA
Alexis Strauss, EPA Region 9
Bruce Wolfe, S.F. Bay RWQCB