

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Fred Hetzel)
MEETING DATE: September 12, 2007

ITEM: 10

SUBJECT: Proposed Amendment to the Water Quality Control Plan (Basin Plan) to Establish a Total Maximum Daily Load (TMDL) and Implementation Plan for Polychlorinated Biphenyls (PCBs) in San Francisco Bay - Hearing to Receive Testimony on Proposed Basin Plan Amendment

CHRONOLOGY: The Board has not previously considered this matter.

DISCUSSION: This is the first of two hearings on a Basin Plan amendment to establish a Total Maximum Daily Load (TMDL) and Implementation Plan for Polychlorinated Biphenyls (PCBs) in San Francisco Bay. The proposed amendment (Appendix A) and supporting staff report (Appendix B) were available for public comment initially for 45 days. Upon request, the comment period was extended an additional 15 days. This testimony hearing provides an opportunity for the public an all stakeholders to communicate their interests directly to the Board and for Board members to ask questions of staff and stakeholders.

The problem with PCBs in San Francisco Bay is that they have bioaccumulated in Bay fish to levels of concern for human health (sport and subsistence fishermen) and Bay wildlife. This concern caused the California Office of Environmental Health Hazard Assessment to issue a health advisory for consumption of bay-caught fish, which led to the impairment listing for PCBs in the Bay in 1998. This bioaccumulation is a legacy of the widespread use of PCBs in the 1940's through 1970's in electrical equipment and in many products including paints, adhesives, and caulks. Even though the manufacture and most uses of PCBs were banned in the 1970's, PCBs continue to be found in on-land and in-Bay contaminated areas, and continue to be detected in storm drains throughout the Bay Area, particularly in older urban and industrial areas. One of the biggest challenges in solving the PCBs problem is that even if all remaining external loads are eliminated, it may take decades for the Bay to recover from the large amount of PCBs already in Bay sediments. Meanwhile, on-going loads from external sources, particularly urban runoff, may inhibit or delay recovery.

The proposed Basin Plan amendment is a product of over seven years of scientific study and collaboration with many stakeholders. The San Francisco Estuary Institute, the Regional Monitoring Program, and the Clean Estuary Partnership, including the Bay Area Clean Water Agencies, Bay Area Stormwater Management Agencies Association and industries, made important contributions to the sources and loads analyses and models used to derive the TMDL and the

evaluation of implementation alternatives. We also convened numerous stakeholder meetings to solicit input and review interim reports.

In summary, the proposed Basin Plan amendment will establish the following:

- A numeric target for PCBs in fish tissue protective of human health and wildlife, similar to our approach in the mercury TMDL.
- A TMDL expressed as a total annual PCBs load to San Francisco Bay of 10 kilograms, which is roughly 15% of the existing load
- Allocations of the TMDL to the various external PCBs sources
- An implementation plan of actions to reduce external PCBs loads to achieve allocations, actions to manage PCBs in Bay sediments, and actions to reduce PCBs-related risks to humans
- A monitoring program that evaluates progress in meeting the target, TMDL, and allocations
- An adaptive implementation strategy to track and evaluate implementation actions while conducting studies to resolve uncertainties and improve our understanding of sources and loadings and fate of PCBs in the Bay

We received fourteen comment letters (Appendix C) on the proposed amendment and supporting staff report. Many of the comments reflect support for the TMDL, requests for minor changes, and concerns that may be resolved through clarification of the intent and substance of TMDL components or implementation requirements. However, a number of comments raised substantive issues within the following categories:

- Conflicting concerns that the TMDL numeric target is either not protective enough or is overly protective of the human health risks posed by PCBs in the Bay and concern that the sediment goal in the TMDL will be considered a “de facto” cleanup goal
- Concerns with the scientific and technical approach used to link the TMDL fish tissue target to the TMDL and associated allocations
- Concerns with the feasibility of attainment of the allocations for the Central Valley and urban runoff
- Conflicting concerns with the adequacy or stringency of implementation actions and level of detail in the Basin Plan amendment
- Concerns with the adequacy of the environmental impact (CEQA) analyses and associated economic considerations of implementation actions

A prevailing theme behind many of the issues raised is the inherent complexity of the PCBs problem and its solution. There is no doubt that we have much to learn, but in the meantime there are reasonable and feasible actions that can be implemented now or are already happening. A number of issues raised also appear to be based on misinterpretation of aspects of the TMDL and implementation plan, in particular, that required actions will be expensive with little environmental benefit. However, rather than continue studies before taking actions, our proposed adaptive implementation approach entails taking actions commensurate with the existing state of knowledge, reviewing new information as

it becomes available, and modifying actions as necessary based on the new information. Taking action allows progress to occur while more and better information is collected and the effectiveness of current actions is evaluated.

After this testimony hearing, we will review and prepare responses to both written and oral comments, and, as appropriate, prepare revisions to the proposed Basin Plan amendment or supporting report. We will also pursue constructive dialogue with all stakeholders as necessary to resolve issues. The adoption hearing at which the Board will consider approving a TMDL and implementation plan and responses to comments is currently scheduled for November.

RECOMMEN- No action is necessary at this time.
DATION:

APPENDICES: A. Proposed Basin Plan Amendment
B. Staff Report
C. Comment Letters