

# Bay Area Clean Water Agencies

Leading the Way to Protect Our Bay

A Joint Powers Public Agency

P.O. Box 24055, MS 702

Oakland, California 94623

November 28, 2006

Song Her  
Clerk to the Board  
Executive Office  
State Water Resources Control Board  
PO Box 100  
Sacramento, CA 95812



**Subject: Development of Sediment Quality Objectives for Enclosed Bays and Estuaries of California, CEQA Scoping Meeting Informational Document**

Dear Ms. Her:

The Bay Area Clean Water Agencies (BACWA) offers the following comments regarding the CEQA Scoping Meeting Information Document for the development of sediment quality objectives for enclosed bays and estuaries of California. BACWA is an association comprised of municipalities and public agencies from the San Francisco Bay area that own and operate publicly owned treatment works. BACWA includes five principal agencies (City and County of San Francisco, City of San Jose, East Bay Municipal Utilities District, East Bay Dischargers Authority, and Central Contra Costa Sanitary District) and numerous other associate and affiliate public member agencies. BACWA is particularly interested in sediment quality objectives and associated implementation requirements since a number of its member agencies are direct dischargers to San Francisco Bay and will be directly affected by the proposed new regulatory program.

BACWA commends the SWRCB staff and Science Team for the science-based, data driven approach taken to develop sediment quality objectives (SQOs) for the enclosed bays and estuaries of California in the Phase 1 program. BACWA believes such an approach will lead to SQOs that are useful in identifying and characterizing problem areas and will satisfy the Water Code requirements to provide reasonable protection of beneficial uses in San Francisco Bay. BACWA is supportive of the SWRCB's use of national sediment quality experts as peer reviewers and advisors to the SWRCB during the development of the SQOs.

BACWA offers the following comments on the CEQA Scoping document for Phase 1 of the sediment quality objective program in California:

**Use of Multiple Lines of Evidence to Assess Sediment Quality (Section 2.10).**  
BACWA strongly supports application of a Multiple Line of Evidence (MLOE) approach in the implementation of sediment quality objectives for direct effects (protection of benthic organisms) using three lines of evidence (benthic community indices, sediment toxicity and sediment chemistry). BACWA supports the implementation of this approach using a suite of tools that have been validated for use in California by the SWRCB project team. BACWA believes that information developed by the SWRCB project team and the Scientific Steering Committee indicates that use of less than three lines of evidence is not scientifically supportable.


**Definition of an Exceedance of an SQO (Section 2.22).**  
BACWA supports an approach in which an SQO exceedance shall be defined based on consideration of multiple stations within a water body, rather than based on results for a single station (Alternative 2); however BACWA recognizes that the specific approach to be used is still in development.

**Implementation of SQOs in NPDES Permits (Section 2.24).**  
BACWA could support the application of SQOs in NPDES permits as receiving water limits, with the following conditions: (1) receiving water monitoring required by an NPDES permit could be satisfied by a discharger's participation in a regional SQO monitoring program; and (2) receiving water limits incorporated in NPDES permits shall include language specifying that the discharger shall not be in violation of such limits unless it is demonstrated that the discharge is causing the SQO exceedance. BACWA is strongly opposed to the use of SQOs to establish effluent limits in NPDES permits since the linkages between sediment quality conditions and the concentrations of individual pollutants in NPDES discharges are so poorly understood at this time.

**Sediment Monitoring.**  
BACWA favors a regional monitoring approach consisting of an intensive initial round of sediment quality analysis using the tools identified for San Francisco Bay, followed by additional monitoring where necessary to refine the spatial extent of problem areas and investigate causes and solutions. BACWA does not support routine monitoring by individual dischargers if the results of the initial round of monitoring indicate the absence of impacted sediments. The need for subsequent monitoring in future NPDES permits should be evaluated on a site-specific basis.

BACWA appreciates the opportunity to provide comments on the CEQA Scoping document and looks forward to working with you in the development of the SQO Program for Enclosed Bays and Estuaries in California.

Sincerely,



Michele M Pla,  
Executive Director

