



Public Comment
SF Bay PCB TMDL's
Deadline: 6/4/09 by 12 noon

Directors
Pat D. Gacoscos

Pat Kite

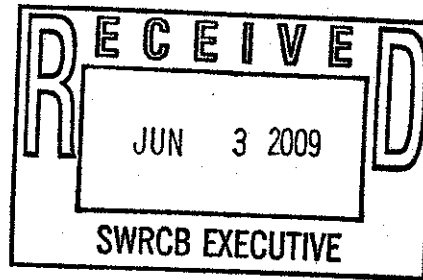
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June 3, 2009

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:

Thank you for the opportunity to comment on the proposed Basin Plan amendment for PCB TMDL. Union Sanitary District has several significant concerns about the February 2008 Basin Plan Amendment for the PCB TMDL as summarized below:

Waste Load Allocation Development for Municipal Dischargers

Union Sanitary District is concerned that the waste load allocation (WLA) of 2.3 kg/yr for all municipal dischargers is based on an unreasonably small sampling of data from a limited number of municipal dischargers that does not accurately represent the current mass loading of PCB for all municipal dischargers, does not represent the actual performance of Union Sanitary District, and therefore is not performance based.

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 are available to characterize the remaining 31 wastewater treatment facilities listed in Table A-3 of the proposed Basin Plan amendment.

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). 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. Effluent concentration data collected during in the 1999 through 2001 PCB TMDL study were analyzed using an unapproved analytical method.

As a consequence of the limited effluent data set, the individual WLA 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."

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As the municipal wastewater discharger WLA and individual wastewater discharger WLA are not performance based, and due to the great uncertainty resulting from the limited data used to develop the WLA, implementation of effluent limit concentrations based on the TMDL will place municipal wastewater agencies in potential compliance jeopardy and as a result, should not be used to develop concentration limits to be used to determine compliance.

Reduction in Waste Load Allocation

Union Sanitary District does not agree that the 15% reduction in waste load allocation from 2.3 kg/yr listed municipal dischargers in table A-1 of the February 2008 TMDL, to 2.0 kg/yr actually allocated to municipal dischargers in Table A-3 is warranted or appropriate. In contrast the industrial discharger WLA was calculated to 3 significant figures (0.035 kg/yr), "which reflects estimated current loads" both as described on Page 71 of the SFBRWQCB staff report.

Analytical Methodology

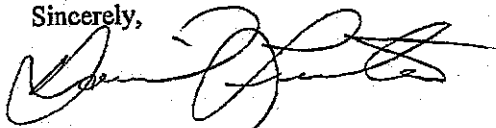
The reference to 40 CFR Part 136 for the determination of compliance, on page B-10 of the PCB TMDL, is missing an analytical method reference number. As different analytical methods include different numbers of PCB congeners, it is important that the method for demonstrating compliance is clear and appropriate for that purpose.

Additional Considerations

By reference, we also support all comments submitted the Bay Area Clean Water Agencies (BACWA) on this issue.

We appreciate your sincere consideration of our concerns in this matter. 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,



David Livingston, Manager, Treatment and Disposal Services
Union Sanitary District

Cc: Michele Pla, BACWA Executive Director
Melissa Thorne, Downey Brand, LLP