

June 3, 2009



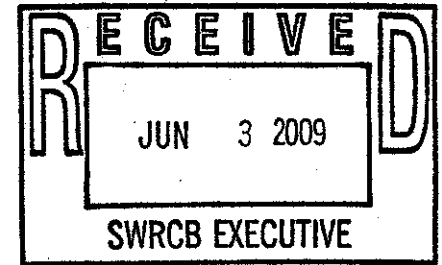
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State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

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



*Protecting public health
and the San Francisco Bay
since 1952.*

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DISTRICT MANAGER
Ronald J. Matheson

Vallejo Sanitation and Flood Control District (District) appreciates the opportunity to provide comments to the State Water Resources Control Board regarding the proposed polychlorinated-biphenyls (PCBs)-related TMDL Basin Plan Amendment for the San Francisco Bay. Our comments pertain to the proposed requirements for both municipal wastewater dischargers and stormwater runoff management agencies. The District has significant concerns about the PCB TMDL, which 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, nor scientifically accurate. As a result, this TMDL will place municipal wastewater agencies in potential non-compliance when NPDES permit effluent limitations are developed to implement this TMDL.

THE MUNICIPAL WASTEWATER WASTE LOAD ALLOCATION AND INDIVIDUAL DISCHARGER WASTE LOAD ALLOCATIONS ARE NOT PERFORMANCE BASED

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 very limited effluent data set collected from only nine municipal wastewater dischargers between 1999-2001 and calculated using 2003 flow data, as acknowledged by the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) staff on page 78 of the December 2007 Staff report. The District believes that the analytical data set is inadequate to establish either the proposed total waste load allocation to the San Francisco Bay, or individual waste load allocations to municipal dischargers due to the great uncertainty associated with the limited concentration data available, and is certainly not representative of current performance by all municipal wastewater dischargers.

Group Municipal Wastewater Dischargers Waste Load Allocation

The District 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: "which reflects the current estimated aggregate load of 2.3 kg/year rounded down to one figure". 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.

This seemingly harmless reduction will only add to the potential for non-compliance when permit effluent limitations for PCBs are developed because, in fact, this total WLA was not developed from effluent data collected at all municipal discharger facilities and does not represent current performance.

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	Number of Agencies
Secondary POTWs	3460	5
Advanced 2° POTWs	208	4

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

CLARIFICATION OF STORMWATER RUNOFF MANAGEMENT AGENCIES ROLES IN CLEANUP OF ON-LAND PCB CONTAMINATED SITES

The District requests that the Basin Plan Amendment clarifies the roles of agencies in investigating and abating on-land PCBs sites. Stormwater runoff management agencies and municipalities should not be held responsible for abatement of PCBs in areas with elevated PCBs in soils/sediments. Instead, municipal agencies would be available to assist with identification of on-land sites with PCBs contamination, and would report investigation results, including identifying contaminated properties and/or potentially responsible parties to the San Francisco Bay Water Board and/or other appropriate regulatory agencies. These agencies would be expected to follow up on further investigation and oversee any necessary abatement.

STORMWATER RUNOFF IMPLEMENTATION COST ESTIMATE

San Francisco Bay Regional Water Board staff has presented Bay Area municipal wastewater management costs of approximately \$500 million annually as an upper-bound cost for stormwater dischargers to address PCBs and other pollutants of concern. This highly speculative estimate represents an annual cost well beyond anticipated future municipal resources and, according to estimates presented in the PCB TMDL staff report, is a factor of five higher than estimated total current costs associated with all aspects of urban stormwater pollution management in the Bay Area. The District would like to emphasize that municipal actions to address PCBs in stormwater runoff will be constrained by available funding and that Proposition 218 severely limits the ability of local government to generate additional revenues for urban stormwater runoff programs.

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.



Ronald J. Matheson, District Manager

Cc: Environmental Services
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