



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION IX  
 75 Hawthorne Street  
 San Francisco, CA 94105

DEC 14 2000

CALIFORNIA REGIONAL WATER  
 DEC 21 2000  
 QUALITY CONTROL BOARD

Ms. Loretta Barsamian  
 Executive Officer  
 California Regional Water Quality Control Board  
 San Francisco Bay Region  
 1515 Clay Street, Ste. 1400  
 Oakland, CA 94612

Dear Ms. Barsamian:

We have completed our review of the document entitled, "Watershed Management of Mercury in the San Francisco Bay Estuary: Total Maximum Daily Load, Report to U.S. EPA." This document represents the first phase in a proposed two-phased process to complete a Total Maximum Daily Load (TMDL) and an associated implementation plan for San Francisco Bay for mercury. The document reflects an extraordinary effort by your staff and represents thorough and thoughtful analysis.



As mentioned earlier, we will not be establishing this TMDL at this time. This will give the Board an opportunity to complete the next phase of the TMDL which includes revisions to this first phase and an implementation plan. The current TMDL contains analyses which require additional analysis and modifications to be approvable under Clean Water Act (CWA) section 303(d). Attached is a detailed examination of those issues, as well as other issues that we felt were important to bring to your attention, but would not render the document unapprovable. These comments were developed with the assistance of Dr. Jon Butcher from Tetra Tech, Inc., Dr. Peter Kozelka of EPA's Richmond Laboratory as well as Doug Liden, Diane Fleck and David Smith of my staff. We also provided you with comments on the final draft document in June of 2000, many of which continue to apply to your final document. Please consider all of these issues and specific comments as you go forward with the second-phase of the TMDL which you indicated would be completed by June of 2001.

One important issue that needs immediate attention is the issue of the doubling of flows of current NPDES dischargers to San Francisco Bay. The current TMDL document allows waste load allocations to double the current mass of mercury discharged to the Bay, in order to allow the dischargers to increase (double) their flows at current concentrations of mercury. However, regulations do not allow us to approve of increasing waste load allocations of a pollutant to an impaired water body for that pollutant, where there is not sufficient reasonable assurance that decreases in appropriate load allocations will be met. We did not find sufficient reasonable assurance in our review of the current TMDL that load allocations would be met or that proposed load allocations were appropriate. Therefore, the next phase of the TMDL must reflect, at a

minimum, waste load allocations that equal current mercury loadings, or sufficient reasonable assurances that corresponding appropriate load allocations will be met. In the meantime, please note that the Region intends to disapprove of any permit application from dischargers to San Francisco Bay that reflect increases in mercury loadings (mass or concentration) from current levels.

We hope that our comments are helpful to you as you continue with the next phase of the TMDL. We look forward to continuing our work with you on this and other TMDLs. If you have any questions or would like to discuss this further, please do not hesitate to call me at (415) 744-1860, or have your staff call David Smith or Diane Fleck of my staff at (415) 744-2012 and (415) 744-1984, respectively.

Sincerely,



Alexis Strauss  
Director  
Water Division

Attachment