Proposed Sediment Quality Objectives for Enclosed Bays and Estuaries

State Water Resources Control Board

Meeting

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Presentation

- Approach
- Draft Plan
- Board Member Questions/Direction
- Recent Changes
- Status of Phases 2 and 3

Phased Approach to SQO Development

- Statewide SQOs, first in the nation, must be developed in manageable phases:
  - Phase I benthos-aquatic life for embayments
  - Phase II benthos-aquatic life estuaries and human health for bays and estuaries
  - Phase III At risk T/E fish and/or birds to be determined and dependent upon resources
- Only **Phase I** will be considered at today's meeting

Draft Part 1

Overview of Part 1

- Narrative SQOs, applicability:
  - direct effects for benthos for bays, interim for estuaries
  - indirect effects for human health (interim)
- Fully developed for SF Bay and So Cal marine bays, interpreted using specific indicators and thresholds
- Implementation language describing;
  - Application of SQOs regarding programs
    - NPDES Permits
    - 303(d) listings (waterbody impairment)
    - Dredging/WQCert
  - Exceedence of SQOs and Response Actions
    - Stressor Identification
    - Biological based pollutant targets

Board Member Questions/Direction

- What happens when Toxicity is high and other LOE suggest no risk of exposure or biological effect?
  - Under draft Part 1, site would be designated as Inconclusive
  - Increase in the other LOEs and it becomes Possibly Impacted
- What is the relationship between the draft Part 1 and the 303(d) Listing Policy?
  - List for either toxicity alone (Listing Policy) or MLOE
  - Listed for toxicity alone and the RB determines that the applicable objective is the SQO, then the RB shall reevaluate the listing using the MLOE.
  - If the RB determines that the water segment does not meet the SQO, the Regional Water Board shall delist the water segment.
  - If there is another exposure or receptor at risk not consistent with the SQOs, then the listing remains under Basin Plan narratives.
  - Staff can initiate work on changes to 303(d) Listing Policy at the Boards discretion.*

Board Member Questions/Direction

- Will adoption halt ongoing cleanup actions?
  - The relationship to other narratives provision has been amended so that it does not apply to existing sediment cleanup activities where a site assessment was completed and submitted to the Regional Water Board by the adoption date of Part 1.
- How will the policy move sites toward remedial action?
  - The Draft Part 1 provides criteria to assess sediment quality
  - The Draft Part 1 provides a means to differentiate areas of no or low impact from areas of high impact.
  - The Draft Part 1 provides the means to determine what is causing the problem.
    - Existing sources in the vicinity can be controlled to resolve the problem
    - If cleanup is required the action would address the specific pollutant
  - However the draft Part 1 (Phase 1) does not address other receptors that frequently drive remedial action (human consumers, birds, marine mammals, fish)

Board Member Questions/Direction

- How does the draft Part 1 address Dredging?
  - If sediment exceeds the SQO the Water Boards cannot approve the project unless
    - The polluted sediment is removed in a manner that prevents or minimizes water quality degradation.
    - The polluted sediment is not deposited in a location that may cause significant adverse effects to aquatic life, fish, shellfish, or wildlife or may harm the beneficial uses of the receiving waters, or does not create maximum benefit to the people of the State.
    - The activity will not cause significant adverse impacts upon a federal sanctuary, recreational area, or other waters of significant national importance.
  - Staff can initiate work on a Dredging Policy at the Boards discretion*

Recent Proposed Changes

1. Added the term “interpretive” to stress that the LOE are not objectives, rather they are the means to interpret the narrative.
2. Added additional language that the chemical LOE values should not be applied as cleanup values or TMDL targets
3. Under relationship to other narratives added a provision stating that the draft Part 1 does not apply to existing sediment cleanup activities where a site assessment was completed and submitted to the Regional Water Board by the adoption date of Part 1.
4. Added clarifying language to Section VII.E.8 regarding 303(d) Listings
5. Deleted the language summarizing Resolution 92-49 as it didn’t reflect all parts of the Resolution

Phases 2 and 3

- First time ever Delta sampling for MLOE Fall 2007 completed.
- Based on this effort, we need to collect additional MLOE data in Spring 2008.
- Proceeding with an indirect effects framework to address human health related impacts due to contaminants in fish tissue.
- Based on recent progress made in Phase 2, and in listening to stakeholder concerns, Staff acknowledges that Phase 2 is underfunded.
- Staff recommendation is to concentrate Phase 3 on indirect effects on T/E fish and bird species, with a minimum of at least one from the Delta. Phase 3 is currently unfunded.

End of Presentation

Questions?