

California Regional Water Quality Control Board San Francisco Bay Region

RESPONSE TO WRITTEN COMMENTS

On The Proposed Basin Plan Amendment
to Add Tribal Tradition and Culture (T-Cul), Tribal Subsistence Fishing (T-SUB),
and Subsistence Fishing (SUB) Beneficial Use Definitions

The San Francisco Bay Water Board received one letter from the Bay Area Clean Water Agencies (BACWA) during the public review period of the draft Basin Plan Amendment (BPA) that ran from January 20 to March 6, 2026.

BACWA expressed support for the proposed Basin Plan Amendment to incorporate Tribal and Subsistence Fishing beneficial uses, and its commitment to protect these new beneficial uses. BACWA highlighted its ongoing efforts to reduce bioaccumulative pollutants, noting that municipal wastewater contributions of mercury and polychlorinated biphenyls (PCBs) are substantially below load allocations established in the Total Maximum Daily Loads for the San Francisco Bay and represent a small fraction of total Bay loadings. In addition, the municipal wastewater agencies complying with risk reduction requirements in the current mercury and PCBs watershed permits.

BACWA emphasized its continued investment in pollution prevention and pretreatment programs and its efforts to fund the collection of additional information about the rates of Bay fish consumption by tribal members and subsistence fishing communities for the development of new water quality objectives to protect human health, and participated in other fish consumption risk reduction outreach efforts in the past.

BACWA expressed concern that future regulatory requirements should not focus on infeasible reductions from the municipal wastewater sector and recommended that implementation strategies be informed by San Francisco Bay Regional Monitoring Program data to ensure effective and achievable load reductions.

Response: We appreciate BACWA's support for the proposed BPA and recognize its members' substantial and ongoing contributions to protecting San Francisco Bay water quality, including leadership in pollution prevention, pretreatment programs, risk reduction efforts, and its support and funding of the subsistence fishing questionnaire and other critical data collection and monitoring initiatives.

In response to concerns about potential future requirements, we emphasize that any subsequent actions—such as beneficial use designations, development of water quality objectives, or TMDL revisions—would occur through separate public processes through which BACWA and other interested parties will have an opportunity to comment.