

# Bay Area Clean Water Agencies

Leading the Way to Protect Our Bay

A Joint Powers Public Agency

P.O. Box 24055, MS 702

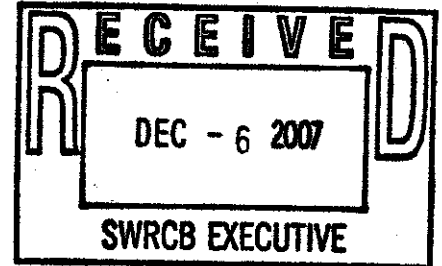
Oakland, California 94623

Public Comment  
SF Bay - Copper - SSO  
Deadline: 12/7/07 by 12 p.m.

December 6, 2007

Via E-Mail: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Jeanine Townsend  
Acting Clerk to the Board  
State Water Resources Control Board  
PO Box 100  
Sacramento, CA 95812-0100



**RE: Proposed Amendment to the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) to adopt Site Specific Water Quality Objectives (WQO) for Copper in San Francisco Bay**

The Bay Area Clean Water Agencies (BACWA) supports the proposed site specific water quality objectives and the proposed Basin Plan Amendment, which incorporates the Implementation Plan for Copper in San Francisco Bay, North of the Dumbarton Bridge. BACWA also concurs with the Basin Plan Implementation Plan approach to pollution prevention and pretreatment control measures for clean water agencies.

BACWA commends all those who have been working since 2000 on the North of Dumbarton Bridge (NDB) Copper and Nickel Site Specific Objectives project that has resulted in these proposed copper site specific water quality objectives (SSOs). This BACWA and Clean Estuary Partnership (CEP) sponsored effort was modeled closely after the work conducted by the City of San Jose that provided the Water Effects Ratio (WER) aquatic toxicity results and associated water chemistry work that led to the 2002 Basin Plan amendment that adopted SSOs for copper and nickel for the Bay South of Dumbarton Bridge.

The WERs developed for the NDB project showed that the Bay water quality renders ambient copper concentrations less toxic than in the laboratory water used to develop the 3.1 µg/L California Toxics Rule (CTR) WQO. The four expert members of the Technical Review Committee (TRC) for the NDB project found that the WER and associated data were of high quality and suitable to be used for calculating SSOs. While the recommended SSOs are higher

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than the CTR marine copper WQOs that currently apply, they better reflect existing scientific knowledge of copper toxicity and its effects on aquatic organisms specific to San Francisco Bay.

**Despite Nationally Recognized Pollution Prevention and Pretreatment Program, BACWA Members Cannot Comply with Current CTR Limit for Copper.**

BACWA members are committed professionally as public agencies to protect the San Francisco Bay and its beneficial uses. Over the last 10 to 15 years, the clean water member agencies of BACWA have implemented extensive pretreatment and pollution prevention programs addressing industrial, commercial, and residential sources of copper, including special focus on copper piping corrosion, vehicle maintenance and service shops, and product bans or substitutions (e.g., rodent control substances, pesticides, and brake pads).

Many BACWA members, including the City of San Francisco, Fairfield-Suisun Sewer District, and East Bay Municipal Utility District (EBMUD) have been recognized by the U.S. EPA, the California Water Environment Association, and the national Water Environment Federation as national leaders in pretreatment and pollution prevention. Our members have well-developed, mature source control programs for addressing copper that have produced excellent results. Nevertheless, many BACWA member agencies cannot be assured of consistent compliance with effluent limits derived from the overly stringent WQO for copper currently contained in the CTR. Without this Basin Plan amendment (BPA), which incorporates site specific objectives and site specific copper translators that are protective of aquatic life uses in San Francisco Bay, many BACWA member agencies will be required to install advanced treatment facilities in order to be in compliance. The BPA staff report (p. 6-5 – 6-6) acknowledges that 37 of 44 wastewater facilities surveyed would not be able to comply with effluent limits based on the current WQO without costly upgrades.

**Sublethal Effects of Copper in Freshwater Laboratory Studies Uncertainties Prevent Translation to San Francisco Bay**

In freshwater laboratory studies on salmonids, some sublethal sensitivity to copper has been anecdotally observed. BACWA concurs with the Regional Water Board Staff Report (section 3-5 pages 3-14 and 3-15), which states that there are a number of uncertainties that need to be resolved before the results of these studies can be extended to San Francisco Bay, which has a completely different chemistry than that found in the freshwater laboratory studies. The Implementation Plan in the Basin Plan Amendment proposes that urban stormwater dischargers and clean water agencies support studies aimed at reducing uncertainties related to such sublethal olfactory effects on salmonids (as well as uncertainties associated with sediment toxicity and urban runoff loading).

The staff report states that it is necessary to investigate these technical issues in order to have a greater degree of confidence that beneficial uses are being protected as the SSOs are

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implemented. However, as alluded to elsewhere, with most environmental systems as complex as the Bay, there will always be some uncertainties. The vast majority of available evidence shows that the Bay NDB is not impaired by dissolved copper.

In summary, BACWA commends the North of Dumbarton Bridge Copper/Nickel SSO project team members, Regional Water Board staff, and the Clean Estuary Partnership for the years of data collection, analysis, and study that have led to this important site specific objective milestone for San Francisco Bay. BACWA requests that the SWRCB:

1. Approve the amendment to the Basin Plan as adopted under San Francisco Bay Resolution No. R2-2007-0042; and
2. Authorize the Executive Director to submit the amendment adopted under San Francisco Bay Water Board Resolution R2-2007-0042 to the Office of Administrative Law for approval of the regulatory provisions and to USEPA for approval of the Basin Plan amendment.

Thank you for the opportunity to comment.

Sincerely,



Michele M. Pla  
Executive Director

Cc: USEPA Region IX, Doug Eberhardt  
SFBRWQCB, Bruce Wolfe  
BACWA Board Members