



**Santa Clara Valley
Urban Runoff
Pollution Prevention Program**

CALIFORNIA REGIONAL WATER

MAY 14 2001

QUALITY CONTROL BOARD

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May 11, 2001

Ms. Loretta Barsamian
Executive Officer
San Francisco Regional Water Quality Control Board
1515 Clay St. Suite 1400
Oakland, CA 94612

Dear Ms. Barsamian:

Subject: Information to be considered for upcoming 2002 303(d) listing

This letter is in response to the Regional Board's request for water quality information for the purposes of developing recommendations for the State Board regarding the 2002-303(d) list. The letter is being sent on behalf of the 15 Co-permittees of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP).

In the Regional Board's evaluation, we assume the Regional Board will take into consideration all of the information generated as part of the Watershed Management Initiative's (WMI) Lower South Bay copper and nickel TMDL effort including your own Board's findings and actions contained in the recently approved re-issuance of the Urban Runoff permit for the SCVURPPP and the NPDES permit amendment for the three South Bay POTWs.

It is important to note that the WMI is a stakeholder group that, in 1998, established the TMDL Workgroup (TWG) to oversee and provide input and advice on development of the TMDLs. The TWG included representatives from the Dischargers, Regional and State Board staff, US EPA, San Francisco Estuary Institute, California Department of Fish and Game, environmental groups (CLEAN South Bay and Silicon Valley Toxics Coalition), business groups (Chamber of Commerce, Silicon Valley Manufacturing Group, and the Copper Development Association), Silicon Valley Pollution Prevention Center, and others. On April 14, 2000, the TWG approved two key reports (Impairment Assessment Report and Copper Action Plan) and forwarded them to the WMI for submittal to the RWQCB for use in developing the copper and nickel TMDLs, the Basin Plan amendments for SSOs, and the amendment of the POTW permits and re-issuance of the Urban Runoff permit.

In October 2000, the Regional Board amended the permits (Order No. 00-109) of the three South Bay POTWs (San Jose/Santa Clara, Palo Alto, and Sunnyvale). Finding 13 of the POTW permit amendment states the following:

“Based upon the information contained in the Impairment Assessment Report, the Board hereby concludes that the Lower South Bay is not an impaired water body for copper or nickel within the meaning of Section 303(d) of the federal Clean Water Act. Therefore, it is the intent of the Board to remove copper and nickel for the Lower South Bay from the 303d list of impaired water bodies the next time the list is updated (April 2002). The Board’s conclusion is based on data collected in the Lower South Bay from 1997 to 1999 which show that the mean dissolved copper concentration was 2.7 ug/l (range 0.8 to 4.9 ug/l) and that the mean dissolved nickel concentration was 3.8 ug/l (range 1.5 to 10.1 ug/l). Data from the Lower South Bay are below the lowest end of the suggested range for site specific objectives in the Impairment Assessment Report of 5.5 to 11.6 ug/l for dissolved copper and 11.9 to 24.4 ug/l for dissolved nickel as site specific objectives.”

In February 2001, the Regional Board re-issued the Urban Runoff permit for the SCVURPPP (Order No. 01-024). Finding 14 contains the same language as the POTW permit amendment.

The RWQCB public hearing record for the above noted two NPDES permit actions contains the specific information and data that you will need to update the 303(d) listing. Specifically, three key sources of data/information that the permit actions relied upon include:

- **Impairment Assessment Report (IAR) for Copper and Nickel in Lower South San Francisco Bay. (June 2000)** The IAR concludes that impairment of the Lower South Bay due to copper or nickel is unlikely. The IAR also recommends that copper and nickel be removed from the 303(d) list of impaired water bodies (approved by USEPA on May 12, 1999). Finally, the IAR recommends the establishment of site specific objectives for copper and nickel, which your staff is currently developing in association with the WMI.
- **Conceptual Model Report for Copper and Nickel in Lower South San Francisco Bay (December 1999)** The conceptual model report provides an excellent summary of the existing knowledge on the behavior of copper and nickel in South San Francisco Bay and the factors that affect the cycling and potential toxicity of these metals in the ecosystem.
- **Copper Action Plan (June 2000) and Nickel Action Plan (August 2000)**. The Copper and Nickel Action Plans are non-degradation plans to ensure that existing water quality is maintained, beneficial uses are protected, and exceedances of site-specific water quality objectives for copper and nickel do not occur in the Lower South San Francisco Bay.

You should contact Dr. Tom Mumely of your office for copies of the above reports. Dr. Mumely served as the Co-chair of the TWG. You could also contact Mr. Wil Bruhns who is the Chair of the Regulatory Subgroup and primary author of the 1998 and 2000 POTW permits. Mr. Bruhns will also have copies of the above documents.

In addition to the above key references, several other sources of data and information were either used to prepare the above reports, were part of the work done by the TMDL TWG, and/or

were part of the permit application and public hearing record. These other sources of information include:

- **TMDL Source Characterization Report (2001)**
- **City of San Jose, South Bay Monitoring program Progress Report (March 12, 2001)**
- **Acute and Chronic Nickel Toxicity: Development of an Acute-to-Chronic Ratio for West Coast Marine Species (October 30, 1998)**
- **City of San Jose, Development of Site-Specific Water Quality Criterion for Copper in South San Francisco Bay (May 1998)**

A copy of the first document is part of the TWG work effort and should be available from Tom Mumley. The second document was prepared consistent with the recent POTW permit amendments and was distributed at the April BMM meeting. Mr. Wil Bruhns has this information. Copies of the last two documents are in the POTW permit hearing records and Wil Bruhns has copies of these documents. If you have any problems securing copies of any of the above information please let me know and I will make sure you get a copy.

Based on the above information and Regional Board actions, we fully expect the Regional Board to recommend to the State that copper and nickel not be included in the 2002 303(d) list for the Lower South San Francisco Bay. There is ample evidence supporting the conclusion that impairment is unlikely due to copper and nickel in the Lower South Bay and the Regional Board has indicated it's intent to remove copper and nickel for the South Bay in its POTW and Urban Runoff NPDES permits.

If you have any questions please do not hesitate to contact me at (510) 832-2852.

Sincerely,



Adam W. Olivieri, Dr.PH, P.E.

Program Manager

Santa Clara Valley Urban Runoff Pollution Prevention Program

CC: SCVURPPP MC
BMM/Regulatory Subgroup
Bob Falk
Robert Thompson