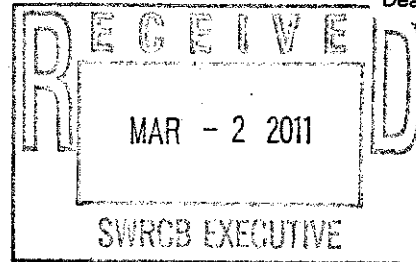




**BACWA**  
**BAY AREA**  
**CLEAN WATER**  
**AGENCIES**



Public Comment  
S.F. Bay Enter. WQO  
Deadline: 3/3/11 by 12 noon

March 2, 2011

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, Sacramento, CA 95814

Sent via electronic mail to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov).

**SUBJECT: Comment Letter - San Francisco Bay Enterococcus Water Quality Objectives**

Dear Ms. Townsend:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to comment on the proposed approval of Order No. R2-2010-0066, a Basin Plan Amendment establishing enterococcus water quality objectives for marine and estuarine waters designated for contact recreation that will lead to revisions of effluent limitations for bacteria in National Pollutant Discharge Elimination System (NPDES) permits for Bay Area publicly-owned treatment works (POTWs). BACWA is a joint powers agency whose members own and operate the POTWs and sanitary sewer systems that collectively provide sanitary services to over six million people in the nine-county San Francisco Bay Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health.

Disinfection of sanitary waste is one of the most fundamental pollution prevention services that POTWs provide to their communities. POTWs balance, each day, the need to adequately protect San Francisco Bay users against pathogenic organisms with the broader impacts that can result from increased disinfection. Because it is a better indicator of water contact-related illness, the use of enterococcus will help agencies achieve this balance.

The San Francisco Bay Regional Water Quality Control Board's (Regional Water Board's) Amendment makes substantial improvements to the Basin Plan by adding enterococcus and providing additional detail about how water quality objectives will be implemented in NPDES permits. However, BACWA requests changes to the proposed amendment to indicate how the objectives will apply.

In particular, footnote "b" of Table 3-1 should explain that the National Shellfish Sanitation Program (NSSP) guidelines are intended to protect areas where recreational

or commercial shellfishing occurs.<sup>1</sup> The NSSP is a federal and state cooperative program, first established by the U.S. Public Health Service in response to a recognized need to control disease associated with the consumption of raw shellfish. Its stated purpose is to "promote and improve the sanitation of shellfish...moving in interstate commerce."<sup>2</sup> The water quality standards established in the NSSP's model ordinance are intended to apply to state classified shellfish growing areas for which the state must also perform regular sanitary surveys and develop management plans. These standards are not intended to apply broadly to ambient surface waters where no harvesting occurs.<sup>3</sup> BACWA also requests that a new footnote be added to explain that the single sample maximum value for enterococcus is "best used for making beach notification and closure decisions"<sup>4</sup> rather than being an effluent limitation per se. As explained in the EPA rule promulgating these national criteria, the geometric mean is the better value for determining whether appropriate actions are being taken to protect and improve water quality because it is "less subject to random variation, and more directly linked to the underlying studies upon which the 1986 bacteria criteria were based."<sup>5</sup>

In addition, BACWA submitted a comment letter to the Regional Water Board on the proposed Amendment that included a request to clarify that *either* the enterococcus or the total coliform limitations are each individually sufficient to protect REC-1, and that both are not required. The Regional Water Board's Response to Comments indicated that it was "not necessary to add the suggested explanation clarifying that permits need not contain *both* total coliform and enterococcus effluent limitations because the modifications to Chapter 4 of the Basin Plan clearly only require one indicator be established in effluent limitation to protect water contact recreation uses."

Contrary to this statement, the State Water Board's Draft Agenda Item staff report indicates that "The implementation program requires the inclusion of numeric water quality-based effluent limitations in NPDES municipal wastewater permits for fecal coliform and enterococcus in addition to current total coliform limits."<sup>6</sup> BACWA requests that the State Water Board revise the Draft Agenda Item staff report to reflect that permits do not need to include effluent limitations for more than one indicator.

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1 National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, 2007 ("NSSPGuidance").

2 NSSP Guidance, Section IX. History of the National Shellfish Sanitation Program.

3 The NSSP Guidance contains further evidence that the fecal and coliform standards are intended to protect actual shellfish consumers rather than ambient surface waters: "Shellfish from waters meeting approved area criteria are unlikely to be involved in the spread of disease that can be attributed to fecal contamination of the shellfish." Section III. Public Health Reasons and Explanations, Chapter IV. Shellstock Growing Areas.

4 69 FR 67217, 67225 (November 16, 2004).

5 USEPA, Office of Water, Water Quality Standards for Coastal Recreation Waters: Using Single Sample Maximum Values in State Water Quality Standards, EPA-823-F-06-013 (August 2006).

6 San Francisco Bay Regional Water Quality Control Board, Staff Summary Report for Agenda Item 6, p. 2 (April 14, 2010).

San Francisco Bay Enterococcus WQOs  
March 2, 2011  
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Thank you for consideration of these comments. Please do not hesitate to contact me if you have any questions or would like additional information.

Sincerely,

A handwritten signature in cursive script that reads "Amy Chastain".

Amy Chastain  
Executive Director  
BACWA