



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

OCT 24 2012

Reply to:
WTR-5

Mr. Robert Schlipf
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

RE: Tentative Order – Watershed Permit for Mercury and PCBs

Dear Mr. Schlipf:

Thank you for the opportunity to provide written comments on the tentative order, publicly noticed on September 26, 2012. We support the Regional Water Board's expeditious reissuance of this watershed permit which implements both the 2008 mercury and 2010 PCBs TMDLs for San Francisco Bay. As with the previous permit, the draft permit continues to contain both numeric monthly average and maximum daily effluent limits for mercury and PCBs, consistent with 40 CFR 122.45(d). This is central to our support of the permit.

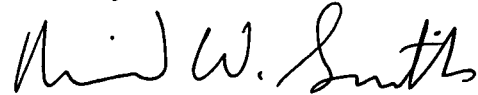
For mercury, we are pleased that the draft permit reduces average annual aggregate mass emission effluent limits to account for industrial facilities with TMDL wasteload allocations that have stopped discharging. We also support removing the mercury compliance schedule contained in the 2007 permit, as municipal wastewater dischargers are already in compliance with their final average annual aggregate mass emission effluent limit for mercury of 11 kg/year.

The draft permit continues to require effluent monitoring for PCB aroclors using EPA method 608 and PCB congeners using EPA draft method 1668c. For congeners, we agree with the proposal to monitor only the 40 PCB congeners used to develop the PCBs TMDL, in conjunction with draft method 1668c. Without continued use of this draft method as a permit monitoring requirement, Regional Water Board evaluations of discharger performance relative to wasteload allocations in the PCBs TMDL and TMDL compliance would not be possible.

Since its adoption in 2007 and modification in 2011, the watershed permit has collected effluent performance data for municipal and industrial discharges of mercury and PCBs to San Francisco Bay. During the term of this reissued permit, EPA expects the Regional Water Board to allocate the necessary resources to evaluate this more recent effluent monitoring data in order to: (1) refine mercury and PCBs TMDL wasteload allocations based on performance for each discharge category, and (2) improve performance-based effluent limits that rely on extreme percentiles and/or upper confidence limits, to better demonstrate that permit limits are consistent with the TMDLs (40 CFR 122.44(d)(1)(vii)) and meet the antidegradation water quality standard.

If public comment results in major changes to the draft permit, please provide us prior notice, consistent with our joint 1989 NPDES MOA. If you have questions regarding these comments, please contact Robyn Stuber at (415) 972-3524.

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Smith". The signature is fluid and cursive, with the first name "David" being the most prominent.

David W. Smith, Manager
NPDES Permits Office