



David R. Williams
Tri-TAC Chair
EBMUD
375 11th Street
Oakland, CA 94612
(510) 287-1496
dwilliam@ebmud.com

April 22, 2003

Mr. Chris Beegan
Environmental Scientist
Ocean Standards Unit, Division of Water Quality
SWRCB
P.O. Box 100
Sacramento, CA 95812-0100

Dear Mr. Beegan:

Subject: Comments on SWRCB Draft Revised Work Plan for the Development of Sediment Quality Objectives for Enclosed Bays and Estuaries of California

The following comments have been developed by Tri-TAC, a technical advisory group comprised of representatives from the California municipal wastewater treatment industry.

General Comment

The draft revised work plan is intended to entirely replace the 1991 work plan for development of Sediment Quality Objectives for enclosed bays and estuaries in California, which was developed by SWRCB staff. Tri-TAC supports this approach.

The proposed work plan is an improvement over the 1991 version. The tasks in the plan are presented in a coherent and rational manner. The plan includes review at important points by a Scientific Steering Committee comprised of eight members. The emphasis of the work plan is to use available sediment chemistry, toxicity and benthic macroinvertebrate information collected in California and elsewhere over the past ten years as the basis for derivation of sediment quality objectives. Statistical approaches will be used to examine relationships between contaminant levels in sediments and observed laboratory and field effects. This information will presumably form the basis for development and evaluation of proposed objectives. This appears to be a fundamentally sound approach.

We believe that the SWRCB should embrace a weight-of-evidence approach to the development and implementation of sediment quality objectives. This approach

Vice Chair
Sharon Green
Sanitation Districts of Los Angeles County
P.O. Box 4998
Whittier, CA 90607
(562) 699-7411 ext. 2503
sgreen@lacsdc.org

Water Committee Co-Chairs
Monica Oakley
Larry Walker Associates
250 Lafayette Circle,
Suite 200
Lafayette, CA 94549
(925) 962-9700
monicao@lwa.com

Jim Colston
Orange County Sanitation District
P.O. Box 8127
Fountain Valley, CA 92728
(714) 593-7458
jcolston@ocscd.com

Air Committee Co-Chairs
Daniel McGivney
Eastern Municipal Water District
P.O. Box 8300
Perris, CA 92572
(909) 928-6177
dmcgivney@emwd.org

Jay Witherspoon
CH2M Hill
1111 Broadway, #1200
Oakland, CA 94607
(510) 251-2888
jwithers@ch2m.com

Land Committee Co-Chairs
Layne Baroldi
Orange County Sanitation District
P.O. Box 9127
Fountain Valley, CA 92728
(714) 593-7456
lbaroldi@ocscd.com

Bob Gillette
Carollo Engineers
2500 Venture Oaks Way,
#320
Sacramento, CA 95833
(916) 565-4888
rgillette@carollo.com

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should build off the statistical approaches described in the proposed work plan and should consider correlative relationships between chemical-specific threshold concentrations, toxicity test responses and benthic community conditions.

The proposed work plan contains a limited amount of information about the development of a Program of Implementation. We request that more detail be provided to describe the tasks involved in Section 3.6.2 "Applications and Enforcement". We are unable to provide specific comments on this important section at this time due to the lack of detail in the proposed work plan.

Specific Comments

Page 3, item 1.1, paragraph 1 - Several specific sources of pollutants are listed. The list should be separated into two categories: (1) active sources and (2) legacy sources. The list of sources should be expanded to include urban runoff, mining, natural and atmospheric deposition.

Page 5, item 1.3, paragraph 3 -- It is stated that the SWRCB will hold annual workshops to present the status of activities to develop objectives. It is requested that a commitment be added to provide a written status report to the public in advance of the annual workshop and that opportunities for public comment be provided. The status report should list the pollutants that are being considered for sediment objectives. Additionally, it is requested that key technical reports produced pursuant to this work plan, such as items under Tasks 3.3 and 3.4, be made available for public review as they are produced.

Page 7, item 2.2., No. 7, - It is stated that recent data collected by SCCWRP suggest that Apparent Effects Thresholds (AETs) and equilibrium partitioning guidelines may have the predictive capacity to protect beneficial uses in California. Please provide the reference(s) that contain this recent data and support this statement. It is also suggested that the statement be revised to state that these guidelines warrant continued evaluation instead of saying that they protect beneficial uses, which implies significant policy interpretation. This is clearly beyond the level of detail of the work plan.

Page 9, item 3.1, paragraph 2 -- The work plan should provide a description of the process to select Steering Committee members. A goal should be stated to assemble a Steering Committee with expert technical qualifications. It is recommended that one position on the Scientific Steering Committee be from the San Francisco Estuary Institute, given the importance of San Francisco Bay as an estuarine system in California.

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Page 10, item 3.2, top of page – Add San Francisco Bay TMDL studies to the list of studies to be examined.

Page 12, item 3.4.4, paragraph 1 – In addition to the calculation of accumulation factors from empirical data, the significance of correlations between sediment concentrations and levels in biota must be examined. In the absence of significant and meaningful correlations and meaningful relationships, accumulation factors have no predictive relevance or validity.

Page 12, item 3.5 – The criteria to be used in the selection of candidate pollutants for numeric sediment quality objectives should be stated. Priority should be given to 303(d) listed pollutants. Also, an acceptable method of identifying and soliciting public comment on those candidate pollutants should be included. For selected pollutants, it is recommended that some level of conceptual model be produced and provided for scientific and public review. Finally, the data quality objectives for information to be used in the development of sediment quality objectives should be clearly stated.

Page 12, item 3.5.2 – We have significant ongoing concerns regarding the use of narrative standards in setting regulatory requirements (e.g. numeric effluent limits). We believe that the process outlined in the proposed work plan to derive numeric sediment quality objectives leads to numeric objectives where adequate scientific information exists. We therefore question the idea of setting narrative objectives, which would apparently not be supported by adequate science.

If narrative objectives are used, the implementation procedures for candidate narratives should be clearly stated if narrative standards are adopted. The existing Basin Plan narrative objectives listed in the work plan are imperfect and should be re-evaluated prior to consideration for adoption as a new Sediment Quality Objective. The work plan should specify a public participation process for the evaluation of candidate narrative objectives, including an alternative to not adopt narrative objectives.

Page 13, item 3.5.3 – The process or the criteria to be used to select the pollutant and region for the bioaccumulation-based case study should be provided.

Page 13, item 3.5.4, fifth sentence – The qualifier “If appropriate” should be added to the sentence that begins “Proposed objectives will be adopted ...”.

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We appreciate the opportunity to provide these comments and look forward to working with you in this process.

Sincerely,

A handwritten signature in black ink that reads "David R. Williams". The signature is written in a cursive style with a large, prominent 'D' and 'W'.

David R. Williams, Chair
Tri-TAC

DRW:akg