

San Francisco Baykeeper ● Clean Water Action ● Center for Biological Diversity
Santa Clara County Creeks Coalition ● The Watershed Project ● Friends of the Earth
West County Toxics Coalition ● Alameda Creek Alliance ● Save the Bay
California Indian Environmental Alliance ● Bayview Hunter's Point Community Advocates
Healthy 880 Communities ● Asian Pacific Environmental Network ● Ma'at Youth Academy
Communities for a Better Environment ● Environmental Justice Coalition for Water
Friends of Trinity River ● California Sportfishing Protection Alliance ● Center for Environmental Health
Half Moon Bay Fishermen's Association ● Pacific Coast Federation of Fishermen's Associations

June 4, 2009

State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Sent via email to commentletters@waterboards.ca.gov

RE: Comment Letter – San Francisco Bay PCBs TMDL

Dear Chairman Hoppin and Members of the State Board:

On behalf of the undersigned creek, fishing, community, and environmental groups, we urge you not to approve the proposed amendment to the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) establishing a Total Maximum Daily Load (TMDL) for Polychlorinated biphenyls (PCBs) in the San Francisco Bay. This proposed TMDL fails to set forth an adequate plan for reducing PCBs in the Bay, particularly in light of the toxic, persistent nature of PCBs and the severe environmental and health dangers posed by PCBs accumulation in the tissue of fish, wildlife and humans.

PCBs are synthetic chemicals, which were manufactured widely before the health effects of PCBs were known. Although PCBs production has now been banned, PCBs persist in the environment and high levels are found in San Francisco Bay sediment more than 30 years later. The presence of PCBs in the Bay and in Bay fish has serious health impacts to the communities that our organizations represent. EPA has classified PCBs as probable human carcinogens and the long-term human health effects of exposure to PCBs includes harm to the nervous and reproductive system, endocrine system, immune system, and hormone disruption. Children and pregnant women are particularly vulnerable to health impacts from exposure to PCBs and bear a disproportionate burden from these and other contaminants in the Bay. In light of the serious health impacts of human consumption and exposure of PCBs, we urge the Board not to adopt this TMDL without truly protective fish tissue targets and an explicit plan to stop further contamination while addressing current PCBs levels.

This TMDL does not establish truly protective fish tissue targets.

Our organizations represent people who depend on healthy fish populations for a variety of uses: food, recreation, and commercial activity. However, the human health risk numbers in this

TMDL are more reflective of how sport fishers consume fish rather than how subsistence fishers consume fish. The Regional Board must take into better account the fact that many people in the Bay Area eat fish from San Francisco Bay because of economic need or because of their family and cultural traditions. The Bay has a large community of subsistence fishers who rely on Bay fish as a critical source of food and protein to feed their families every week and often eat whole parts of the fish, including the parts that are known to be most contaminated. By failing to adequately account for these frequent consumers of Bay fish, the TMDL calculations lead to targets and goals which will fail to protect those communities most likely to be harmed by PCBs pollution in the Bay. For 15 years, California's fish advisory has cautioned people to limit their consumption of fish caught in San Francisco Bay because of chemical contamination. But warning our sport and subsistence fishing populations about contaminated fish is not the ultimate answer—reducing the pollution is.

This TMDL does not contain an implementation plan to meaningfully reduce PCBs pollution.

The implementation plan requires few reductions from controllable sources of PCBs within the Bay and assumes large reductions from external sources without actually imposing controls on them. This TMDL fails to require adequate clean up actions from the Central Valley and city stormwater runoff—the largest sources of PCBs to the Bay watershed. The Delta is not on California's 303(d) list for PCBs, so there is no requirement that holds the Central Valley Regional Water Board accountable for identifying the sources of PCBs in the Delta or to come up with a plan to remove PCB loadings within any reasonable timeframe. Stormwater runoff of PCBs will also continue largely unregulated. Neither the TMDL nor the Draft Municipal Regional Permit for San Francisco Bay contains adequate stormwater runoff reduction requirements to reduce PCBs pollution to the Bay.

Addressing the Bay's PCBs pollution requires that the San Francisco Bay Regional Water Board implement an aggressive TMDL framework based on sound science—this TMDL falls far short. We urge the State Water Board to ensure that this TMDL includes a higher margin of safety to protect the most vulnerable populations exposed to PCBs through their regular consumption of Bay fish and that the TMDL include a strong action plan that sets interim as well as final targets for reducing PCB loading to the Bay.

Sincerely,



Sejal Choksi, Program Director
San Francisco Baykeeper



Andria Ventura, Program Manager
Clean Water Action



Miyoko Sakashita, Oceans Program
Center for Biological Diversity



Shana Lazerow, Staff Attorney
Communities for a Better Environment

/s/

Zeke Grader, Executive Director
Pacific Coast Federation of Fishermen's Assoc.



Mondy Lariz, Director
Santa Clara County Creeks Coalition



Marcie Kever, Campaign Director
Friends of the Earth



Byron Leydecker, Chair
Friends of Trinity River

/s/

Bill Jennings, Executive Director
California Sportfishing Protection Alliance

/s/

Christine G. Cordero, Program Coordinator
Center for Environmental Health

/s/

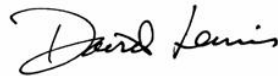
Sharon Fuller, Executive Director
Ma'at Youth Academy

/s/

Duncan F MacLean, President
Half Moon Bay Fishermen's Association

/s/

Karen Pierce, President
Bayview Hunter's Point Community
Advocates



David Lewis, Executive Director
Save the Bay



Linda Hunter, Executive Director
The Watershed Project



Benny Lee, Outreach Manager
Environmental Justice Coalition for Water



Jeff Miller, Director
Alameda Creek Alliance

/s/

Sherri Norris, Executive Director
California Indian Environmental Alliance

/s/

Dr. Henry Clark, Executive Director
The West County Toxics Coalition

/s/

Waafa Aborashed, Executive Director
Healthy 880 Communities

/s/

Mari Rose Taruc, State Organizing Director
Asian Pacific Environmental Network