

Talking points for DTSC MSR Public Meeting 1/23/14

- ACCWP represents Alameda County NPDES stormwater permittees = 17 of the 77 in Bay Area under a joint Municipal Regional Storm Water permit.
- Bay Area stormwater programs are very concerned that DTSC's evaluation should consider the water quality impacts of MSR that are triggered well below the narrow definition of "hazardous waste" which is only based on direct human exposure.
- Per the federal Clean Water Act and CA Water Code, SFBRWQCB has established a TMDL clean-up plan for PCBs in SF Bay, based on food web bioaccumulation that makes sportfish unsafe for consumption. The TMDL set a sediment target of 2.5 ug/kg (PPB) which is four orders of magnitude below the 50 mg/kg (PPM) hazardous waste threshold for PCBs.
- TMDL requires municipal stormwater managers to reduce PCB discharges by 90%, which will entail an array of costly new or enhanced management measures currently being piloted in a few locations; these include identifying ongoing sources from public and privately owned facilities that are dispersed but generally concentrated in industrial areas.
- Our stormwater programs and RWQCB staff have worked to develop guidelines for referring such facilities to DTSC for clean-up and for chemical analytical methods that will provide appropriate PCB detection levels for soil and sediment at these facilities (the recommended detection level for sum of PCB congeners is 1 PPM or less).
- PCBs at the concentrations we are concerned with for TMDL compliance have been found in MSR, and also in and around MSR-generating facilities (refer to Dr. Abu-Saba's following comments). MSR may also contain other Pollutants of Concern that have been identified as water quality problems in the SF Bay region, such as flame retardants, although our dischargers haven't been assigned specific targets for load reduction for those. This is an opportunity for Cal-EPA agencies to evaluate the MSR-generating process with respect to contaminants other than the list on which the original exemption was based, and identify ways to address problems at the source.
- Therefore we ask DTSC to work with the SFBRWQCB to incorporate water quality considerations in its fact-finding process and develop policies and regulations consistent with present-day regulatory priorities for both agencies.