

Vincent Christian
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612
via electronic mail to: vchristian@waterboards.ca.gov

March 29, 2013

Re: Tentative Order for NPDES Permit No. CA CA0038539 (West County Agency, West County Wastewater District, City of Richmond, Richmond Municipal Sewer District No. 1)

Dear Mr. Christian:

On behalf of San Francisco Baykeeper and its 2,300 members dedicated to protecting and promoting the water quality of San Francisco Bay, we offer the following comments on the above-referenced Tentative Order (“TO”).

I. The Utility Analysis Omits Discussion of EBMUD Treatment Alternative

On May 22, 2012, the Richmond City Council unanimously voted to direct staff to develop a plan to deliver Richmond’s dry weather municipal wastewater to the East Bay Municipal Utilities District (“EBMUD”) as an alternative to repairing and rehabilitating Richmond’s aging waste water treatment plant (“WWTP”). Staff asserted that this alternative would avoid significant costs needed to upgrade the WWTP, freeing funds to accelerate repair and rehabilitation to more quickly remove inflow and infiltration from the collection system.

Under this proposal, wet weather flows could be stored at the treatment plant or another storage facility, until such time as sufficient capacity becomes available at the EBMUD WWTP for treatment. Prior to approval, the Utilities Analysis (“UA”) and TO should be updated to reflect this anticipated project, including a quantitative assessment of how this project could influence the frequency and magnitude of blending events.

II. The Utility Analysis Fails to Provide Adequate Infeasibility Analysis

The UA lists eight projects it believes could reduce wet weather flows to advance the goal of reducing and eliminating blended discharges. (UA pp. 5-6) The UA states that these projects are infeasible, but fails to include any written explanation of why each project is infeasible, nor an explanation of how much wet weather flow to the treatment plant each project would reduce. The UA does provide a cost estimate for each project, but does not say that financial ability is what renders any of the projects infeasible. The UA’s financial capability assessment shows rates below EPA’s guideline “distress” level, and the UA does not indicate whether or not the 10 year CIP already projects future rate increases.

III. The Utility Analysis Inadequately Describes a Current Wet Weather Storage Project

Pursuant to the Consent Decree between Baykeeper and the City of Richmond (*Baykeeper v. City of Richmond*, 3:05-cv-03829-MMC), the City transmitted a letter dated October 4, 2012 which documents a proposed wet weather storage facility at the City's WWTP. Storage facilities would include an influent screening facility; one or more covered and partially buried concrete tanks, and a return pump station. Construction is expected to begin in December 2013. The UA contemplates wet weather storage at the WWTP, indicating the pipeline project will convey flow to the wet weather storage facility with a minimum capacity of 8 to 12 MG and desired capacity of 10 to 15 MG. However, the TO merely requires completion of a wet weather storage project to include a 5 million gallon storage tank. Given the inconsistencies in storage capacity and scheduling, as well as the general lack of detail within the UA or TO regarding this project, the Board and the public should be provided additional information prior to approval of this TO.

IV. The Utility Analysis Fails to Provide Adequate Information Regarding I&I Reduction

The Discharger generally based their UA on Draft U.S. EPA guidance, which requests information to facilitate a determination as to whether or not there is a feasible alternative to peak wet weather diversions at a POTW treatment plant.¹ This draft guidance is based on 40 CFR 122.41(m)(4)(i)(A)-(C) and 40 CFR 122.21(j), and the Regional Board indicates in this TO that the City's UA must be consistent with EPA guidance (p 22 of the TO: *Specific Tasks to Reduce Blending*). Some deficiencies in the Utilities Analysis are described above. In addition, portions of the Discharger's 2012 Utilities Analysis related to collection system infiltration and inflow (I&I) lack some of the important details specified in U.S. EPA's 2005 draft blending guidance. Following this guidance, the Discharger's UA needs to have thoroughly evaluated:

- (1) the extent to which the permittee is maximizing its ability to reduce I&I throughout the entire collection system, including portions operated by municipal satellite communities ... (p. 6, par. g in U.S. EPA, 2005). The Discharger's UA makes some reference to projects intended to reduce inflow, primarily from tidal sources, but does not include an evaluation of the extent to which these efforts shall reduce I&I, and whether this is the maximum extent feasible. The TO makes some reference to total reductions anticipated, though this is not described in any detail in the TO or UA.
- (2) . . . peak flow reductions obtainable through existing C-MOM programs, potential improvements to such programs, and cost ... (p. 6, par. h in U.S. EPA, 2005). While the Discharger's UA states it implements C-MOM practices, as described under item b, it does not provide sufficient information regarding how existing C-MOM programs could be improved or timed to achieve peak flow reductions, nor are indicative costs provided for making such improvements. For example, it is unclear whether the permittee has developed objective and timely responses to all observed pipe defects causing I/I.

¹ Grumbles, B.H., Office of Water, U.S. Environmental Protection Agency. 2005. *Draft Memorandum: National Pollutant Discharge Elimination System Permit Requirements for Peak Wet Weather discharges from Publicly Owned Treatment Works Treatment Plants Serving Separate Sanitary Sewer Collection Systems*. Available at http://www.epa.gov/npdes/pubs/proposed_peak_wet_weather_policy.pdf

Baykeeper recommends that Provisions of the TO be revised to clearly state that the Discharger's Specific Tasks to Reduce Blending will more directly quantify collection system agency efforts and estimated costs to further reduce blending, and consider together the Discharger's abilities to finance costs using EPA's CSO guidance.

V. Other Comments

Following U.S. EPA's 2005 guidance, the TO should require the Discharger to provide public notification of peak wet weather diversion events within 24 hours of inception, as well as notification of duration and volume of diversion events 48 hours after cessation. This information should preferably be provided on the Discharger's website. Alternatively, the Discharger could advertise the opportunity to opt-in to email notifications of blending events.

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Thank you for your careful consideration of these comments.



Jason Flanders
Program Director, San Francisco Baykeeper



Ian Wren
Staff Scientist, San Francisco Baykeeper