



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

June 5, 2006

Song Her, Clerk to the Board
State Water Resources Control Board
Executive Office
1001 I Street, 24th Floor
Sacramento, CA 95814

Dear Ms. Her:

Comments – Chlorine Policy:

Summary of Comments In Advance Of The State Water Resources Control Board (SWRCB) Public Hearing on the Proposed Total Residual Chlorine And Chlorine-Produced Oxidants Policy Of California

The Metropolitan Water District of Southern California (Metropolitan) appreciates this opportunity to submit comments on the SWRCB Proposed Total Residual Chlorine And Chlorine-Produced Oxidants Policy Of California (TRC Policy). Metropolitan distributes wholesale water to our 26 Member Agencies (cities and water districts) and supplies more than one-half of the water used by approximately 18 million people in the 5,200 square-mile coastal plain of Southern California. To provide this service, Metropolitan operates an extensive system of water conveyances, drinking water storage reservoirs, and water treatment facilities.

Metropolitan imports water from the Colorado River and Northern California to supplement local drinking water supplies. We also help our Member Agencies to develop increased water conservation, recycling, storage, and other water management programs. As a drinking water supplier, we are naturally concerned with protecting water quality and we are actively involved in all aspects of water quality management to ensure an adequate supply of safe and reliable drinking water. Metropolitan welcomes and encourages the support of the SWRCB and the Regional Water Quality Control Boards (RWQCBs) in helping to protect water quality throughout California. The comments herein reflect Metropolitan and our Member Agency's views and concerns as affected agencies.

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Chlorine Policy
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Background

Metropolitan has been working very closely with the SWRCB since the first Scoping Meeting on the proposed TRC Policy in July 2005. We also provided a presentation that explained the concerns and issues faced by the water utilities in regard to implementation of the proposed TRC Policy at the SWRCB Stakeholder meeting held on September 29, 2005 in Los Angeles.

The proposed TRC Policy is a critical issue for water utilities because we cannot dechlorinate to the level that is being required under the proposed TRC Policy. Water utilities must dewater pipelines or reservoirs and flush fire hydrants to ensure public safety. These activities must also be performed in order to comply with the Department of Health Services regulations for safe drinking water. Water utilities have no other options and no equipment, monitoring devices, or other means available to dechlorinate in the field to the level being required by the proposed TRC Policy.

When dewatering from pipelines and fire hydrants in the field there are no stationary treatment facilities at these locations and water utilities must therefore dechlorinate in the field using Best Management Practices (BMPs) and Best Available Technology Economically Achievable (BAT). There is no field monitoring equipment currently available that will detect total residual chlorine to the proposed TRC Policy dechlorination level of 0.019 mg/L (1-hr average, freshwater). Additionally, there are no field devices that can ensure precise dechlorination to that stringent level. Water utilities, instead, are regulated under Municipal Separate Storm Sewer System (MS4) Permits and Regional Water Quality Control Board (RWQCB) General Permits to ensure that potable water discharges do not impact water quality. Under these permits, water utilities are required to implement Best Management Practices (BMPs) or meet numeric effluent limits that are based on BAT to reduce the discharge of total residual chlorine to the maximum extent practicable (MEP).

At the September 2005 Stakeholder meeting held in Los Angeles, the SWRCB staff and the SWRCB Board Members that were present agreed, after hearing our presentation, that due to the technology limitations, it is infeasible for potable water discharges to comply with the proposed TRC Policy numeric effluent limits. The SWRCB staff indicated that they would therefore provide language in the TRC Policy and Substitute Environmental Document (SED) that would exclude potable water discharges from the TRC Policy. They indicated that instead, these types of discharges would continue to be regulated under the MS4 Permits and RWQCB General Permits as the only feasible alternative option since it is technologically infeasible for potable water discharges to comply with the proposed TRC Policy numeric effluent limits. The water utilities concurred that this would resolve our issues. During the informal comment period (January 4, 2006), we provided comments to the SWRCB staff to help ensure that the language included in the second draft of the TRC Policy accomplished what had been promised by the SWRCB staff at the September 2005 Stakeholder Meeting.

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Unresolved Issue For Drinking Water Utilities

The revised language in the subsequent April 2006 draft of the proposed TRC Policy changed such that it now unfortunately and unintentionally captures almost all drinking water dischargers. The April 2006 draft language inadvertently includes discharges from drinking water utilities if operating under an NPDES permit (such as the various RWQCB General Permits for Potable Water Discharges or De Minimus Discharges). After reviewing the April 2006 draft, we immediately discussed this problem with SWRCB staff. The SWRCB confirmed again that they did not intend to capture potable water discharges under the proposed TRC Policy, which is why there is no cost estimate for water utilities to comply with the TRC Policy contained in the Economic Analysis.

The SWRCB has acknowledged that the current language in the April 2006 draft produced unintended consequences for potable water discharges and is currently working on revised language to be presented at the Public Hearing on June 19, 2006. We are anxiously awaiting review of the revised language that the SWRCB staff has indicated will resolve our issue. If the revised language adequately addresses our issues and concerns, we will support it at the Public Hearing. Until that time, we are providing the recommendation below and will continue to work closely with the SWRCB staff to resolve our issue.

Recommendations

It is recommended that the SWRCB include explicit language in the TRC Policy and SED that specifically states that it is technologically infeasible for potable water discharges to comply with the TRC Policy numeric effluent limits as authorized under the Code of Federal Regulations (CFR), Title 40, Section 122.44(k), revised July 1, 2004. It is recommended that the SWRCB establish a conditional authorization or other exclusion in the TRC Policy that allows potable water discharges to continue to be regulated under MS4 Permits or RWQCB General Permits that already require the implementation of BMPs and/or BAT based numeric effluent limits to reduce the discharge of total residual chlorine to the maximum extent practicable (MEP). To allow the SWRCB staff time to revise the current language in the proposed TRC Policy, it is recommended that the SWRCB not take action to adopt the TRC Policy during the Public Hearing on June 19, 2006.

Thank you for your consideration of our recommendations. Metropolitan appreciates the opportunity to work with the SWRCB on the proposed TRC Policy. If you have any questions regarding these comments, please contact Ms. Joyce Clark at (213) 217-5593.

Very truly yours,



Daniel J. Guillory, Environmental Program Management Team
JTC/ pwr R-06-161

cc: Mr. David Bolland, ACWA
Ms. Danielle Blacet, ACWA