

June 5, 2006

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State Water Resources Control Board  
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Dear Ms. Her:

RE: Comments on SWRCB Draft TRC & CPO Policy of California

Thank you for the opportunity to submit comments on the draft Total Residual Chlorine (TRC) and Chlorine-Produced Oxidants (CPO) Policy of California (the Policy), dated April 2006. These comments apply to the East Bay Municipal Utility District's (EBMUD's) drinking water operations and are not intended to apply to EBMUD's publicly-owned treatment works (POTW).

The East Bay Municipal Utility District (EBMUD) is a publicly owned utility formed under the Municipal Utility District Act passed by the California Legislature in 1921 and is a member of the Association of California Water Agencies (ACWA). EBMUD supplies drinking water to approximately 1.3 million people in a 325-square-mile area extending from Crockett on the north, southward to San Lorenzo (encompassing the major cities of Oakland and Berkeley), eastward from San Francisco Bay to Walnut Creek, and south through the San Ramon Valley. EBMUD also provides wastewater treatment services to approximately 640,000 people in an 83-square-mile area of Alameda and Contra Costa counties along the Bay's east shore, extending from Richmond on the north, southward to San Leandro.

As a drinking water supplier, we are naturally concerned with protecting water quality and are actively involved in all aspects of water quality management to ensure an adequate supply of safe and reliable drinking water. As such, we welcome and encourage the support of the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) in helping to protect water quality throughout California. We have several significant concerns regarding the draft Policy, however, that are summarized below.

#### **Approach Toward Regulating Drinking Water Utilities**

Based on results of the September 29, 2005 stakeholder meeting at Metropolitan Water District in Los Angeles, and subsequent discussions with SWRCB staff, it is our understanding that the

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SWRCB did not intend to include drinking water discharges under the Policy, since these types of discharges are already appropriately regulated under the Municipal Separate Storm Sewer System (MS4) Permits and Regional Water Quality Control Board (RWQCB) General Permits. We further understand that no cost estimates were included for water utilities to comply with the Policy in the supporting economic analysis for this reason. However, the April 2006 draft Policy and Substitute Environmental Document (SED) now include almost all drinking water discharges.

We understand that the SWRCB is currently working to revise the Policy by providing a conditional authorization or other exclusion that would allow drinking water discharges to continue to be regulated under MS4 Permits or RWQCB General Permits, and that the SWRCB intends to present the revised language at the Public Hearing scheduled for June 19, 2006. We look forward to reviewing the revised language, and appreciate your responsiveness in addressing drinking water utility concerns regarding this issue.

Given the complexity of this issue and potential significant impacts upon our drinking water operations that might result if the Policy is adopted without the above-described revisions, we would like to emphasize and reiterate several key issues. Water utilities must periodically dewater pipelines and reservoirs, flush fire hydrants, and backwash filters. These activities are critical and necessary in complying with federal and state regulations to provide safe drinking water. Discharges from such activities are currently regulated under MS4 Permits or RWQCB General Permits, which require implementation of Best Management Practices (BMPs) or compliance with numeric effluent limits that are based on Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce the discharge of total residual chlorine to the Maximum Extent Practicable (MEP). BMPs and other technologies used by water utilities are highly effective in destroying chlorine that is present in such discharges and in ensuring environmental protection. Therefore, we advocate that the existing approach toward drinking water discharges be continued. Equipment and monitoring devices available for use in field applications simply cannot meet the requirements of the proposed Policy.

#### **Detection Limits/Accuracy**

As noted above, field monitoring equipment cannot achieve the detection limits specified in the Policy, nor can continuous monitoring equipment at stationary locations consistently achieve such low detection limits (particularly in wastewater). Rather than rely on manufacturer's specifications, the Policy should be revised to provide a technically defensible detection limit that can be achieved over the broad and diverse range of discharges that are intended to be regulated. The level of accuracy required for continuous monitoring analyzers should be similarly reviewed and revised.



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**Compliance with the Intermittent Limit**

The Policy states that under the intermittent limit, non-compliance for each sample will be considered separately. This approach is inconsistent with Senate Bill 709, which states that a single operational upset that leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation (see Section 6).

Thank you for your consideration. Should you have any questions or comments regarding these comments, please contact me at (510) 287-0345.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Schroeter', with a long horizontal line extending to the right.

JOHN H. SCHROETER, P.E.  
Manager of Environmental Compliance