

06/21/06 BMtg Item  
Chlorine Policy  
Deadline: June 5, 2006



# MARIN MUNICIPAL WATER DISTRICT

220 Nellen Avenue - Corte Madera CA 94925-1169  
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June 5, 2006

Song Her, Clerk to the Board  
State Water Resources Control Board  
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## 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 (TRC Policy)

Dear Ms. Her:

The Marin Municipal Water District (MMWD) appreciates the opportunity to comment on the April 2006 draft of the TRC Policy. MMWD serves a population of 190,000 in Marin County and supplies drinking water through approximately 900 miles of distribution pipelines, 140 storage tanks, and 95 pump stations. In order to maintain water quality and comply with state and federal drinking water regulations, a chlorine-based disinfectant residual concentration is required in all parts of the distribution system. The regulatory requirement to maintain a disinfectant residual is one of many steps that protects drinking water consumers from pathogens and waterborne disease. At the same time, we recognize that disinfectants in drinking water discharges have the potential to be harmful to aquatic life. So we have become experienced and proficient in applying a variety of best management practices (BMPs) to dechlorinate drinking water discharges – both planned and emergency. We take very seriously our dual requirements to protect both human and environmental health.

We have carefully reviewed the draft TRC Policy dated April 2006 and attended workshops by SWRCB staff who explained the intent and rationale for the proposed policy. In those workshops, it was explained by SWRCB staff that the regulation was not intended to pertain to non-point drinking water dischargers who are typically regulated (like MMWD) under MS4 Stormwater permits that do not contain numeric effluent limits. We are concerned that the latest draft language in the TRC Policy does not communicate that intent and could easily be misconstrued by staff at the various regional boards.

The SWRCB staff also stated that drinking water utilities were not intended to be part of the policy and gave evidence of their intention by a lack of cost estimates for drinking water utilities to comply with the Chlorine Policy in the Economic Analysis. While this makes us feel that staff is communicating their honest intent, it is not a substitute for precision in regulatory wording. We fail to understand or appreciate the legal obstacle to crafting a TRC Policy that does what was initially intended - but without the unintended consequences.

Drinking water utilities do not have stationary treatment facilities and must dechlorinate at constantly-changing field locations using Best Management Practices (BMPs) and Best Available Technology Economically Achievable (BAT). There is no field monitoring equipment available that will detect total residual chlorine to the proposed TRC Policy level of 0.019 mg/L (1-hr average, freshwater). That does not mean that dechlorination is not accomplished, because field dechlorination techniques are just as effective as stationary, the chemistry is all the same. It is just impractical and unnecessary to regulate a small intermittent discharge in the same manner as a large continuous point discharge. A one-size-fits-all regulation is simply not practical and that is why non-point drinking water discharges all across the USA are regulated by BMPs and not numeric effluent limits.

### Recommendation

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 instead 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 require the implementation of BMPs and/or best available technology economically achievable (BAT) based numeric effluent limits to reduce the discharge of total residual chlorine to the maximum extent practicable (MEP). These steps will remove MMWD's concerns about this regulation and further contribute to the stated goals of the draft TRC policy: "to protect aquatic beneficial uses, promote consistency, and improve clarity for dischargers and water board permit writers."

Thank you for your consideration. If you have questions, please contact me at 415-945-1556.

Sincerely,



Robert S. Castle, P.E.  
Water Quality Manager



## MARIN MUNICIPAL WATER DISTRICT- FAX

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**DATE:** June 5, 2006

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**NUMBER OF PAGES** (including this page): 3

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**MESSAGE:**

Attached letter provides comments on the Total Residual Chlorine Policy dated April 2006