

Calvin McCune  
CHAIRMAN  
Chuck Mack  
VICE-CHAIRMAN  
John Wessner  
PRESIDENT  
William J. Dehn  
VICE PRESIDENT  
Jack Coffey  
TREASURER  
David G. Gruber  
SECRETARY



# California Council for Environmental and Economic Balance

100 Spear Street, Suite 806, San Francisco, CA 94105 • (415) 512-7890 • FAX (415) 512-7897

**BOARD OF DIRECTORS**

William T. English  
Richard Har  
John Beville  
William C. Har  
Ken Calver  
Jack Coffey  
Thomas Cook  
Melinda Graham  
Don Grubbs  
Catherine Dunlap  
Doug Fears  
Richard F. Grubbs  
Richard F. Grubbs  
Michael G. Gruber  
Nancy Gruber  
Joy Hanson  
Robert Harris  
Tim Heering  
Michael Hertz  
Averner Hirsch  
Michael G. Jackson  
Fred John  
James J. Jones  
Dawn Kato  
Ronnald L. Kharughan  
Robert G. Kirkwood  
John L. Knox  
William Krosby  
Chuck Mack  
Mark Mackenzie  
Walter McCune  
Jerry Meyer  
Richard Morrison  
Mike Murray  
C. Jay Nelson  
Jane Nunez  
Mark Pearson  
Art Pollock  
Fred Reed  
Mike Ross  
Robert Rozanski  
Edward L. Hupp  
Lenny Schmidt  
Angelo J. Sullivan  
Dan Squires  
Katherine Street  
Don Tapp  
Steve Tapp  
Marian Teraszewska  
Vicki Wessner  
Scott Walsh  
Perry Zimmerman

**CONSULTANTS**

John Duffin  
GRATTAN LAW & GOVERNMENTAL RELATIONS  
Jackson H. Gualco  
THE GUALCO GROUP, INC.  
Robert W. Lucas  
LUCAS ADVOCATES

**FOUNDING CHAIRMAN 1973**

Gov. Edmund G. "Pat" Brown

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



June 5, 2006

Song Her, Clerk of the Board  
State Water Resources Control Board  
Executive Office  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

**RE: CCEEB Comments on Proposed April 2006  
Total Residual Chlorine and Chlorine-Produced Oxidants**

Dear Members of the Board:

Upon review of the proposed changes CCEEB has the following recommendations:

- The Policy should only be applicable to facilities/processes that actually use chlorine by adding it in their operations. As it currently reads there is a discrepancy between the Policy Applicability and Part II of the Policy. CCEEB believes the Policy Applicability section should be amended to be consistent with Part II.
- CCEEB understands small line replacements for repairs, relocations and tie-ins often involve one time short duration discharge of relatively small volume ( $\leq 5,000$  gals) municipally supplied water from hydrostatic testing. RWQCBs, like the Los Angeles, Santa Ana, and Central Valley, allow the discharging of these volumes under waiver, without the need of any analysis prior to discharge. What will the proposed Policy do with the analysis waiver provisions that various RWQCBs currently have? CCEEB suggests an analysis waiver provision for discharges like these resulting from low volume ( $\leq 5,000$  gals) hydrostatic tests.
- The Policy inappropriately defines the continuous discharger category, failing to recognize large volume infrequent discharges as intermittent. By amending the above stated discrepancy, the cost and efficacy burdens brought about by continuous monitoring requirements can be avoided. A more practical approach to base the definition of intermittent discharge on is an annual basis rather than a daily basis. As such, the Policy would cover both daily discharges of short

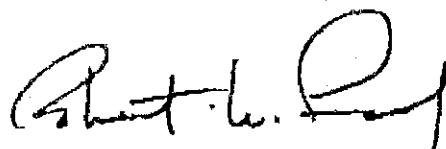
duration, and infrequent discharges of a longer duration. An alternative to the annual base approach would be to set a volume per year approach.

- The current 15 minute grab sample is burdensome and unnecessary for discharges such as hydrotest waters. Certain discharges may only occur every few years, but may be several days long. The difficulty of a grab sample every fifteen minutes is obvious—and particularly unnecessary when no chlorine has been added to the discharge. An alternative approach would be to require three discrete samples, taken at 30-minute intervals for the first hour and a half of discharge during each intermittent period of chlorination.
- The Policy should state that monitoring for temporary intermittent discharges, such as hydrostatic testing, construction dewatering, well development, water line flushing, handling of water main ruptures, and other water system-related events are not required by this policy.
- SWRCB should insure that cost-effective field methodology is available to provide timely and reliable results at the levels proposed by the Policy. We are concerned that no "field-friendly testing methodology" exists for 1 hour and 4 hour averages, rather most tests typically take approximately 4 days to get results particularly with grab samples.
- To our knowledge there are no commercially available on-line chlorine analyzers that will reliably achieve the performance standards (detection limits and sampling frequency) required by the Policy. This is of particular concern for dischargers of seawater because the saltwater matrix provides additional interference that makes accurate, low-level quantification impossible.
- Address situations where the QRI is greater than the exposure limit. Allow tests with higher QRIs and detection limits, especially when the assimilative capacity of the waterbody allows the chlorine to be reduced rapidly. To avoid exceedances caused by analytical noise, exceedances should be determined based on the site-specific QRI, not a vendor's detection limit. Allow the use of currently available online instrumentation with a longer analysis cycle.
- SWRCB should 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. CCEEB recommends 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).

CCEEB asks that you please consider making these additions to the final proposal. We are happy to continue working with the Board during the adoption process. If you have any questions please call at (916) 444.7337.

Sincerely,



Robert W. Lucas

cc.: Vic Weisser, CCEEB  
John Grattan, CCEEB  
Jackson Gualco, CCEEB

# Lucas Advocates

## Fax Cover Sheet



Date: 6/5/06  
 Send to: Song Her, Clerk to the Board  
 SWRCB  
 916-341-5620  
 Fax number:  
 From: Bob Lucas  
 Phone number: (916) 444-7337

- URGENT    
  REPLY ASAP    
  PLEASE COMMENT    
  PLEASE REVIEW    
  FOR YOUR INFORMATION

Total pages, including cover: 4

**Comments:**

Dear Song Her,

Attached is the California Council for Environmental & Economic Balance's (CCEEB) comment letter on the proposed April 2006 Total Residual Chlorine & Chlorine-Produced Oxidants Policy in California.

Thank you.

1121 L Street, Suite 407  
Sacramento, CA 95814

Phone: (916) 444-7337  
 Fax: (916) 444-7393  
 Email: bob.lucas@calobby.com  
 Website: www.calobby.com



**Lucas Advocates**