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PLANNING BUREAU

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May 17, 2004

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Subject: Triennial Review of the California Ocean Plan

Dear Mr. Roddy:

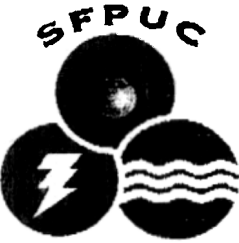
The San Francisco Public Utilities Commission appreciates the opportunity to review and comment on the Ocean Plan issues to be addressed during the Triennial Review process. As you know, San Francisco has both near-shore and deep-water discharges into the Ocean. The standards and implementation plan within the Ocean Plan have a potentially significant effect on the City's wastewater operations.

Our comments are divided into three categories: (1) the four issues which were part of the public scoping meeting in January that supported the preparation of the Functionally Equivalent Document, (2) issues from the previous Triennial Review, and (3) additional issues of significant importance to San Francisco.

January 23, 2004, Scoping Meeting Issues

Choice of Indicator Organisms for Water-Contact Bacterial Standards -
Our position is that the Board should adopt the EPA Bacteria Standards for recreational marine waters as specified in the EPA draft document, *Implementation Guidance for Ambient Water Quality Criteria for Bacteria* (2002). The most current information that EPA has recommends monitoring using enterococci bacteria in marine waters and *E. coli* in fresh waters. Monitoring for multiple bacterial indicators wastes resources and leads to potentially confounding results.

A related concern is that the inherent delays in obtaining sample results means that beach postings are based on outdated conditions and therefore are of limited value to the users. The recently published study from U.C. Irvine found that the public was incorrectly notified about water quality at Huntington Beach as much as 41 percent of the time. (*Environmental Science & Technology*, Vol. 38, No. 9: May 1, 2004.) We strongly encourage efforts to develop testing methods that would produce more timely results.



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2. **Reclassifying "Areas of Special Biological Significance (ASBS)" to "State Water Quality Protection Areas (SWQPAs)" and establishing implementation provisions for discharges into SWQPAs** – We support the proposed application of NPDES permits for discharges into SWQPAs.
3. **"Reasonable Potential:" Determining the likelihood that the concentration of a pollutant would cause or contribute to an exceedance of water quality standards** – We support the initiative by the Board to apply the latest mathematical techniques for addressing data below the detection limit as part of the assessment of whether pollutants may cause or contribute to an exceedance of water quality standards. The Ocean Plan should clarify, however, that a reasonable potential assessment is generally not applicable to wet weather flows such as those from controlled combined sewer overflows because of the EPA/SWRCB policy of not applying numeric effluent limitations to storm water flows.

High Priority Issues from the 1999-2002 Triennial Review Not Addressed in the 2001 California Ocean Plan:

4. **Review of the Water Quality Objectives for 2,3,7,8-TCDD and Related Compounds (Dioxins) - Should the water quality objective for Dioxin be reviewed to reflect new information received since the objective was adopted in 1990?** – Monitoring by the City and County of San Francisco, the San Francisco Regional Board, and others indicates that dioxins are typically present in urban runoff at several orders of magnitude above water quality standards. This situation needs to be assessed and San Francisco supports the Ocean Plan Triennial Review to consider changes in the application of standards (during wet weather?) This issue is also applicable to inland waters.
5. **Should the Ocean Plan incorporate procedures for establishing site-specific water quality objectives in addition to current statewide water quality objectives?** – The Basin Plans make this option available for inland waters and the option should also be available for Ocean discharges.
6. **Regulatory Control of Storm Water Discharge: Should the Ocean Plan be amended to assist storm water dischargers and regulators in achieving the standards contained in the Plan?** – The Plan should specifically address stormwater discharges including wet weather discharges from combined sewer systems.

It is very important to San Francisco that the stormwater assessment include a parallel effort to address wet weather overflows from combined sewer systems. In 2000, the federal Clean Water Act was amended by H.R. 828, the Wet Weather Water Quality Act of 2000. Among various provisions, the Act codified EPA's 1994 *Combined Sewer Overflow Control Policy*. The Policy established the national framework for control of CSOs and provides guidance on how combined sewer communities can meet Clean Water Act goals in a flexible and cost-effective manner. The Policy establishes an initial requirement for combined sewer systems: "nine minimum controls"; and also requires development and implementation of a "long-term CSO Plan."

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The Act requires EPA to develop guidance for states for the review of designated water uses and water quality standards in order to address CSOs. Even after completion of practicable control facilities as specified in the CSO Control Policy, CSOs in many situations still do not conform to WQS. The guidance is intended to encourage changes in the standards to address this fact.

We propose that the Ocean Plan amendments address the Wet Weather Water Quality Act of 2000, particularly as it applies to San Francisco. We propose that the Board consider modification of the existing Ocean Plan water quality standards in the proximity of the overflow locations to take into account these intermittent discharges. The CSO Control Policy describes a review of water quality standards with the intent of developing standards that reflect site-specific conditions including those related to CSOs. The Policy notes that a State may adopt site-specific criteria for a particular pollutant or modify a designated use:

In reviewing the attainability of their WQS and the applicability of their implementation procedures to CSO-impacted waters, States are encouraged to define more explicitly their recreational and aquatic life uses and then, if appropriate, modify the criteria accordingly to protect the designated uses.

Another option is for States to adopt partial uses by defining when primary contact recreation such as swimming does not exist, such as during certain seasons of the year in northern climates or during a particular type of storm event. In making such adjustments to their uses, States must ensure that downstream uses are protected, and that during other seasons or after the storm event has passed, the use is fully protected.

CSO Control Policy, Section III.B.

Beginning in the 1980s, San Francisco has spent approximately \$1 billion to control and treat the wet weather component of the combined sewer flows. San Francisco has implemented the provisions of the CSO Control Policy, which apply to municipalities; it is appropriate, and timely that the State Board carry out those related activities applicable to the Ocean Plan standards. We have made a similar request to the San Francisco Regional Board with respect to water quality standards applicable to San Francisco for Bay discharges.

San Francisco is beginning the process to develop a new Master Plan for the wastewater program. In addition, Congress is considering funding for wet weather facilities as part of the appropriation process and grant funds may become available. Identifying the applicable water quality standards and clarifying the water quality compliance status of the San Francisco CSOs with respect to the Ocean Plan standards will help the City complete the Master Plan as well as facilitate the grant process.

We note that the wet weather bacteria TMDLs under development in Southern California are proposing that a certain frequency of bacteria exceedances will continue even after full implementation of the TMDL. What we are proposing for San Francisco is similar: standards need to be adjusted to accommodate a limited number of residual exceedances. In the past, we have proposed a threshold approach for applying water quality standards. Such an approach could be used to add flexibility to the application of the standards.

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Additional Issue of Importance

- 7. Identification of Mixing Zones and the Determination of a Dilution Credit, When Appropriate** – The approach used by the Ocean Plan for calculating dilution credits (i.e., establishing a mixing zone) is out of date. It should be reevaluated and based on the procedures discussed in the *Technical Support Document for Water Quality-based Toxics Control* (EPA, 1991). The Ocean Plan should also take advantage of the recent development of improved mathematical models for ocean discharges (e.g., EPA's *Visual Plumes*).

In the past, the Ocean Plan was often used to assess 301(h) waiver from secondary treatment as allowed by the Clean Water Act. In order to receive a 301(h) waiver, a discharge was required to have applicable State standards (even if the discharge was outside state waters), and therefore State standards were "extended" into Federal waters for such discharges. The Ocean Plan used conservative approaches to assess these proposed 301(h) discharges including an assumption of no current. The City does not have a 301(h) waiver for its discharge. The City's position is that the Ocean Outfall discharges into Federal waters and that Federal regulations apply, specifically 40 CFR 125.121(c). Nevertheless, the state and EPA have both proposed using the Ocean Plan procedures for determining dilution for the San Francisco Ocean Outfall). Consequently, the City is interested in the Ocean Plan being brought up to date with respect to dilution calculations.

The City has conducted dye studies in conjunction with U.S. EPA and the National Oceanic and Atmospheric Administration (NOAA) under worst case field conditions and calculated infield initial dilutions as corresponding well with the mathematical models.

The City recently had a dilution modeling report prepared by Dr. Philip Roberts (Georgia Institute of Technology), an expert in the field of ocean discharge modeling. He is author or co-author of several of the EPA models. In evaluating previous dilution calculations based on the procedure outlined in the Ocean Plan, he noted that the original dilution model used for the San Francisco outfall discharge was overly conservative and incorporated inaccurate assumptions. Dr. Roberts indicated that "considerable advances have been made in understanding the mixing and dynamics of buoyant outfall plumes [since 1990], and earlier predictions are now archaic".

We would be pleased to make this work available to the Ocean Plan staff for their evaluation and consideration during the Triennial Review process.

If you have any questions please do not hesitate to contact me at (415) 934-5787 or Arleen Navarret at (415) 242-2201.

Very truly yours,



Michael P. Carlin
Planning Bureau Manager

cc: Bruce Wolfe, Executive Officer, SFRWQCB