



# Carpinteria Sanitary District

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VIA FACSIMILE and OVERNIGHT MAIL

August 30, 2005

Mr. Roger Briggs  
Executive Officer  
California Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401-7906

**Re: Tentative Waste Discharge Requirements Order No. R3-2005-0110  
NPDES Permit No. CA0047364 – Carpinteria Sanitary District**

Dear Mr. Briggs:

Thank you for the opportunity to comment on the subject Tentative Waste Discharge Requirements (Tentative Order) for the Carpinteria Sanitary District (District) Wastewater Treatment Facility. Based on comprehensive review by District staff, we find the Tentative Order to be thorough, well organized and a marked improvement over prior orders. Inclusion of Standard Provisions and the Fact Sheet as attachments will make the adopted Order a useful tool for our agency.

The following comments on the Tentative Order are respectfully submitted for your consideration.

## **Tentative Order Comments**

### Tables IV-3 and IV-4

It is understood that effluent limitations prescribed in these tables are based on Ocean Plan Table B criteria. The District is concerned that a future Reasonable Potential Analysis (RPA) may show that no potential exists to discharge one or more of the listed constituents and that subsequent removal of numerical limits would be prohibited by anti-backsliding provisions in Paragraph II.J of the Tentative Order.

### Paragraph V.A.2.b

This provision requires the District, when directed by the RWQCB or its Executive Officer, to conduct a "sanitary survey" and to control any controllable discharges identified therein. This paragraph is ambiguous and could subject the District and its ratepayers to significant investigative and remedial costs to address water quality issues

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wholly unrelated to its discharge. It is recommended that this paragraph be deleted from the Tentative Order.

Paragraph VI.C.1.a. – Biosolids Requirements

Subparagraph (1) of this section states that the SWRCB or RWQCB has not been delegated the authority to implement a biosolids program pursuant to regulations promulgated under 40 CFR Part 503. Including detailed provisions related to biosolids management in the Tentative Order is contrary to this statement. While it is clearly the District's responsibility to comply with the Federal requirements, we do not believe it is appropriate to include these provisions in the Tentative Order. The District's biosolids management practices, which involve off-site co-composting to achieve Class A, Exceptional Quality standards, make most of the detailed provisions set forth in this section inapplicable to our operations. For the sake of clarity and permit streamlining, it is recommended that this section be deleted in its entirety. The District will continue to maintain 100% compliance with biosolids management, monitoring, processing and reuse requirements of 40 CFR Part 503 throughout the permit cycle.

Paragraph VI.C.1.b. – Wastewater Collection System Requirements

The District currently implements a comprehensive, proactive collection system management program. In response to a series of wet-weather sanitary sewer overflows that occurred in the late 1990's, the District embarked on a strategic plan to fully assess and remedy deficiencies throughout its collection system. This substantial, ongoing effort has included major commitments of capital improvement dollars to upgrade pump stations and buried infrastructure within our service area. In 2000, the US Environmental Protection Agency issues the District an Administrative Compliance Order (ACO) which directed implementation of the already planned response measures according to a fixed schedule. The District has maintained strict compliance with the ACO. All reporting and documentation has been copied to the RWQCB. To date, the improvements have dramatically reduced the frequency and severity of sanitary sewer overflows (SSOs) experienced here.

The District is fully committed to responsible management of its collection system. We understand and support the concept of a regulatory framework for collection systems that is intended to reduce SSOs and protect water quality. However, the District does not believe that prescriptive collection system management requirements should be included as NPDES Permit provisions. We recommend that this entire section, as well as Attachment G, be removed from the Tentative Order. The basis for this recommendation is outlined below:

1. The SWRCB is in the final development stage of Statewide General Waste Discharge Requirements for Sewage Collection System Agencies (General WDRs). A copy of the most recent public review draft of this document (dated 8/1/2005) is provided as Attachment A.

2. Attachment B is an implementation timeline for the General WDRs. It is anticipated that adoption by the SWRCB will occur in October 2005. This timing basically coincides with adoption of the District's final NPDES Permit.
3. The General WDRs are, in fact, more comprehensive than the Wastewater Collection System Requirements set forth in the Tentative Order. Compliance with the WDRs will provide for equivalent water quality protection.
4. The General WDRs will provide a level playing field for all collection system operators in California. Implementation will be uniform and in accordance with reasonable time schedules.
5. The General WDRs, in their current form, have been developed with extensive stakeholder input. Attachment C provides a list of Guidance Committee members, which includes large and small collection agencies, consultants, non-governmental organizations, federal agencies, RWQCB staff and SWRCB staff. Contrarily, the Wastewater Collection System Requirements set forth in the Tentative Order were developed without any input from the regulated community.
6. A key element of the statewide General WDR program is a standardized online (web-based) reporting system. This application will streamline SSO reporting at all levels. If the collection system provisions of the Tentative Order are retained, the District will be subject to duplicative and burdensome reporting requirements.
7. Including collection system management requirements and absolute SSO prohibitions in the Tentative Order will expose the District and its ratepayers to expensive, third party citizen lawsuits for any instance of noncompliance, regardless of circumstances. This is a real threat that must be considered by the RWQCB. The statewide General WDR regulatory process will provide an equivalent level of water quality protection and enhancement, without the same level of exposure to litigation.
8. US EPA supports the statewide General WDR approach for collection system management. EPA staff has indicated that inclusion of three Standard Provisions in NPDES permits – duty to report; duty to mitigate; and duty to operate and maintain – is satisfactory from a regulatory perspective to control SSOs.
9. The SWRCB will not exclude the District from the General WDR on the basis that its operations are covered by specific NPDES Permit provisions. Strict compliance with both regulatory programs will result in duplication of effort and poor use of limited resources.

Attachment G . – Elements of the Wastewater Collection System Management Plan

The wastewater collection system provisions of the Tentative Order require the District to prepare a Wastewater Collection System Management Plan in accordance with Attachment G. The District's comments on Attachment G are provided below:

1. In the District's opinion, the comprehensive and detailed requirements set forth in Attachment G (Elements of the Wastewater Collection System Management Plan) are overly prescriptive and, in essence, they dictate the manner of compliance with the Tentative Order. This is inconsistent with Water Code Section 13360(a).
2. The District has already prepared and implemented many of the required Wastewater Collection System Management Plan (WCSMP). Redevelopment, repackaging, and related compilation efforts to satisfy the Attachment G requirements will require substantial outlay of resources and funding that could be better used to maintain and/or improve the District's collection system.
3. The District also questions the annual update requirements for many of the plan elements. For example, a very limited number of new connections are made within the District's service area each year. Annual updates of a Capacity Assurance Plan are not appropriate and would merely be an exercise. This and similar efforts would divert staff time from critical maintenance and rehabilitation activities.
4. Paragraph IV.I of Attachment G requires the District to develop a plan for responding to and preventing SSOs from private property. The District must take exception to this requirement because it lacks jurisdiction to respond to overflows on private property in most cases. We have and will continue to take necessary actions to protect water quality, however, this requirement is not appropriate and should be removed from the WCSMP requirements.
5. There is no discussion of the RWQCB review and approval process. Conforming our current collection system management process and its structural elements to satisfy the Attachment G requirements will require significant effort. The District would appreciate some assurance that there will be meaningful review and approval of the WCSMP by the RWQCB.

**Monitoring and Reporting Program Comments**

Paragraph III.A.1

The hydraulic design of the District's treatment facility directs certain intermittent in-plant return flows to the influent wet well downstream of the influent (headworks) monitoring location. These return flows include filtrate from solids dewatering activities and wash water from periodic cleaning and maintenance activities within the plant. Flow measurements, particularly instantaneous flow values, reflect these in-plant return flows. Flow measurements are continuously recorded on a circular chart.

Collection of monthly samples for BOD and Total Suspended Solids (TSS) analysis is coordinated with plant O&M activities so that no return in-plant flows are diverted to the influent wetwell during the 24-hour monitoring period. Costs to physically modify the WWTF or the influent sampling location are significant. It is requested that this paragraph be modified to indicate the presences of intermittent in-plant return flows as described and to allow sampling at the existing confluent sampling location.

Paragraph III.A.1 / Paragraph IV.A.1

These paragraphs state that composite samples (influent/effluent) shall be collected using a proportional sampling device approved by the Executive Officer. Please describe the requirements and/or process for approval. The District currently uses a refrigerated composite samplers manufactured by American Sigma or ISCO.

Table IV-1

Chronic toxicity monitoring is required semi-annually in the months of March and December. Please verify that these are the desired months for monitoring. Historically, semi-annual samples would be required with six-months separation instead of the four month period set forth in the MRP.

Table VI-1

This table indicates ocean sampling stations "1 through 8" in column 3. The MRP only sets forth five (5) ocean monitoring locations. The table should be modified to read "1 through 5" where appropriate.

Section XII: Wastewater Collection System Overflows - Recordkeeping

As previously discussed, the District recommends that specific or explicit requirements for collection system record keeping be excluded from the Permit and MRP. Record retention requirements proposed for inclusion in the Statewide General WDR are very similar to those outlined in the Tentative Order. A standard provision requiring compliance with the General WDR would achieve the same objective and would streamline the permit process.

Section XIII: Wastewater Collection System Overflows - Reporting

The District further recommends that specific or explicit requirements for collection system reporting be excluded from the Permit and MRP. Comprehensive collection system overflow reporting requirements are proposed for inclusion in the Statewide General WDR. Spill classification and reporting criteria are similar to that outlined in the Tentative Order. The SWRCB has developed a web-based online reporting system and SSO database that is intended to streamline and standardize the SSO reporting process. This online reporting system is expected to be more significant more efficient than the current written reporting procedures. A standard provision requiring compliance with the General WDR would achieve the same objective and would streamline the permit process.

Paragraph XIII.A.4

The requirement to collect "upstream and downstream" samples subsequent to a SSO is ambiguous for several reasons. In the opinion of the District, upstream monitoring should only be required when the discharge is to a creek, stream, or similar open, accessible channel with continuous background flow. If the SSO is to a non-flowing waterbody, such as an estuary, pond or the Pacific Ocean, "upstream" sampling is not possible. In the case of a discharge to a storm drain, upstream and downstream sampling may be difficult or impossible. The District does not have jurisdiction to access storm drain manholes owned by the City of Carpinteria or the County of Santa Barbara. Furthermore, entering a storm drain for the purpose of sample collection could expose District staff to unsafe conditions, particularly during rainfall events. It is recommended that this paragraph be modified to clarify SSO monitoring requirements and to fully define "upstream" and "downstream" sampling locations and protocols.

Paragraph XIV.B.1

The District is actively pursuing implementation of electronic on-line reporting through the SWRCB CIWQS eSMR system. This electronic reporting system is expected to be functional in October or November 2005. It is requested that formal notification to submit reports electronically, pursuant to this paragraph, be provided by the SWRCB or the RWQCB as soon as possible. There are significant costs and resource requirements associated with updating the District's SMR preparation software to be consistent with the Tentative Order, particularly for annual and semi-annual reporting.

Paragraph XIV.C.1

The District is actively pursuing implementation of electronic on-line reporting through the SWRCB CIWQS eSMR system. This electronic reporting system is expected to be functional in October or November 2005. It is requested that formal notification to submit DMRs electronically, pursuant to this paragraph, be provided by the SWRCB or the RWQCB as soon as possible. There are significant costs and resource requirements associated with updating the District's DMR preparation software to be consistent with the Tentative Order, particularly for annual and semi-annual reporting.

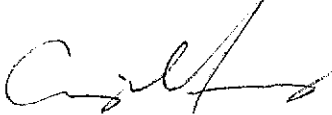
Paragraph XIV.D.1

The District takes no exception to the notification requirements set forth in this paragraph in the event of a disinfection process malfunction. Facsimile notification has been and will continue to be provided to those entities and individuals prescribed by the Department of Health Services. With respect to the requirement to monitor receiving water at sampling stations R-F, R-G and three other shore sampling stations for seven days after loss of disinfection, no parameters have been identified for analysis. Furthermore, no thresholds have been set forth to assess the level of impairment, if any, nor to differentiate between background receiving water quality and quality of receiving water potentially affected by the discharge. Also, while the District understands that it is responsible to determine when an "Event" has occurred, the language regarding a potential or actual discharge of inadequately disinfected effluent is unclear and

ambiguous. It may not be consistent with the "loss of disinfection" language in the fourth paragraph of this section. Specific criteria or clarification of this requirement would be helpful to the District.

Thank you again for the opportunity to comment on the Tentative Order. Your consideration and response to the District's concerns are greatly appreciated. Please don't hesitate to contact me with any questions about the provided comments or if you need further clarification on individual items. I can be reached at (805) 684-7214 x12 or by email at [craigm@carpsan.com](mailto:craigm@carpsan.com).

Respectfully Submitted,  
CARPINTERIA SANITARY DISTRICT



Craig Murray, P.E.  
General Manager

Attachments: A) Draft Statewide WDRs for Sewage Collection System Agencies (8/1/05)  
B) Draft Timeline for SSORP Development and Implementation  
C) SSO Guidance Committee Member Listing

cc: CSD Board of Directors (w/o attachments)  
Mr. Louis Becker, CSD Operations Manager  
Mr. Tony Trembley, CSD Counsel