

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT
STAFF: Vince Christian/Robert Schlipf
MEETING DATE: July 8, 2009

ITEM **7**

SUBJECT: **Cedar Fair Entertainment Company, California's Great America, Santa Clara, Santa Clara County—Issuance of New NPDES Permit**

CHRONOLOGY: The Board has not previously considered this matter.

DISCUSSION: The Revised Tentative Order (Appendix A) would issue a new NPDES permit for California's Great America, an amusement park in northern Santa Clara owned and operated by Cedar Fair Entertainment Company. The Revised Tentative Order also includes updated Regional Standard Provisions in its Attachment G that we intend to include in future NPDES permits.

To prevent park flooding during large storms, Cedar Fair periodically discharges water from two on-site retention basins into San Tomas Aquino Creek. In addition to stormwater runoff, the basins contain mostly recycled wastewater from the San Jose/Santa Clara Water Pollution Control Plant that Cedar Fair uses at the park's water features. Cedar Fair also pressure washes sidewalks and rides at the park, and this water flows into the basins. At the end of the park operating season, water drained from certain water rides also flows into the basins. The Revised Tentative Order establishes effluent limitations and other operational and management provisions for all discharges from the basins.

The Regional Standard Provisions update a set of standard provisions and self-monitoring program requirements that the Board had included with every NPDES permit since 1993, and consolidate other existing requirements. The update supplements federally required standard provisions, providing more specifics to ensure permit compliance through preventative planning, monitoring, recordkeeping, reporting, proper characterization of problems, and timely and full responses to problems encountered.

We received three comment letters (Appendix B) during the public comment period and have responded to the comments (Appendix C). The Bay Area Clean Water Agencies (BACWA) and the Central Contra Costa Sanitary District submitted numerous comments on the updated Regional Standard Provisions. We have revised the Regional Standard Provisions to resolve most of them, but BACWA still takes issue with a provision that would require notification of sewage spills from wastewater treatment plants within two hours of a spill. This is a requirement we imposed administratively to all wastewater treatment plants in 2008 in response to incidents of poor spill notification. BACWA objects to having this requirement expressly in NPDES permits because of potential third party liability when there is

a violation. We believe including all reporting requirements in one place in the Regional Standard Provisions will facilitate compliance, and third party liability should not be an issue if there is timely notification of sewage spills.

San Francisco Baykeeper provided comments questioning the appropriateness of permitting this discharge and asking that we better support our findings. While we believe a permit action as proposed in the Revised Tentative Order is appropriate for this case, we have revised the tentative order to include a maximum discharge flow rate and revised the permit's Fact Sheet in multiple places in response to the Baykeeper's comments.

**RECOMMEN-
DATION:**

Adopt the Revised Tentative Order

**CIWQS
PLACE ID:**

736379

APPENDICES:

- A. Revised Tentative Order
- B. Comments
- C. Response to Comments