

June 27, 2012

Dylan Garner
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612
dgarner@waterboards.ca.gov
Submitted via electronic mail

Re: Comments on the Proposed NPDES Permit for the Pinole-Hercules Water Pollution Control Plant and Pinole Collection System

Dear Mr. Garner:

Thank you for the opportunity to comment on Tentative Order for the Pinole-Hercules Water Pollution Control Plant (“WPCP”) and collection system, NPDES Permit No. CA0037796 (“Draft Permit”). San Francisco Baykeeper (“Baykeeper”), a 501(c)(3) nonprofit organization with the mission of protecting and enhancing the San Francisco Bay for the health of its ecosystem and surrounding communities, submits these comments on behalf of our 2,300 members. Please address the following concerns to ensure that the Draft Permit adequately protects water quality and public health in the Bay Area.

1. The Draft Permit Should Require Additional Monitoring of Blending and Emergency Outfall Events.

Discharge Prohibition C of the Draft Permit authorizes bypass events under certain circumstances, as long as the bypasses comply with effluent limitations. Draft Permit, 6, D-2. However, the Monitoring and Reporting Program for the Draft Permit does not require the Permittee to sample its monitoring location for blending (EFF-001B) or its emergency outfall monitoring location (EFF-001E) for dioxin-TEQ, acute toxicity, or chronic toxicity, which are all parameters regulated by the Draft Permit. Draft Permit, Tables E-4 and E-5. Since the Draft Permit requires Pinole to sample Discharge Point EEF-001 for these parameters and these parameters are regulated by the Permit, the Permit should be revised to include additional sampling requirements for these three parameters at Discharge Points EEF-001B and EEF-001E at least once per every blending event. This revision is necessary to ensure compliance with the Draft Permit’s effluent limitations and the protection of beneficial uses in San Pablo Bay.

The Draft Permit should also require monitoring of dissolved oxygen and dissolved sulfides at Discharge Point EFF-001B to be consistent with the Basin Plan and the monitoring requirements for Discharge Point EFF-001. During blending events, effluent generally consists of under-treated sewage and urban stormwater, which has the potential to reduce dissolved oxygen to levels that pose a significant threat to aquatic wildlife. There is a strong likelihood that blended discharge is characterized by high oxygen demand, resulting in dissolved oxygen

concentrations that may violate the Basin Plan objectives of 5 mg/L. Basin Plan § 3.3.5. To ensure compliance with the Basin Plan, the Regional Board should require the Permittee to test for dissolved oxygen during each day of every blending event. Given that dissolved oxygen is such a standard indicator of wastewater quality, it is unusual that such a standard does not already apply, especially since the Draft Permit requires dissolved oxygen testing during both routine daily tests and emergency events. See Draft Permit, Tables E-3 and E-5. The Basin Plan also includes a water quality objective for dissolved sulfides that may be exceeded by the Permittee's blending events. Basin Plan § 3.3.15. Therefore, these revisions are necessary because it would be impossible for the Permittee to know whether its effluent is in compliance with the Basin Plan's water quality objectives for dissolved oxygen and dissolved sulfides during blending events without this monitoring.

In addition, the minimum sampling frequency for certain parameters during blending events is far too relaxed to determine whether effluent limitations are being met with each blending event. The Permittee is only required to sample for copper, cyanide, total ammonia, and CBOD once per year. Draft Permit, Table E-4. Since there are typically several blending events at the WPCP each year, the Permittee has discretion to choose which event should be sampled for these parameters. Footnote 3 does not have any effect on this inadequate sampling because it only changes the frequency to once per day if a TSS sample "collected on the same day" exceeds 45 mg/L. Instead, the Regional Board should revise this footnote to state, "If *any* TSS sample exceeds 45 mg/L, the frequency shall be once per day" (emphasis added). Since the Permittee must sample for TSS during each day of a blending event, this change would help ensure that the Permittee is meeting its effluent limitations for copper, cyanide, total ammonia, and CBOD.

The sampling frequencies at the emergency outfall are also far too relaxed to guarantee that the Permittee is complying with effluent limitations in the Draft Permit. The Regional Board should revise Table E-5 to require the Permittee to sample for copper, cyanide, and total ammonia at least once per each emergency outfall event, rather than once per month.

In sum, where the Regional Board proposes to grant exceptions to Basin Plan policies and Clean Water Act treatment standards on the basis that the excepted discharges will in fact meet all receiving water limits, we strongly oppose any such exceptions that also include a reduction in water quality monitoring needed to ensure that applicable water quality standards are maintained.

2. The City of Hercules and its Collection System Should Be Included as a Permittee to the Draft Permit or a Separate NPDES Permit.

The Draft Permit states that the WPCP receives wastewater from two major collection systems, those owned by the City of Pinole and the City of Hercules, yet the Permit only applies to the Pinole collection system. The City of Hercules jointly owns the WPCP's outfall with the Permittee and Rodeo Sanitary District, showing that it plays a significant role in the operation of the WPCP. Draft Permit, F-3. Even more, there have been several blending and near shore outfall events due to high flows in upstream collection systems, including the Hercules collection system. Draft Permit, F-5. This fact puts the WPCP in the impossible position of conducting an

adequate utility analysis during each permit cycle, as required by the 2005 EPA Blending Policy¹ and the Draft Permit, since the analysis will always conclude that eliminating blending discharges is infeasible due to upstream I/I that cannot be controlled by the Permittee. This fruitless process does not advance the spirit or intent of the Clean Water Act or EPA's Blending Policy. Therefore, the Regional Board should issue a NPDES permit to the Hercules collection system to fairly and effectively ensure that all wastewater discharges from the Pinole-Hercules WWTP meet the Clean Water Act's secondary treatment requirement.

3. The Permittee's Utility Analysis Fails to Fully Analyze the Permittee's Ability to Fund Peak Wet Weather Flow Improvements.

The Permittee's most recent Utility Analysis for Wet Weather Bypass of Secondary Treatment is inadequate because it fails to include a full cost feasibility analysis. Like the Central Marin Sanitary District's Utility Analysis, the Permittee's Analysis just presents cost totals, but does not actually analyze the community's true ability to fund improvements. *See* Utility Analysis (2011), 13-15. The Regional Board should revise this Analysis to include a full assessment of how the Permittee will fund these essential system upgrades.

4. The Draft Permit Should Require the Permittee to Fund Upgrades the Satellite Collection Systems.

To justify the use of an emergency outfall, the Draft Permit argues that the money that could be used to increase the Plant's treatment capacity would be "better spent" on improvements to the collection system, but there is no evidence that an equivalent amount (about \$10 million) will actually be spent on the collection systems. Draft Permit, F-9. The Draft Permit implies that the Permittee will indeed spend this amount of money on its collection system by saying it would be "better spent" on these improvements, and that the upgrades to the Plant may not be sufficient to reduce the need for emergency outfall events. Therefore, the Draft Permit should expressly require the Permittee to improve its collection system.

Thank you for your careful consideration of Baykeeper's comments. If you have any questions, please feel free to contact Abigail Blodgett at (415) 856-0444, extension 109.

Sincerely,



Abigail Blodgett
Legal Fellow, San Francisco Baykeeper

¹ U.S. Protection Agency, Benjamin H. Grumbles, National Pollutant Discharge Elimination System Permit Requirements for Peak Wet Weather Discharges from Publically Owned Treatment Works Treatment Plants Service Separate Sanitary Sewer Collection Systems (2005), *available at* http://www.epa.gov/npdes/pubs/proposed_peak_wet_weather_policy.pdf.

Comments –Pinole-Hercules WPCP

June 27, 2012

Page 4

A handwritten signature in blue ink, appearing to read "Jason Flanders".

Jason Flanders, Program Director

A handwritten signature in black ink, appearing to read "Ian Wren".

Ian Wren, Staff Scientist