

## **B. Comments**



## NORTH SAN MATEO COUNTY SANITATION DISTRICT

*a subsidiary of the City of Daly City*

### OPERATION OFFICES

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January 5, 2012

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Ms. Tong Yin  
San Francisco Bay Regional Water Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

**Subject: Comments Regarding Tentative Order Reissuing the North San Mateo County Sanitation District's NPDES Permit (CA0037737)**

Dear Ms. Yin,

Thank you for the opportunity to comment on the Tentative Order for the reissuance of the North San Mateo County Sanitation District's Wastewater Treatment Plant NPDES Permit. The District would like to thank you and your staff for your diligence and care in preparing the Tentative Order. Our comments can be found in the attached document.

Thank you for your consideration of these comments. Please let me know if you have any questions or would like additional information.

Sincerely,

Patrick Sweetland, Director  
Department of Water and Wastewater Resources

**City of Daly City  
North San Mateo County Sanitation District  
Wastewater Treatment Plant**

**Comments on Tentative Order for Renewal of NPDES Permit  
January 5, 2012**

The North San Mateo County Sanitation District (District), a subsidiary of the City of Daly City, appreciates the opportunity to submit the following comments on the Tentative Order (TO) reissuing the NPDES permit for our Wastewater Treatment Plant (Facility), NPDES permit No.CA0037737. The comments are shown roughly in the same order as the items appear in the tentative order. Due to variations in formatting on different computers and printers, page numbers listed are approximate. Yellow-highlighting is used to call attention to very small changes that might otherwise not be noticed.

**1. The District requests that the footnote for total chlorine residual mass emission indicate a basis of peak dry weather capacity instead of average dry weather capacity.**

The District recognizes that there may have simply been some confusion regarding this item. The eight million gallons per day value is the peak dry weather capacity of the Facility, as well as the permitted average dry weather *flow*, however it is not the average dry weather *capacity*. Therefore, the District requests that the following revision be made to the Tentative Order to reflect actual conditions:

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**[Table 7. Footnote]**

- <sup>(1)</sup> Mass emission limitations are based on peak average dry weather capacity of 8 mgd and apply only during dry-weather months from June through September. Weekly and monthly mass effluent limitations shall be calculated by averaging the reported daily values over the number of days for the monitoring interval.

**2. The District requests that the Effluent Characterization Study and Report requirements be revised for clarity and to reduce an unnecessary burden on District staff, consistent with recent statements by Regional Water Board members.**

The District reviews its effluent data for significant increases of constituents relative to past concentrations, as required in the existing permit, and especially as an evaluation of treatment plant performance over time. In addition, the District has an active Pollution Prevention Program for identifying and reducing pollutants of concern upstream of the treatment plant. All of this information is already being transmitted to the Regional Water Board at least once per year. The District understands that the original intent of this provision was to require dischargers to regularly review their data, which we support. However, extending this requirement to also add a detailed analysis following each pollutant scan is an unnecessary additional burden on the District's limited resources. A complete reasonable potential analysis encompassing multiple years of data is already conducted during the NPDES permit renewal cycle every five years. As shown by the District's monthly DMR's, the municipal wastewater treatment plant consistent

with other regional facilities effluent does not change that much over time, particularly for domestic and commercial wastewater such as the facility receives.

In addition, the District is a member of the Bay Area Clean Water Agencies (BACWA), which wrote a comment letter dated August 8, 2011 on the tentative order for discharges to Hayward Marsh. That letter, which was discussed by Regional Water Board members at the September 2011 Water Board Hearing, requested that the Regional Water Board provide a choice of two reporting options for agencies to reduce the administrative burden of transmitting potentially considerable amounts of data and information in the transmittal letters. The requested options were (1) entering priority pollutant data directly into the eSMR system, where they would be available to the Regional Water Board or others, or (2) identifying, in eSMR transmittal letters, results of any priority pollutant analyses that are at or above the applicable water quality criteria.

The District agrees with and supports the BACWA position, and requests that the Tentative Order be revised to include BACWA's requested first option. The District understands that Regional Water Board members are supportive of the approach to the Effluent Characterization Study and Report as revised below, expressed at the September 2011 Water Board Hearing.

An even better option would be to just remove this provision and indicate the sampling requirement only in the MRP, so that effluent monitoring requirements are all in one place. However, if the Regional Water Board wants a provision also, the District respectfully requests revisions are made as shown below.

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## **2. Effluent Characterization Study and Report**

### **~~a. Study Elements~~**

The Discharger shall continue to characterize and evaluate discharge from discharge point 001 to verify that the "no" or "cannot determine" reasonable potential analysis conclusions of this Order remain valid and to inform the next permit reissuance. The Discharger shall collect representative samples of the discharges at Monitoring Location EFF-001 or EFF-001D as defined by the MRP (Attachment E) at least once per year.

The samples shall be analyzed for the priority pollutants listed in Table B of the Ocean Plan, except for those priority pollutants with effluent limitations for which the MRP already requires more frequent monitoring. Compliance with this requirement shall be achieved in accordance with the specifications of Regional Standard Provisions (Attachment G) sections III.A.1 and III.A.2.

The Discharger shall evaluate on an annual basis if concentrations of any of these priority pollutants significantly increase over past performance. The Discharger shall investigate the cause of such any increase. The investigation may include, but need not be limited to, an increase in monitoring frequency, monitoring of internal process streams, and monitoring of influent sources. The Discharger shall

establish remedial measures addressing any such increase ~~resulting in Reasonable Potential to cause or contribute to an excursion above applicable water quality objectives~~. This requirement may be satisfied through identification of the constituent as a “pollutant of concern” in the Discharger’s Pollutant Minimization Program, described in Provision VI.C.3.

**~~b. Reporting Requirements~~**

**~~i. Routine Reporting~~**

~~—The Discharger shall, within 30 days of receipt of analytical results, report in the transmittal letter for the appropriate monthly self-monitoring report the following:~~

~~a. Indication that a sample or samples for this characterization study was or were collected; and~~

~~b. Identity priority pollutants detected above their applicable water quality criteria (see Ocean Plan Table B or Fact Sheet [Attachment F] Table F-7), together with the detected concentrations of those pollutants.~~

**~~ii. Annual Reporting~~**

~~—The Discharger shall provide a summary of the annual data evaluation and source investigation in the annual self-monitoring report.~~

**~~iii. Final Report~~**

The Discharger shall submit a final report that presents all these data to the Regional Water Board no later than 180 days prior to the Order expiration date. The final report shall be submitted with the application for permit reissuance.

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- a. **Monthly SMRs** — Monthly SMRs shall be due 30 days after the end of each calendar month, covering that calendar month. The monthly SMR shall contain the applicable items described in sections V.B and V.C of both Attachments D and G of this Order. ~~See Provision VI.C.6 (Effluent Characterization Study and Report) of this Order for information that must also be reported with the monthly SMR.~~
- b. **Annual SMR** — Annual SMRs shall be due February 1 each year, covering the previous calendar year. The annual SMR shall contain the items described in section V.C.1.f of the Regional Standard Provisions (Attachment G). ~~See also Provisions VI.C.2 (Effluent Characterization Study and Report—Discharge Point No. 001) of the Order for requirements to submit reports with the annual SMR.~~

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**2. Effluent Characterization Study and Report**

Ocean Plan Appendix III requires annual monitoring of all Table B parameters for facilities with a permitted flow between 1 mgd and 10 mgd. This Order does not include effluent limitations for priority pollutants that do not demonstrate Reasonable Potential, but this provision requires the Dischargers to continue monitoring for these pollutants as described in the Regional Standard Provisions (Attachment G) and as specified in the MRP (Attachment E). If concentrations of these constituents increase significantly, the Dischargers are required to investigate the source of the increases and establish remedial measures ~~addressing the increase if the increases result in Reasonable Potential to cause or contribute to an excursion above the applicable water quality objectives~~. This requirement may be satisfied through identification of the constituent as a “pollutant of concern” in the Dischargers’ Pollutant Minimization Program, described in Provision VI.C.3 of the Order.

**3. The District requests that the Facility Location Topographic Map be revised to indicate the actual location of the treatment plant.**

In Figure B-2 of the Tentative Order, the arrow indicating the Treatment Plant location is incorrectly placed. The District has attached a file to the e-mail accompanying these comments which includes an updated version of this figure (see the file “Figure B-2 Facility Location Topo Map.ppt”). The District requests that this figure be updated to indicate the correct location of the treatment plant.

**4. The District requests that annual self-monitoring report requirements be revised to remove unnecessary reporting and to be consistent with other recent tentative orders published by the Regional Water Board.**

In three recent tentative orders, Central Contra Costa Sanitary District, Calera Creek Water Recycling Plant (City of Pacifica), and Vallejo Sanitation and Flood Control District, modifications were made to Attachment G which exclude certain requirements within Section V.C.1.f. for the annual self-monitoring report when monthly Self-Monitoring Reports (SMRs) are submitted electronically. In the District’s TO however, fewer requirements were excluded when electronic reporting is used. Therefore, the District requests comparable language which would relate to subsections (4) and (5), and that the TO language be revised as follows:

(Page E-12)

**1. V.C.1.f. and V.C.1.g. are revised as follows, and V.C.1.h. (Reporting data in electronic format) is deleted.**

- f. Annual self-monitoring report requirements
- 
-

- 4) List of approved analyses, including the following (These items are not required if the Discharger has submitted the year’s monitoring results to CIWQS in electronic reporting format by EDF/CDF upload or manual entry):
  - (i) List of analyses for which the Discharger is certified;
  - (ii) List of analyses performed for the Discharger by a separate certified laboratory (copies of reports signed by the laboratory director of that laboratory shall not be submitted but be retained onsite); and
  - (iii) List of “waived” analyses, as approved;
- 5) Plan view drawing or map showing the Discharger’s facility, flow routing, and sampling and observation station locations (This item is not required if the Discharger has submitted the year’s monitoring results to CIWQS in electronic reporting format by EDF/CDF upload or manual entry);

**5. The District requests that the following typographical errors be corrected.**

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**Table 5. Basin Plan Beneficial Uses**

Receiving Water Name	Beneficial Use(s)
Pacific Ocean	Industrial Service Supply (IND) Ocean, Commercial, and Sport Fishing (COMM) Shellfish Harvesting (SHELL) Marine Habitat (MAR) Fish Migration (MIGR) Preservation of Rare and Endangered Species (RARE) Fish Spawning (SPWN) Wildlife Habitat (WILD) Water Contact Recreation (REC1) Noncontact Water Recreation (REC2) Navigation (NAV)

(Page 6)

**A. [Remove bold from “A” ]** Discharge of treated wastewater at locations or in a manner different from that described in this Order is prohibited.

(Page 7)

**A. Effluent limitations for CBOD, TSS, and Total Chlorine Residual, ~~and Ammonia~~**

The Discharge shall comply with the effluent limits in Table 7 below:

**Table 7. Effluent Limitations for CBOD, TSS, and Total Chlorine Residual, ~~and Ammonia~~**

Parameter	Units	Effluent Limitations <sup>(1)</sup>				
		Average Monthly	Average Weekly	Six-month median	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	mg/L	25	40	---	---	---
TSS	mg/L	30	45	---	---	---
Total Chlorine Residual <sup>(2)</sup>	mg/L	---	---	0.14	0.57	4.3
	kg/day	---	---	4.2	17	---

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- v. The biosolids treatment and storage site shall have facilities adequate to divert surface runoff from adjacent areas, to protect boundaries of the site from erosion, and to prevent any conditions that would cause drainage from the materials in the temporary [storage site](#). [Adequate protection is defined as protection from at least a 100-year](#) storm and protection from the highest possible tidal stage that may occur.

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**Shellfish** are organisms identified by the California Department of [Public Health Services](#) as shellfish for public health purposes (i.e., mussels, clams and oysters).

(Page E-4)

**Table E-3. Effluent Monitoring**

...

- (4) Effluent chlorine concentrations shall be monitored continuously, at EFF-001 only. **[Black text color on period at end of sentence]** Chlorine residual concentrations shall be monitored and reported for sampling points both before and after dechlorination. The Discharger shall report the maximum residual chlorine concentration observed following dechlorination on a daily basis. Total chlorine dosage (kg/day) shall be recorded on a daily basis. Alternatively, at its option, the Discharger may evaluate compliance with this requirement by recording discrete readings from the continuous monitoring every hour on the hour, or by collecting grab samples every hour, for a total of 24 readings or samples per day if the following conditions are met: (a) the Discharger shall retain continuous monitoring readings for at least three years; (b) the Discharger shall acknowledge in writing that the Regional Water Board reserves the right to use all other continuous monitoring data for discretionary enforcement; and (c) the Discharger must provide in writing the brand names, model numbers, and serial numbers of the equipment used to continuously monitor dechlorinated final effluent chlorine residual. If the identified equipment is replaced, the Discharger shall provide the Regional Water Board, in writing within 72 hours of the successful startup of the new equipment, the new equipment's brand name, model number, and serial number. The written notification identified in items (a) through (c) shall be in the form of a letter addressed to the Regional Water Board's Executive Officer with a certification statement as listed in the October 19, 2004, Regional Water Board letter re: *Chlorine Compliance Strategy for Dischargers Using Continuous Monitoring Devices*.

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- (4) If the accelerated testing shows consistent exceedance of the chronic toxicity performance goal of 116 TU<sub>c</sub>, continue accelerated monitoring and initiate



toxicity reduction evaluation (TRE) procedures in accordance with section [CB-3](#), below.

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2. **Reporting Summary.** The results of the chronic toxicity testing shall be provided in the Self-Monitoring Report and shall include a summary table of chronic toxicity data from at least the past three years. The information in the table shall include items listed above under [2.aB.1](#), specifically item numbers (1), (3), (5), (6) (IC<sub>25</sub> or EC<sub>25</sub>), (7), and (8).

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3. Within 30 days of the date of completion of the accelerated monitoring tests showing consistent **exceedance** of the chronic toxicity performance goal, the Discharger shall initiate a TRE in accordance with a TRE work plan that incorporates any and all comments from the Executive Officer.

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7. As toxic substances are identified or characterized, the Discharger shall continue the TRE by determining the sources and evaluating alternative strategies for reducing or eliminating the substances from the discharge. All reasonable steps shall be taken to reduce toxicity to levels consistent with toxicity [performance goals effluent limitations](#).

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**C. Discharge Monitoring Reports (DMRs)**

1. As described in section [VII.B.1](#) above, at any time during the term of this Order, the State or Regional Water Board may notify the Discharger to electronically submit SMRs that will satisfy federal requirements for submittal of Discharge Monitoring Reports (DMRs). Until such notification is given, the Discharger is not required to submit DMRs in accordance with the requirements described below.

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**2. Unauthorized Discharges from Municipal Wastewater Treatment Plants<sup>2</sup>**

The following requirements apply to municipal wastewater treatment plants that experience an unauthorized discharge at their treatment facilities [and](#) supercede requirements imposed on the Discharger by the Executive Officer by letter of May 1, 2008.

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**C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data**

Effluent limitations contained in Order No. R2-2006-0068 (the previous Order) for discharges from Discharge Point 001 and representative monitoring data from the December 2006 through ~~July~~ [February](#) 2011 are as follows:

**Table F-2. Historic Effluent Limitations and Monitoring Data**

Parameter	Units	Effluent Limitation					Monitoring Data (From 12/2006 to 7/2011)				
		Six-Month Median	Average Monthly	Average Weekly	Daily Max	Inst. Max	Maximum Average Monthly	Maximum 6-Month Median	Maximum Average Weekly	Daily Max	Inst. Max
Carbonaceous Biochemical Oxygen Demand (5-Day @ 20° C)(CBOD)	mg/L	--	25	40	50	--	26	--	34	40	
Total Suspended Solids (TSS)	mg/L	--	30	45	60	--	50	--	82	330	
Oil & Grease	mg/L	--	25	40	--	75	12-(max)	--	12-(max)	12	
Settleable Solids	mL/L-hr	--	1.0	1.5	--	3.0	<0.3	--	0.6	0.8	
Total Chlorine Residual	mg/L	0.14	--	--	0.57	4.3	<0.01	0.12	0.012	0.12	3.8
	kg/d	4.2	--	--	17	--	--	--	--	--	--
Turbidity	NTU	--	75	100	--	225	19	--	44	112	--
pH	s.u.	Within a range of 6.0 – 9.0					6.1 – 7.7				
Chronic Toxicity	TU <sub>c</sub>	--	--	--	71	--	--	--	--	40	
Enterococcus bacteria	MPN/100 mL	Single sample maximum 7400, 5-sample geometric mean maximum 2500					Maximum 7600, 5-sample maximum 975				

**D. Compliance with Numeric Effluent Limitations**

...

**Table F-3. Numeric Violations during ~~December~~ January 2006- July 2011**

...

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- 1. Water Quality Control Plans.** The *Water Quality Control Plan for the San Francisco Bay Basin* (hereinafter Basin Plan) is the Regional Water Board’s master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes implementation programs to achieve water quality objectives. The Basin Plan was adopted by the Regional Water Board, and approved by the State Water Resources Control Board (hereinafter State Water Board), the Office of Administrative Law, and USEPA. Requirements of this Order implement the Basin Plan. Table F-43 below, lists the beneficial uses for coastal waters as described in the Basin Plan.

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- 3. Prohibition III.E (No sanitary sewer overflows to waters of the United States).** CWA prohibit the discharge of wastewater to surface waters except as authorized

under an NPDES **permit**. POTWs must achieve secondary treatment at a minimum and any more stringent limitations necessary to meet water quality standards. [33 U.S.C. § 1311 (b)(1)(B and C)] Therefore, a sanitary sewer overflow that results in the discharge of raw sewage, or sewage not meeting effluent limitations required by the Order, to surface waters is prohibited under the CWA.

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(1) If any detected value after adjusted for dilution ( $X$ ) is greater than the applicable WQO ( $C_o$ ) from Table B, then Endpoint 1 applies.

For **[non italics]** Table B pollutants,  $X = (C_e + D_m C_s) / (D_m + 1)$

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## V. RATIONALE FOR SURFACE RECEIVING WATER LIMITATIONS

Receiving Water Limitations V.A.1 through V.A.2 and V.B.1 through V.B.15~~V.A.18~~ are based on the narrative and numerical objectives contained in Ocean Plan section II, and the implementation provisions contained in Ocean Plan section III. They are consistent with the previous Order.

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### C. Whole Effluent Toxicity Testing Requirements

Whole effluent toxicity (WET) tests are used to evaluate the aggregate toxic effect of a mixture of pollutants in the effluent on receiving water quality. Based on the initial dilution of the discharge (greater than 100:1), the Ocean Plan allows the Region Water Board to require acute toxicity tests. However, the Discharger conducted acute toxicity tests until 2006, and no acute toxicity was observed, therefore, there is no reasonable potential for acute toxicity (highest acute toxicity  $TU_c = 1.02$  vs. the objective adjusted for dilution, 3.8 **TU<sub>ac</sub>** [ $C_e = C_a + (0.1) D_m (C_a) = 0.3 + 0.1 * 115 * 0.3 = 3.8 TU_c$ ]). Therefore, this Order does not require acute toxicity testing. The MRP requires chronic toxicity tests to evaluate mortality, reproduction, and growth over a longer period. The Ocean Plan requires chronic toxicity monitoring based on the discharge's initial dilution.

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### B. MRP Requirements (Provision VI.B)

The Dischargers ~~is~~**are** required to monitor the permitted discharges to evaluate compliance with permit conditions. Monitoring requirements are contained in the MRP (Attachment E), Standard Provisions (Attachment D), and Regional Standard Provisions (Attachment G). This provision requires compliance with these documents and is authorized by 40 CFR 122.41(h) and (j) and CWC sections 13267 and 13383.

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**b. Sanitary Sewer Overflows and Sewer System Management Plan.** This provision is to explain the Order's requirements as they relate to the Discharger's collection system, and to promote consistency with the State Water Board-

adopted General Collection System WDRs (General Order, Order No. 2006-0003-DWQ).

The General Order requires public agencies that own or operate sanitary sewer systems with greater than one mile of pipes or sewer lines to enroll for coverage under the General Order. The General Order requires agencies to develop sanitary sewer management plans and report all sanitary sewer overflows, among other requirements and prohibitions. Furthermore, the General Order contains requirements for operation and maintenance of collection systems and for reporting and mitigating sanitary sewer overflows. Inasmuch that the Discharger’s collection system is part of the system that is subject to this Order, certain standard provisions are applicable as specified in Provisions, Section VI.C.45. For instance, the 24-hour reporting requirements in this Order are not included in the General Order. The Discharger must comply with both the General Order and this Order. The Discharger and public agencies that are discharging wastewater into the facility were required to obtain enrollment for regulation under the General Order by December 1, 2006.

(Page i of Attachment G)

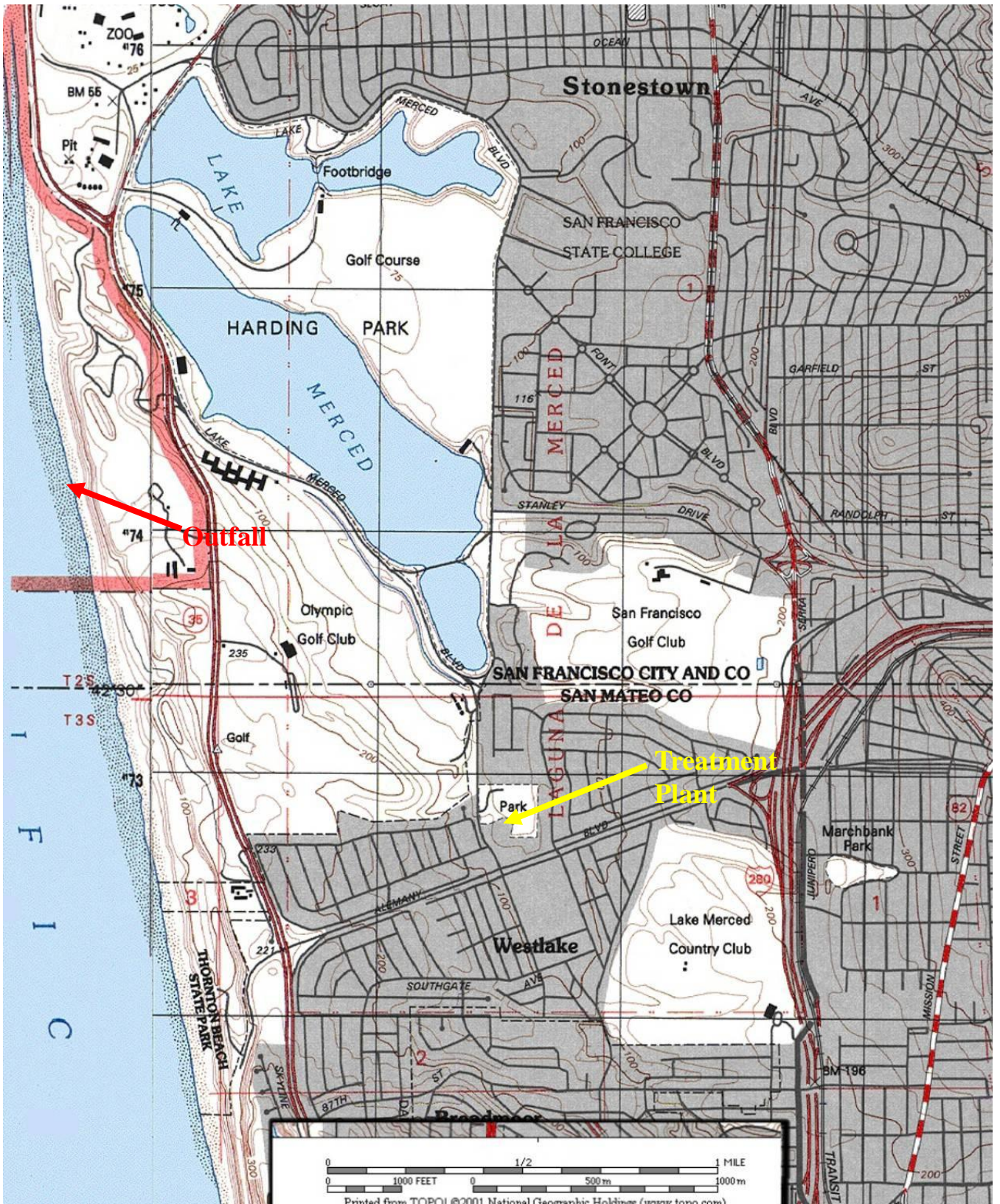
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d. Source control

1.

Source controls include, for example, elimination or reduction of the use of toxic pollutants, covering of pollutant source areas, sweeping of paved areas, containment of potential pollutants, labeling of all storm drain inlets with “No Dumping” signs, isolation or separation of industrial and non-industrial pollutant sources so that runoff from these areas does not mix, etc.



January 5, 2012

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

**Re: Comments on the Proposed NPDES Permit for the North San Mateo County Sanitation District**

Dear Ms. Yin:

Thank you for the opportunity to comment on the Tentative Order for the North San Mateo County Sanitation District Wastewater Treatment Plant and Wastewater Collection System (“Discharger”), NPDES Permits No. CA0037737 (“Draft Permit”). San Francisco Baykeeper (“Baykeeper”) submits these comments on behalf of our 2,300 members that live, work, and recreate in and around the San Francisco Bay. Baykeeper is a 501(c)(3) nonprofit organization with the mission of protecting the San Francisco Bay for the benefit of its ecosystems and surrounding communities. Please address the following concerns to ensure that the draft permit adequately protects water quality.

1. The Draft Permit Must Apply to All Collection Systems that Connect to the North San Mateo Wastewater Treatment Plant.

Even though there are additional collection systems that may discharge to the North San Mateo Wastewater Treatment Plant, the Draft Permit arbitrarily covers only the collection system owned and operated by the Discharger. For example, the Draft Permit states that its service area includes the Town of Colma, but it is not clear that the Draft Permit applies to the Colma City Collection System. Draft Permit, 1. According to the State Water Board’s Sanitary Sewer Overflow (“SSO”) Database in the California Integrated Water Quality System Project (“CIWQS”), the Town of Colma has reported a total of 2,595 gallons of SSOs from the Colma City Collection System. All of these SSOs have occurred in the past two years and likely resulted in the discharge of raw sewage into ocean waters, thereby violating Discharge Prohibition C in the Discharger’s former NPDES permit. Order No. R2-2006-0068, 5. If such SSOs continued to occur over the next permit cycle, they would violate Discharge Prohibition D of the current Draft Permit. Draft Permit, 7. Therefore, this collection system, along with any other collection systems that flow to the Discharger’s North San Mateo Wastewater Treatment Plant, must be subject to the requirements of this Draft Permit.

Baykeeper believes that all collection systems should be covered by NPDES permits, not just state Waste Discharge Requirements (“WDRs”). It is important that all collection systems are

subject to the requirements and standards found in NPDES permits, such as the ones found in Attachment D, since any SSO from these collection systems could reach water of the United States. The decision to include one collection system in a NPDES permit and not another is arbitrary and unlawful, especially when that collection system flows to a wastewater treatment plant that is already regulated by a NPDES permit.

At the very least, the Draft Permit should name and discuss any collection system that flows to the North San Mateo Wastewater Treatment Plant other than the one owned and operated by the Discharger.

2. Table 7 Must be Revised to Include an Effluent Limitation for Ammonia.

Table 7 of the Draft Permit is labeled as “Effluent Limitations for CBOD, TSS, Total Chlorine Residual, and Ammonia,” but it fails to actually include an effluent limit for ammonia. Draft Permit, 7. This table must be revised to reflect all effluent limitations that apply to the Discharger.

3. The Draft Permit Must Prohibit All Spills from Wastewater Collection Systems.

Discharge Prohibition E is insufficient because it fails to prohibit SSOs that result in discharges of untreated or partially treated wastewater to California waters, not just waters of the United States. Draft Permit, 7. The Clean Water Act (“CWA”) is not the only law that prohibits discharges of sewage – the California Water Code forbids all discharges to state waters that violate California water quality standards, precluding the Regional Board from authorizing discharges that violate such standards. Water Code § 13304(a), 13263, 13377. In addition, the Statewide WDRs prohibit overflows that create a public nuisance. Order No. 2006-0003-DWQ, 7. Therefore, the Regional Board should revise Discharge Prohibition E to read, “Any sanitary sewer overflow that results in a discharge of untreated or partially treated wastewater to waters of the United States *and the State of California* is prohibited.” The Regional Board has authority to prohibit such discharges under section 13243 of the California Water Code. This revision is necessary to ensure that beneficial uses are not impaired by harmful spills of raw or partially-treated sewage.

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

Sincerely,



Abigail D. Blodgett  
Legal Fellow, San Francisco Baykeeper