

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

Response to Written Comments
Item No. 9

NPDES Permit Reissuance
for
City of Livermore, Livermore-Amador Valley Water Management Agency,
and East Bay Dischargers Authority

The Regional Water Board received timely written comments from the following:

- City of Livermore (Livermore), dated November 22, 2011
- San Francisco Baykeeper, dated November 28, 2011

This Response to Comments begins with the comments (in *italics*) quoted where possible, or paraphrased for brevity. Regional Water Board staff responses follow each comment.

Livermore Comment 1: *“Livermore requests that we correct the title of Facility Contact Darren Greenwood from “Water Resources Manager” to “Assistant Public Works Director” in Table 4 of page 4 of the tentative order.*

Response: We revised the tentative order to include this correction.

Livermore Comment 2: *Livermore requests that we consolidate monitoring and reporting requirements. Livermore points out that the monitoring and reporting requirements are listed in a number of tables in Attachment E – Monitoring and Reporting Program (MRP), as well as in Provision VI.C.2 of the permit. It would be more straightforward to both implement and to track compliance with all of these monitoring and reporting requirements if they were consolidated into a single table.*

Response: We have not made changes in response to this comment. The purpose of including monitoring requirement in separate tables is to distinguish between monitoring used for informational purposes (Provision VI.C.2), effluent compliance purposes (Tables E-3 and E-4 in the MRP), and for pretreatment regulation. If we included information in a single table this would increase the reporting burden for the City. For example, USEPA Discharge Monitoring Report forms require information that enable USEPA to readily determine if a discharger is complying with effluent limits. These forms are built by USEPA contractors from each permit’s MRP influent and effluent monitoring tables under the assumption that all monitoring is necessary for determining compliance with limits. If we combined all monitoring requirements into one table, this would result in the City having to report all information in those forms, whether or not that information is needed to determine compliance with limits. Therefore, we have chosen to keep these tables separate to minimize the City’s reporting burden.

Livermore Comment 3: *Livermore concurs with the comments offered by EBDA in its comment letter regarding Pretreatment and Biosolids Requirements. Table E-5, on page E-8 of the Tentative Order for the City of Livermore, is also in Attachment E of the tentative orders for EBDA and DSRSD. Table E-5 lists pretreatment and biosolids monitoring requirements for the combined EBDA effluent as well as the EBDA member agencies, City of Livermore, and DSRSD wastewater treatment plants. For the reasons outlined in EBDA's comment letter, the City supports reducing the Influent-M-INF-x and Effluent M-002-x monitoring frequencies in Table E-5, for the wastewater treatment plants discharging to the EBDA common outfall, from twice to once per year for all 126 priority pollutants including metals, cyanide and mercury, except dioxin TEQ. This frequency would provide sufficient information to track long-term trends in influent loadings and removals across each wastewater treatment plant and to compare to the combined EBDA M-001 effluent quality. The reduction in monitoring frequency will continue to be protective of water quality, and limited public resources can be focused on monitoring that provides useful information on constituents of current and/or emerging concern.*

Response: We have not made changes in response to this comment. Please see the response to EBDA Comment 2 contained in the Regional Water Board Agenda package this month for item 7 for EBDA's permit reissuance. Those responses are hereby incorporated by reference.

NOTE: San Francisco Baykeeper's comments on the Livermore tentative order are nearly identical to its comments on the EBDA tentative order. As these permit reissuances are on the same Regional Water Board hearing, to avoid repetition (and save paper), please refer to the Board Agenda package for item 7, the EBDA permit reissuance, for Regional Water Board staff's responses. All these responses are hereby incorporated into the record by reference.

Revisions Initiated by Regional Water Board Staff

The revisions below are to (1) improve and add clarity to the requirement that the discharge must achieve a minimum initial dilution of 79:1, (2) remove duplicative requirements for chronic toxicity (i.e., monitoring requirements are already included in the monitoring and reporting program), (3) clarify Fog Management Program requirements, and (4) modify Attachment G to replace a discontinued regional electronic reporting system with a current statewide system.

Discharge Prohibition III.B (page 9)

Discharge of treated wastewater that does not receive an initial dilution of at least 79:1 (nominal) is prohibited. Compliance shall be achieved by proper operation and maintenance of the discharge outfall to ensure that it (or its replacement, in whole or in part) is in good working order, and is consistent with, or can achieve better mixing than that described in the Fact Sheet (Attachment F). The Discharger shall address measures taken to ensure this in its application for permit reissuance.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

D. Whole Effluent Chronic Toxicity – Discharge Point No. 001 (page 12)

~~2. The Discharger shall comply with the following tiered requirements based on results from representative samples of the effluent at M-001 as described in the MRP (Attachment E). Compliance with the Basin Plan narrative chronic toxicity objective shall be demonstrated~~

according to the following tiered requirements based on results from representative samples of the treated final effluent meeting test acceptability criteria and complying with MRP section V.B. (Attachment E):

- a. ~~Conduct routine monitoring.~~
- b. ~~Accelerate monitoring after exceeding a three sample median of 10 TUC or a single sample maximum of 20 TUC or greater. Accelerated monitoring shall consist of monthly monitoring.~~
 - i. ~~A TUC equals 100/NOEL. The No Observable Effect Level (NOEL) shall equal to the IC₂₅ or EC₂₅ (see Attachment E, Appendix E-1). If the IC₂₅ or EC₂₅ cannot be statistically determined, the NOEL shall equal the No Observable Effect Concentration (NOEC) derived using hypothesis testing. The NOEC is the maximum percent effluent concentration that causes no observable effect on test organisms, based on a critical life stage toxicity test. The NOEL shall be based on a critical life stage test using the most sensitive test species as specified in MRP section V.B (Attachment E). If two compliance test species are specified, compliance shall be based on the maximum TUC value of the discharge samples based on a comparison of TUC values obtained through concurrent testing of the two species.~~
- c. ~~Return to routine monitoring if accelerated monitoring does not exceed the “trigger” in b., above.~~
- d. ~~If accelerated monitoring confirms consistent toxicity above the “trigger” in b., above, initiate toxicity identification evaluation/toxicity reduction evaluation (TIE/TRE) in accordance with a workplan submitted in accordance with MRP section V.B (Attachment E) that incorporates any and all comments from the Executive Officer.~~
- e. ~~Return to routine monitoring after appropriate elements of the TRE workplan are implemented and either the toxicity drops below “trigger” levels in b., above, or, based on the TRE results, the Executive Officer authorizes a return to routine monitoring.~~

Provision VI.C.4d - Fog Management Program (page 21)

~~If the Discharger receives hauled in organic wastes, including, fats, oils, grease, or and food processing wastes for injection into an anaerobic digester, into its treatment works, the Discharger shall develop and implement standard operating procedures (SOPs) for this activity. The SOPs standard operating procedures shall address spill prevention; spill response; prevention of the introduction of materials that could cause interference, pass through, or upset of the with treatment processes; or cause a process upset, vector control; and operation and maintenance procedures. The Discharger must operate the system in compliance with all permit effluent limitations, conditions, prohibitions, and requirements. The Discharger shall provide training to its staff on the SOPs standard operating procedures and shall maintain records onsite for a minimum of 3 years documenting for each load received, describing the hauler, waste type, and amount. the type and amount of waste in the load and the hauler for a minimum of 3 years.~~

Monitoring and Reporting Program (page E-6)

Insert new B.1e

Definition of TU_c . Chronic toxicity is measured in terms of TU_c . $TU_c = 100/NOEL$. The No Observable Effect Level (NOEL) shall equal to the IC_{25} or EC_{25} (see Attachment E, Appendix E-1). If the IC_{25} or EC_{25} cannot be statistically determined, the NOEL shall equal to the No Observable Effect Concentration (NOEC) derived using hypothesis testing. The NOEC is the maximum percent effluent concentration that causes no observable effect on test organisms based on a critical life stage toxicity test.

Fact Sheet (page F-11)

Discharge Prohibition III.B (~~Discharge of treated wastewater that does not receive a m~~Minimum initial dilution of 79:1 is prohibited): This Order allows a conservative estimate of the actual initial dilution credit of 79:1 to calculate WQBELs for ammonia, based on information of dilution achieved by the Discharger's current outfall. Thus, this prohibition is necessary to ensure that the assumptions used to derive the dilution credit remain substantially the same so that the limitations are protective of water quality. ~~This is discussed further in section IV.C.4.b of this Order. These WQBELs would not be protective of water quality if the discharge did not actually achieve at least a 79:1 minimum initial dilution, thus this prohibition is necessary and warranted.~~

Modifications to Attachment G

At VIII.A of the MRP, revise as follows:

A. General Monitoring and Reporting Requirements

The Discharger shall comply with all Federal Standard Provisions (Attachment D) and Regional Standard Provisions (Attachment G) related to monitoring, reporting, and recordkeeping, with modifications shown in VIII.D below.

...

After VIII.C of the MRP, add subsection VIII.D as follows:

D. Modifications to Attachment G

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

By the date specified in the MRP, the Discharger shall submit an annual report to the Regional Water Board covering the previous calendar year. The report shall contain the following:

- 1) Annual compliance summary table of treatment plant performance, including documentation of any blending events (This summary table 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);

- 2) [subsection V.C.1.f.2) is unchanged from Attachment G];
- 3) Both tabular and graphical summaries of the monitoring data for the previous year if parameters are monitored at a frequency of monthly or greater (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);

[subsections V.C.1.f.4) through to and including V.C.1.f.7) unchanged from Attachment G]

g. Report submittal

The Discharger shall submit SMRs addressed as follows, unless the Discharger submits SMRs electronically to CIWQS:

California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612
Attn: NPDES Wastewater Division

h. Reporting data in electronic format – Deleted

2. V.E.2.a. and V.E.2.c. are revised as follows, and subsection s V.E.2.b. (24-hour Certification) and V.E.2.d. (Communication Protocol) are deleted:

2. Unauthorized Discharges from Municipal Wastewater Treatment Plants¹

The following requirements apply to municipal wastewater treatment plants that experience an unauthorized discharge at their treatment facilities and ~~are consistent with and~~ supercede requirements imposed on the Discharger by the Executive Officer by letter of May 1, 2008, ~~issued pursuant to California Water Code Section 13383.~~

a. Two (2)-Hour Notification

For any unauthorized discharges that ~~result in a discharge to enter~~ a drainage channel or a surface water, the Discharger shall, as soon as possible, but not later than two (2) hours after becoming aware of the discharge, notify the ~~State Office of California Emergency Services Management Agency (CalEMA currently 800-852-7550)~~, the local health officers or directors of environmental health with jurisdiction over the affected water bodies, and the Regional Water Board. ~~The~~ Timely notification by the Discharger to CalEMA also satisfies notification to the Regional Water Board's online reporting system at www.wbers.net, and Notification shall include the following:

¹ California Code of Regulations, Title 23, Section 2250(b), defines an unauthorized discharge to be a discharge, not regulated by waste discharge requirements, of treated, partially treated, or untreated wastewater resulting from the intentional or unintentional diversion of wastewater from a collection, treatment or disposal system.

[subsections V.E.2.a.1) through to and including V.E.2.a.6) is unchanged from Attachment G]

b. 24-hour Certification – Deleted

c. 5-day Written Report

Within five business days, the Discharger shall submit a written report, ~~via the Regional Water Board's online reporting system at www.wbers.net~~, that includes, in addition to the information required above, the following:

[Subsections V.E.2.c.1) through V.E.2.c.7) unchanged from Attachment G]

d. Communication Protocol - Deleted