

March 26, 2012

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

**Re: Comments on the Proposed NPDES Permit for Central Marin Sanitation Agency**

Dear Mr. Christian:

Thank you for the opportunity to comment on Tentative Order for the Central Marin Sanitation Agency's ("Permittee") Wastewater Treatment Plant and associated Force Mains, NPDES Permit No. CA0038628 ("Draft Permit"). San Francisco Baykeeper ("Baykeeper"), a 501(c)(3) nonprofit organization with the mission of protecting the San Francisco Bay for the benefit of its ecosystems and surrounding communities, submits these comments on behalf of our 2,300 members that live, work, and recreate in and around the Bay. Please address the following concerns about the bypass and blending provisions in the Draft Permit to ensure that the Permit adequately protects water quality and public health in the Bay Area.

1. The Regional Board Must Issue NPDES Permits to Satellite Collection Systems.

The Draft Permit states that the most significant source of influent to the WWTP that results in the need for blending is I/I from upstream satellite collection systems. This fact puts the WWTP in the impossible position of conducting a feasibility analysis, as required by EPA policy and the Draft Permit, each permit cycle, that will continuously make the determination that eliminating blending discharges is infeasible due to upstream I/I. This process does not advance the spirit or intent of the Clean Water Act, or EPA's blending policy. In an analogous situation, this Board has issued NPDES permits to upstream collection systems discharging excessive I/I to the East Bay Municipal Utilities District WWTP. Doing so is the only fair and effective means of ensuring that all wastewater discharges from the Central Marin WWTP meet the CWA requirement of secondary treatment. Here, the Draft Permit unequivocally states that the satellite collection systems are causing or contributing to under-treated wastewater discharges, thereby requiring an NPDES permit.

2. The Minimum Flow Required Prior to Discharge Must Be Increased Above Prior Permit Levels.

The Draft Permit proposes blending when flows exceed 30 MGD, and the Draft Permit discusses numerous significant improvements put into place at the WWTP during the end of the prior permit period. Yet, the prior permit also permitted blending at 30 MGD. If the recent

improvements substantially increased the capacity of the WWTP, so too should the through flow be increased that is required before blending may be used. The Draft Permit does not state how much capacity was gained from these improvements.

3. The Draft Permit Should Be Recirculated With the Utilities Study.

The WWTP completed a Utilities Study, as required by EPA's blending policy, prior to submission of the present permit application. This Utilities Study is the critical document required by the EPA policy to determine whether any feasible alternatives to blending exist; yet it was not circulated for public review with the Draft Permit. Without reviewing the Utilities Study, the public cannot know whether the permit is properly being issued if feasible alternatives to blending exist.

4. The Draft Permit Should Require Full Monitoring During All Blending Discharges.

The Draft Permit allows bypasses in certain situations as long as they do not cause exceedances of effluent limitations, but the Permit fails to require the sufficiently detailed monitoring that the Permittee would need to perform to ensure that its blending discharges do not cause exceedances. Table E-5 requires the Permittee to monitor the appropriate parameters, but the minimum sampling frequency is far too relaxed to determine that effluent limits are met with each blending event. This Table must be revised to require at least one sampling of each parameter listed in this Table during each blending event, rather than once a year or once a day.

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 Blodgett  
Legal Fellow, San Francisco Baykeeper



Jason Flanders, Staff Attorney