UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

MAR 2 3 2012

Reply to:
WTR-5

Mr. Vince Christian
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re.: Central Marin Sanitation Agency Wastewater Treatment Plant (Order No. R2-2012-XXXX, NPDES No. CA0038628)

Dear Mr. Christian:

We have reviewed the subject draft NPDES permits for Central Marin Sanitation Agency. We commend the Regional Water Board's ongoing effort to reissue permits with up-to-date requirements in a timely manner and the good quality of this draft permit. Our comments on the draft permit are limited to provisions related to anticipated bypass/blending, copper WQBELs, bacteria indicator requirements, and chronic toxicity implementation, as detailed below.

Anticipated Bypass/Blending

We support the fact sheet's concise facility and collection system descriptions, particularly in this situation where the Discharger does not own/operate portions of the collection system and the permit authorizes bypass/blending. The draft permit proposes a provision authorizing bypass during blending events and specifies tasks to reduce blending. As you know, permitting authorities rely primarily upon a POTW's comprehensive analysis (utilities analysis, UA) to determine no feasible alternatives to bypass. Portions of the Discharger's 2011 utilities analysis related to collection system I&I lack some of the important details specified in U.S. EPA's 2005 draft blending guidance. Following this guidance, the Discharger's UA needs to have thoroughly evaluated:

> (1) …the extent to which the permittee is maximizing its ability to reduce I&I throughout the entire collection system, including portions operated by municipal satellite communities … (p. 6, par. g in U.S. EPA, 2005). While the Discharger's UA briefly describes satellite I&I reduction projects, it does not achieve the evaluation for I&I reductions from satellite collection systems specified in U.S. EPA, 2005.
>
> (2) …peak flow reductions obtainable through existing C-MOM programs, potential improvements to such programs, and cost … (p. 6, par. h in U.S. EPA, 2005). While the Discharger's UA states that satellite collection systems are

> implementing "C-MOM-like" sewer system management plans that will help reduce blending, it does not provide sufficient information concerning the evaluation specified for the peak flow reductions (and related costs) obtainable through implementation of satellite collection system SSMPs.
>
> (3) …the community's ability to fund peak wet weather flow improvements, using CSO guidance (EPA 832-B-97-004) for assessing financial capability and schedule development … (p. 6, par i in U.S. EPA, 2005). Although the Discharger's UA describes the Discharger's increasing annual service charges funding the Wet Weather Improvement Program, such assessment should be conducted for the entire collection system, not just the portions operated by the Discharger.

To this end, final permit conditions authorizing anticipated bypass for blending during peak wet weather flow events and tasks to reduce blending should obligate the Discharger to ensure that collection system satellites are conducting activities to reduce I&I conditions resulting in blending by the Discharger. We recommend that Task 7 under permit section VI.C.5 be revised to clearly state that the Discharger's updated preferred alternative to reduce blending will more directly quantify tributary collection system agency efforts and estimated costs to further reduce blending, and consider together the Discharger's and collection system satellites' abilities to finance costs using EPA's CSO guidance. In addition, rather than only reporting the information in Tasks 2 through 5, the Discharger should provide an annual evaluation of this information to determine if I&I reduction efforts in the satellite collection systems are resulting in reduced flows to the treatment plant. Where this evaluation indicates that a satellite is not making adequate improvements, the Discharger should be required to work with that satellite to ensure that the satellite makes the necessary adjustments to its I&I reduction program.

Following U.S. EPA's 2005 draft guidance, a discharger's UA should be made available for public review and comment along with the draft permit authorizing anticipated bypass. This will provide more explanation to the public as to how the peak wet weather event was calculated and reduction options assessed by the discharger.

Following U.S. EPA's guidance, the permit should require the Discharger to provide public notification of peak wet weather diversion events within 24 hours of inception, as well as notification of duration and volume of diversion events 48 hours after cessation.

Despite the minimum bypass monitoring provisions in attachment G, proposed monitoring in Table E-5 should be revised from grab to C-24 samples following Table E-4, to ensure consistency in compliance reporting during all treatment plant operating conditions. Also, bacteria monitoring should occur daily during blending events to ensure that WQBELs are achieved by treatment plant disinfection during periods of authorized anticipated bypass.

The fact sheet should incorporate a summary description of blending events during the previous permit term and the anticipated reductions in volume and duration of diversion events resulting from the Discharger's Wet Weather Improvement Plan and current wet weather SOPs.

Copper WQBELs

As we have discussed, the transcription typos in Table F-7 WQBEL calculations for copper (and other parameters) will be corrected. The draft permit's antidegradation analysis used to support more than tripling the Discharger's copper WQBELs lacks detail and should be strengthened. The antidegradation analysis relies primarily on the Discharger's implementation of a copper action plan, but no baseline information on copper is described. For permits with copper action plans, fact sheets should summarize trends in discharger and local receiving water copper concentrations to demonstrate plan effectiveness in ensuring that the antidegradation WQS is achieved in situations where copper WQBELs have been allowed to increase as a result of the copper SSO/Basin Plan copper translators.

Bacteria Indicators

Although receiving waters are designated for REC and SHELL, total coliform WQBELs appear based on the REC, not SHELL, beneficial use. This should be clarified/corrected in the fact sheet and final permit.

We disagree with footnote 5 in Table E-4 authorizing reduced monitoring for the new enterococcus WQBEL. Rather, we propose quarterly monitoring during the entire permit term as the more reasonable choice for implementing this new Basin Plan objective as a new WQBEL.

For the daily sample, we disagree that daily replicate monitoring for bacteria indicators be reported as a geometric mean. Rather, both values should be reported and the higher of the two values used for compliance determination.

Chronic Toxicity

For NPDES discharges with few chemical-specific WQBELs, chronic toxicity is the principal means for protecting aquatic life WQS. Chronic toxicity monitoring for San Francisco Bay Region dischargers is generally infrequent (e.g., 2/year) and more frequent monitoring should be required. At minimum, the monitoring frequency and numerical thresholds for this permit should be made consistent with Basin Plan Table 4-5, in order for implementation to be set at the floor for WQS protection using toxicity testing. Also, the final permit should require chronic toxicity results be compared with the permit's numerical thresholds and then reported in a narrative manner indicating whether or not test results are above or below the thresholds and a TRE has been triggered. "Passed" and "Triggered" are used by the North Coast and Los Angeles Regional Water Boards to report these results. This reporting requirement will ensure that both the State and U.S. EPA can efficiently track evidence when chronic toxicity is present in the discharge and a TRE has been triggered.

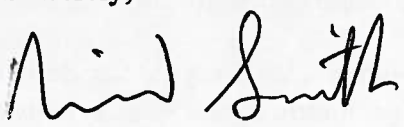
Parameter	Units	Sample Type	Minimum Sampling Frequency
Chronic Toxicity	TUc	C-24	quarterly
Chronic Toxicity (narrative effluent limit reporting)[Footnote x]	Passed/Triggered	C-24	quarterly

[Footnote x] For narrative chronic toxicity effluent limit reporting, "Passed" is reported when chronic toxicity effluent results do not trigger a TRE by exceeding a chronic toxicity trigger. "Triggered" is reported when chronic toxicity effluent results trigger a TRE by exceeding a chronic toxicity trigger.

Finally, monitoring program and fact sheet boilerplate language should be updated to clearly describe where toxicity test sample collection is required (e.g., prior to or after disinfection) and what, if any, sample adjustment is authorized (and why).

Our endorsement of the final permit is contingent upon inclusion of these requested revisions in the final permit. If you have questions regarding our comments, please contact Robyn Stuber, of my staff, at (415) 972-3524 or stuber.robyn@epa.gov.

Sincerely,



David W. Smith, Manager
NPDES Permits Office