

# RESPONSE TO WRITTEN COMMENTS

on Tentative Order for  
Central Marin Sanitation Agency Wastewater Treatment Plant  
1301 Anderson Drive, San Rafael, Marin County

The Regional Water Board received written comments from the following parties on a tentative order distributed in February 2012 for public comment:

1. Central Marin Sanitation Agency
2. U.S. Environmental Protection Agency
3. San Francisco Baykeeper

This response to their comments summarizes each comment in *italics*, followed by the Regional Water Board staff response. For the full content and context of each comment, refer to the comment letters. This document also contains staff-initiated revisions. All revisions to the tentative order are shown with underline for additions and ~~strikethrough~~ for deletions.

---

## Central Marin Sanitation Agency (CMSA)

---

**CMSA Comment 1:** *CMSA requests the effluent limits for silver be removed since there is no reasonable potential for silver to cause or contribute to a water quality objective exceedance. CMSA requests that the silver effluent limits be removed for two reasons. First, a site-specific silver translator of 0.35 should be used to calculate the water quality objective instead of the default translator of 0.85. With the site-specific translator, reasonable potential is not triggered. Second, the maximum effluent concentration (2.7 µg/L) predates CMSA's dental amalgam program. Under this program, dentists installed amalgam separators, and more recent silver effluent concentrations have not exceeded 0.95 µg/L. The older effluent concentrations are therefore not representative of current effluent quality.*

**Response:** We agree. We reviewed the site-specific silver translator study and confirmed that use of the site-specific silver translator is appropriate. Based on this translator, reasonable potential is not triggered. Therefore, we revised the tentative order as shown below to remove the silver effluent limitations. Also see the revisions to Table E-3 in our response to CMSA Comment 3. In addition, we corrected typographical errors in Fact Sheet Table F-8. The revisions below also include some changes we made in response to U.S. EPA Comments 4 and 6.

We revised Table 7 as follows:

**Table 7. Toxic Pollutant Effluent Limitations**

Constituent	Units	Effluent Limitations <sup>[1,2]</sup>	
		Average Monthly	Maximum Daily
Copper	µg/L	49	85
Cyanide	µg/L	21	41
<del>Silver</del>	<del>µg/L</del>	<del>7</del>	<del>22</del>
Dioxin-TEQ	µg/L	1.4 x 10 <sup>-8</sup>	2.8 x 10 <sup>-8</sup>
Total Ammonia, as N	mg/L	60	120

We revised Monitoring and Reporting Program Table E-5 (for discharge during blending) as follows:

**Table E-5. Effluent Monitoring at EFF-001b**

Parameter	Units	Sample Type	Minimum Sampling Frequency
Flow <sup>[1]</sup>	MGD	Continuous	Continuous/D
Volume of partially-treated wastewater	MG	Calculated	1/Blending Event
Duration of Blending Event <sup>[2]</sup>	hours	Calculated	1/Blending Event
TSS	mg/L	C-24	1/Day
CBOD <sub>5</sub>	mg/L	<u>C-24 or Grab</u>	1/Year <sup>[3]</sup>
pH <sup>[4]</sup>	standard units	<u>C-24 or Grab</u>	1/Day or Continuous/D
Temperature	°C	<u>C-24 or Grab</u>	1/Year <sup>[3]</sup>
Enterococcus Bacteria	Colonies/100 mL	<u>C-24 or Grab</u>	<u>1/Day 1/Year</u> <sup>[3]</sup>
Total Coliform Bacteria	MPN/100 mL	<u>C-24 or Grab</u>	<u>1/Day 1/Year</u> <sup>[3]</sup>
Ammonia	mg/L as N	<u>C-24 or Grab</u>	1/Year <sup>[3]</sup>
Copper <sup>[5]</sup>	µg/L	<u>C-24 or Grab</u>	1/Year <sup>[3]</sup>
Cyanide <sup>[5]</sup>	µg/L	<u>C-24 or Grab</u>	1/Year <sup>[3]</sup>
<del>Silver<sup>[5]</sup></del>	<del>µg/L</del>	<del>Grab</del>	<del>1/Year</del> <sup>[3]</sup>
Total Residual Chlorine <sup>[6]</sup>	mg/L	Continuous	Continuous/D

We revised Fact Sheet section IV.C.3.d and Table F-7 (formerly Table F-6) as follows:

**d. RPA for Toxic Pollutants**

The MECs, most stringent applicable WQOs, and background concentrations used in the RPA are presented in the following table, along with the RPA results (yes or no) for each pollutant. Reasonable potential was not determined for all pollutants because there are not applicable WQOs for all pollutants and monitoring data are not available for others. Based on a review of the effluent data collected during the previous permit term from September 2007 through March 2011, the pollutants that exhibit reasonable potential at Discharge Point No. 001 are cyanide, ~~silver~~, and total ammonia by Trigger 1; dioxin-TEQ by Trigger 3; and copper by Trigger 1 and Trigger 3.

**Table F-7. Reasonable Potential Analysis Summary**

CTR #	Priority Pollutants	Governing WQO (µg/L)	MEC or Minimum DL <sup>[1][2]</sup> (µg/L)	Maximum Background or Minimum DL <sup>[1][2]</sup> (µg/L)	RPA Results <sup>[3]</sup>
1	Antimony	4,300	0.8	1.8	No
:					
10	Selenium (303(d) listed)	5.0	3	0.39	No
11	Silver	<del>5.4</del> <u>2.2</u>	<del>0.95</del> <u>2.7</u>	0.052	<del>No</del> <u>Yes</u>
12	Thallium	6.3	0.8	0.21	No
:					

We revised Fact Sheet section IV.C.4.c(4) as follows:

**(4) — Silver**

- (a) WQOs.** ~~The CTR contains an acute marine WQO for silver of 2.2 µg/L.~~
- (b) RPA Results.** ~~This Order establishes effluent limitations for silver because the MEC (2.7 µg/L) exceeds the governing WQO (2.2 µg/L), demonstrating reasonable potential by Trigger 1.~~
- (c) WQBELs.** ~~WQBELs for silver, calculated according to SIP procedures with an effluent data CV of 2.45 and a dilution credit of D = 9, are an AMEL of 7 µg/L and an MDEL of 22 µg/L.~~
- (d) Anti-backsliding.** ~~Anti-backsliding requirements are satisfied because the previous permit did not include effluent limitations for silver.~~

**(4) (5) Total Ammonia**

We revised Fact Sheet section IV.C.4.e and Table F-8 (formerly Table F-7) as follows:

**e. Effluent Limit Calculations**

The following table shows the WQBEL calculations for copper, cyanide, dioxin-TEQ, ~~silver~~, and total ammonia.

**Table F-8. WQBEL Calculations**

Pollutant	Copper	Cyanide	Dioxin-TEQ	<del>Silver</del>	Ammonia (acute)	Ammonia (chronic)
Units	µg/L	µg/L	µg/L	<del>µg/L</del>	mg/L-N	mg/L-N
Basis and Criteria Type	BP SSOs	BP SSOs	BP narrative	<del>BP and CTR aquatic life</del>	BP aquatic life	BP aquatic life
Criteria – Acute	3.9	9.4	---	<del>2.2</del>	5.28	
Criteria – Chronic	2.5	2.9	---	---	---	1.38
HH criteria	---	2.2E+05	1.4E-08	---	---	---
Water Effects Ratio	2.4	1	1	<del>1</del>	1	1
Lowest WQO	2.5	2.9	1.4E-08	<del>2.2</del>	5.28	1.38
Site Specific Translator - MDEL	0.87	---	---	---	---	---

Site Specific Translator – AMEL	0.73	---	---	---	---	---
Dilution Factor (D)	9	9	0	9	42	42
No. of samples per month	4	4	4	4	4	30
Aquatic life analysis required?	Y	Y	N	<del>Y</del>	Y	Y
HH analysis required?	N	Y	Y	<del>N</del>	N	N
Applicable Acute WQO	10.8	9.4	---	<del>2.2</del>	5.28	---
Applicable Chronic WQO	8.2	2.9	---	---	---	1.38
Background	2.6	0.4	5.32E-08	<del>0.05</del>	0.146	0.079
Is the pollutant on the 303(d) list?	N	N	Y	<del>N</del>	N	N
ECA acute	85	90.4	---	<del>21.5</del>	221	---
ECA chronic	<del>53</del> <u>59</u>	25.4	---	---	---	56
ECA human health	---	2.2E+06	1.4E-08	---	---	---
No. of data points <10, or at least 80% non-detect	N	N	N	<del>N</del>	N	N
Average effluent concentration	4.4	2.7	1.4E-09	<del>0.22</del>	25.3	25.3
Standard Deviation	1.9	1.14	2.4E-09	<del>0.54</del>	10.3	10.3
CV calculated	0.43	0.43	0.6	<del>2.45</del>	0.41	0.41
CV selected	0.43	0.43	0.6	<del>2.45</del>	0.41	0.41
ECA acute mult99	0.42	0.42	---	<del>0.10</del>	0.43	---
ECA chronic mult99	0.62	0.62	---	<del>0.17</del>	---	0.95
LTA acute	35.4	37.6	---	<del>2</del>	96.1	---
LTA chronic	37.0	15.8	---	---	---	53.1
Minimum LTA	35.4	15.8	---	<del>2</del>	91.1	53.1
AMEL mult95	1.4	1.4	2.6	<del>3.1</del>	1.3	1.1
MDEL mult99 <del>mult95</del>	2.4	2.4	7.8	<del>9.7</del>	2.2	2.2
AMEL aquatic life	49	22	---	<del>7</del>	120	53
MDEL aquatic life	85	38	---	<del>22</del>	200	110
MDEL/AMEL multiplier	---	1.7	3.0	---	---	---
AMEL human health	---	2.2E+06	1.4E-08	---	---	---
MDEL human health	---	3.8E+06	2.8E-08	---	---	---
Current Permit - AMEL	13	21	1.4E-08	---	---	---
Current Permit - MDEL	22	41	2.8E-08	---	---	---
<b>Final limit - AMEL</b>	<b>49</b>	<b>21</b>	<b>1.4E-08</b>	<b>7</b>		<b>60</b>
<b>Final limit - MDEL</b>	<b>85</b>	<b>41</b>	<b>2.8E-08</b>	<b>22</b>		<b>120</b>

We revised Fact Sheet section VI.B as follows:

### B. Effluent Monitoring

- The MRP retains most effluent monitoring requirements at Monitoring Location EFF-001 from the previous permit. Changes in effluent monitoring are summarized as follows.

:

- Monitoring for mercury has been removed; mercury is now covered under Order No. R2-2007-0077.
- ~~Monitoring for silver has been established to determine compliance with new effluent limitations.~~

**CMSA Comment 2:** *CMSA requests that the threshold for a “significant cyanide discharge” in the Cyanide Action Plan be removed or revised. While the Basin Plan requires for Cyanide Action Plans, it does not provide a specific numeric trigger for a “significant cyanide discharge.” CMSA objects to the threshold in Table 10, Task 2, because it neither is required by the Basin Plan nor has been included in other NPDES permits. If the Regional Water Board is unwilling to remove the threshold, CMSA believes the threshold should be revised to a more reasonable value. Rather than using 5 µg/L (the “minimum level” for quantifying analytical results) as proposed, CMSA suggests one half of the proposed average monthly effluent limit, 11 µg/L. This would avoid triggering a cyanide control program due only to sample matrix interference.*

**Response:** We agree that a higher trigger is appropriate. Basin Plan section 4.7.2.2 requires that, where potential cyanide contributors exist within a discharger’s service area, the discharger is to implement a local program to prevent illicit discharges to the sewer system if a significant cyanide discharge occurs. The Basin Plan doesn’t define a “significant cyanide discharge.” The intent of defining the term in the tentative order is to provide clarity and certainty in the unlikely event that a potential cyanide contributor moves into the service area. We agree that the previously proposed 5 µg/L trigger is too low, so we increased the trigger to 10 µg/L. This concentration is twice the “minimum level.” Since historical influent concentrations have been below the minimum level, detections above 10 µg/L would represent a significant increase. The 5 µg/L buffer above the minimum level will avoid unnecessarily triggering a cyanide control program due only to sample matrix interference.

We revised Table 10, Task 2, as follows:

## **2. Implement Cyanide Control Program**

The Discharger shall submit a plan and begin implementation of a program to minimize cyanide discharges to its treatment plant consisting, at a minimum, of the following elements:

:

For purposes of this Order, a “significant cyanide discharge” is occurring if cyanide is found in the plant’s influent above 5 10 µg/L.

We revised Fact Sheet section VII.C.5.c as follows:

- c. **Cyanide Action Plan.** This provision is based on Basin Plan section 4.7.2.2. It is necessary to ensure that use of cyanide site-specific objectives is consistent with antidegradation policies. The threshold for considering influent cyanide concentrations to indicate a possible “significant cyanide discharge” in the Discharger’s service area is set at 5 10 µg/L. This concentration is twice the cyanide ML set forth in the SIP. Because the

Discharger has not observed influent cyanide concentrations above the ML, if such influent concentrations twice this concentration were observed, there could be a significant cyanide source.

**CMSA Comment 3: CMSA requests several corrections to the monitoring locations indicated for specific parameters in the Monitoring and Reporting Program.** Tables E-3 and E-4 include effluent monitoring requirements for monitoring locations at different points in the outfall before and after dechlorination. However, the parameters assigned to these locations were, for the most part, switched. In addition, the sampling frequencies for dissolved oxygen and temperature were inadvertently and significantly increased.

**Response:** We agree. Tables E-3 and E-4 contain the effluent monitoring requirements for chlorinated and dechlorinated effluent, respectively. As indicated below, we revised the tables to require all monitoring, except for flow, total coliform bacteria, enterococcus bacteria, and standard observations, to be done after dechlorination (Table E-4). We deleted the monitoring requirement for dissolved oxygen and temperature from Table E-4 because Monitoring and Reporting Program section V.A.5 already requires it. The revisions below also include some changes we made in response to U.S. EPA Comments 7 and 8.

We revised Tables E-3 and E-4 as follows:

**Table E-3. Effluent Monitoring at EFF-001**

Parameter	Units	Sample Type	Minimum Sampling Frequency
Flow <sup>[1]</sup>	MGD	Continuous	Continuous/D
Enterococcus Bacteria <sup>[2]</sup>	Colonies/100 mL	Grab	5/Month <sup>[3]</sup>
Total Coliform Bacteria <sup>[2]</sup>	MPN/100 mL	Grab	3/Week
Standard Observations <sup>[4]</sup>	---	---	1/Month
CBOD <sub>5</sub>	mg/L	C-24	1/Week
TSS	mg/L	C-24	3/Week
CBOD and TSS % Removal <sup>[11]</sup>	%	Calculate	1/Month
Oil and Grease <sup>[2]</sup>	mg/L	Grab	1/Quarter
pH <sup>[3]</sup>	standard units	Grab	1/Day or Continuous/D
Temperature	°C	Grab	1/Day
Acute Toxicity <sup>[4]</sup>	% Survival	Flow through	1/Month
Chronic Toxicity <sup>[5]</sup>	TUe	C-24	2/Year
Ammonia	mg/L as N	C-24	1/Month
Copper <sup>[6]</sup>	µg/L	C-24	1/Month
Cyanide <sup>[6]</sup>	µg/L	Grab	1/Month
Silver <sup>[6]</sup>	µg/L	Grab	1/Month
Dioxin TEQ	µg/L	Grab	2/Year

Unit Abbreviations:

MGD = million gallons per day

MPN/100 mL = most probable number per 100 milliliters

Colonies/100 ml = colonies per 100 milliliters

mg/L = milligrams per liter

TUc = chronic toxicity units

mg/L as N = milligrams per liter as nitrogen

µg/L = micrograms per liter

Sample Type:

C-24 = 24-hour composite

Sampling Frequency:

Continuous/D = measured continuously, and recorded and reported daily

1/Week = Once per week

3/Week = Three times per week

1/Day = Once per day

1/Month = Once per month

5/Month = Five times per month

1/Quarter = Once per quarter

2/Year = Twice per year

<sup>[1]</sup> For effluent flows, the following information shall be reported monthly:

- Daily average flow (MGD)
- Monthly average flow (MGD)
- Maximum daily flow (MGD)
- Minimum daily flow (MGD)

<sup>[2]</sup> When replicate analyses are made of an enterococcus or total coliform sample, all samples shall be reported. The geometric mean of any replicate samples collected on the same day will be used to evaluate compliance with the daily maximum effluent limit.

<sup>[3]</sup> If after three months the Discharger has demonstrated full compliance with this enterococcus effluent limitation, the minimum monitoring frequency shall be reduced to four times per year. The four samples shall be collected in different calendar months during the higher recreational water contact season (June to October). If the enterococcus effluent limitation is later exceeded, the Discharger shall conduct 5/Month accelerated sampling for at least three consecutive months. If full compliance is demonstrated after the three-month period, the Discharger may return to the 4/Year sampling frequency.

<sup>[4]</sup> As described in Attachment G, section III.C.2.

<sup>[11]</sup> The percent removal for CBOD and TSS shall be reported for each calendar month in accordance with Effluent Limitation IV.A.1. Samples for CBOD and TSS shall be collected simultaneously with influent samples.

<sup>[2]</sup> Each oil and grease sampling and analysis event shall be conducted in accordance with USEPA Method 1664.

<sup>[3]</sup> If pH is monitored continuously, the minimum and maximum pH values for each day shall be reported in monthly Self-Monitoring Reports (SMRs).

<sup>[4]</sup> Acute bioassay tests shall be performed in accordance with section V.A of this MRP.

<sup>[5]</sup> Critical life stage toxicity tests shall be performed and reported in accordance with the Chronic Toxicity Requirements of specified in section V.B of this MRP.

<sup>[6]</sup> As total recoverable metal.

**Table E-4. Effluent Monitoring at EFF-002**

Parameter	Units	Sample Type	Minimum Sampling Frequency
Flow <sup>[1]</sup>	MGD	Continuous	Continuous/D
Dissolved Oxygen	mg/L	Grab	1/Day
Enterococcus Bacteria <sup>[2]</sup>	Colonies/100 mL	Grab	5/Month <sup>[5]</sup>
Total Coliform Bacteria <sup>[2]</sup>	MPN/100 mL	Grab	3/Week
Standard Observations <sup>[3]</sup>	---	---	1/Month
CBOD <sub>5</sub>	mg/L	C-24	1/Week
TSS	mg/L	C-24	3/Week
CBOD and TSS % Removal <sup>[1]</sup>	%	Calculate	1/Month
Oil and Grease <sup>[2]</sup>	mg/L	Grab	1/Quarter
pH <sup>[3]</sup>	standard units	Grab	1/Day or Continuous/D
Acute Toxicity <sup>[4]</sup>	% Survival	Flow through	1/Month
Chronic Toxicity <sup>[5]</sup>	TUc	C-24	1/Quarter
Ammonia	mg/L as N	C-24	1/Month
Copper <sup>[6]</sup>	µg/L	C-24	1/Month
Cyanide <sup>[6]</sup>	µg/L	Grab	1/Month
Dioxin-TEQ	µg/L	Grab	2/Year
Total Residual Chlorine <sup>[4-7]</sup>	mg/L	Continuous	Continuous/D

Unit Abbreviations:

MGD = million gallons per day  
 mg/L = milligrams per liter  
 MPN/100 mL = most probable number per 100 milliliters  
 Colonies/100 ml = colonies per 100 milliliters  
 TUc = chronic toxicity units  
 mg/L as N = milligrams per liter as nitrogen  
 µg/L = micrograms per liter

Sample Type:

C-24 = 24-hour composite

Sampling Frequency:

Continuous/D = measured continuously, and recorded and reported daily  
 1/Week = Once per week  
 3/Week = Three times per week  
 5/Month = Five times per month  
 1/Day = Once per day  
 1/Month = Once per month  
 1/Quarter = Once per quarter  
 2/Year = Twice per year

<sup>[1]</sup> The percent removal for CBOD and TSS shall be reported for each calendar month in accordance with Effluent Limitation IV.A.1. Samples for CBOD and TSS shall be collected simultaneously with influent samples.

<sup>[2]</sup> Each oil and grease sampling and analysis event shall be conducted in accordance with USEPA Method 1664.

<sup>[3]</sup> If pH is monitored continuously, the minimum and maximum pH values for each day shall be reported in monthly Self-Monitoring Reports (SMRs).

<sup>[4]</sup> Acute bioassay tests shall be performed in accordance with MRP section V.A.

<sup>[5]</sup> Critical life stage toxicity tests shall be performed and reported in accordance with the Chronic Toxicity Requirements of specified in MRP section V.B. The Discharger shall also report in the SMR cover letter when a TRE has been triggered.



<sup>[6]</sup> As total recoverable metal.

<sup>[11]</sup> For effluent flows, the following information shall be reported monthly:

- Daily average flow (MGD)
- Monthly average flow (MGD)
- Maximum daily flow (MGD)
- Minimum daily flow (MGD)

<sup>[12]</sup> When replicate analyses are made of an enterococcus or total coliform sample, the reported result shall be the geometric mean of the replicate sample.

<sup>[13]</sup> As described in Attachment G, section III.C.2.

<sup>[14-17]</sup> Effluent chlorine residual concentrations shall be monitored continuously or, at a minimum, every hour. The Discharger shall report for each day the maximum residual chlorine concentration observed following dechlorination. However, if monitoring continuously, the Discharger shall report for each day the maximum residual chlorine concentration based only on discrete readings from the continuous monitoring taken every hour on the hour. The Discharger shall retain continuous monitoring readings for at least three years. The Regional Water Board reserves the right to use all other continuous monitoring data for discretionary enforcement. Daily maximum shall be reported. If a detectable amount of total residual chlorine is reported, the length of time that total residual chlorine was detected shall be reported. Alternatively, 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 samples or readings 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; (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.

**CMSA Comment 4: CMSA requests several changes to Table E-6, Pretreatment and Biosolids Monitoring Requirements, consistent with current permitting practices. Table E-6 increases monitoring frequencies for influent and effluent monitoring for base/neutrals and acids extractable organic compounds (BNAs) as well as adding a number of constituents. Increasing monitoring would increase CMSA's costs, and CMSA claims there is no basis to justify the additional expense.**

**Response:** We agree and revised Monitoring and Reporting Program Table E-6 as follows:

**Table E-6. Pretreatment and Biosolids Monitoring Requirements**

Constituents	Influent	Effluent <sup>(1)</sup>	Biosolids	Sample Type	
				INF-001 & EFF-002	Biosolids
VOC <sup>(2)</sup>	2/year	2/year	2/year	grabs	grabs <sup>(6c)</sup>
BNA <sup>(3)</sup>	2 1/year	2 1/year	2/year	grabs	grabs <sup>(6c)</sup>
Organophosphorous Pesticides	2/year	2/year	2/year	24 hour composite <sup>(6a)</sup>	grabs <sup>(6e)</sup>
Carbamate and Urea Pesticides	2/year	2/year	2/year	24 hour composite <sup>(6a)</sup>	grabs <sup>(6e)</sup>
Metals <sup>(4)</sup>	1/month	1/month	2/year	24-hour composite <sup>(6a)</sup>	grabs <sup>(6c)</sup>
Hexavalent Chromium <sup>(5)</sup>	1/month	1/month	2/year	grabs	grabs <sup>(6c)</sup>
Mercury	1/month	1/month	2/year	grab or 24-hour composite <sup>(6a,6b)</sup>	grabs <sup>(6c)</sup>
Cyanide	1/month	1/month	2/year	grabs	grabs <sup>(6c)</sup>

Footnotes for Table E-5:

- (1) The Discharger may elect to use the effluent monitoring conducted in accordance with Table E-4 to satisfy these pretreatment monitoring requirements.
- (2) VOC: volatile organic compounds
- (3) BNA: base/neutrals and acids extractable organic compounds
- (4) The metals are arsenic, cadmium, copper, lead, nickel, silver, zinc, and selenium.
- (5) The Discharger may elect to report total chromium instead of hexavalent chromium. Samples collected for total chromium measurements shall be 24-hour composites.
- (6) Sample types:
  - a. If an automatic compositor is used, the Discharger shall obtain 24-hour composite samples through flow-proportioned composite sampling. Alternatively, 24-hour composite samples may consist of discrete grab samples combined (volumetrically flow-weighted) prior to analysis or mathematically flow-weighted.
  - b. The Discharger may use automatic compositors for mercury if either (1) the compositing equipment (hoses and containers) comply with ultraclean specifications, or (2) appropriate equipment blank samples demonstrate that the compositing equipment has not contaminated the sample.
  - c. The biosolids sample shall be a composite of the biosolids to be disposed. Biosolids collection and monitoring shall comply with the requirements specified in Attachment H, Appendix H-4. The Discharger shall also comply with the biosolids monitoring requirements of 40 CFR 503.

**CMSA Comment 5: CMSA requests that Table F-8 be revised. Several revisions to Table F-8 are needed for consistency with monitoring requirements throughout the permit.**

**Response:** We agree and revised Table F-9 (formerly Table F-8) as follows:

**Table F-9. Monitoring Requirements Summary**

Parameter	Influent INF-001	Effluent EFF-001	Effluent E-002 (EFF-001 after dechlorination)	Effluent EFF-002b (during blending)	Sludge and Biosolids B-001	Receiving Water
Flow	<del>Continuous</del>	<del>Continuous</del>	<del>Continuous</del>	Continuous		
CBOD	1/Week	<del>1/Week</del>	<u>1/Week</u>	1/Year		
TSS	1/Week	<del>3/Week</del>	<u>3/Week</u>	1/Day		
Oil and Grease		<del>1/Quarter</del>	<u>1/Quarter</u>			
pH		<del>1/Day or Continuous</del>	<u>1/Day or Continuous</u>	1/Day or Continuous		Support RMP
Chlorine Residual			Continuous	Continuous		
Acute Toxicity		<del>1/Month</del>	<u>1/Month</u>			Support RMP
Chronic Toxicity		<del>2/Year</del>	<u>1/Quarter</u>			Support RMP
Total Coliform		<del>3/Week</del>	<u>3/Week</u>	<del>1/Year</del> <u>1/Day</u>		Support RMP
Enterococcus		<del>4/Year</del>	<u>2/Year</u>	<u>1/Day</u>		Support RMP
Dissolved Oxygen			<u>1/Day</u>			<del>Support RMP</del>
Temperature		<del>1/Day</del>	<u>1/Day</u>	1/Year		Support RMP
Copper		<del>1/Month</del>	<u>1/Month</u>	1/Year		Support RMP
Cyanide	1/Month	<del>1/Month</del>	<u>1/Month</u>	1/Year	2/Year	Support RMP
Silver		<del>1/Month</del>		<del>1/Year</del>		<del>Support RMP</del>
Ammonia		<del>1/Month</del>	<u>1/Month</u>	1/Year		Support RMP
Dioxin-TEQ		<del>2/Year</del>	<u>2/Year</u>			Support RMP

VOCs & BNA	2/Year	<del>2/Year</del>	<u>2/Year</u>		2/Year	Support RMP
BNA	<u>1/Year</u>		<u>1/Year</u>		<u>2/Year</u>	<u>Support RMP</u>
Organophosphorus Pesticides	2/Year	2/Year			2/Year	Support RMP
Carbamate and Urea Pesticides	2/Year	2/Year			2/Year	Support RMP
Metals, including Hexavalent Chromium and Mercury	1/Month	<del>1/Month</del>	<u>1/Month</u>		2/Year	Support RMP
All Other Priority Pollutants		<del>1/Year</del>	<u>1/Year</u>			Support RMP
Standard Observations		<u>1/Month</u>	<del>1/Month</del>			
Metric tons/year					See Att. G § III.B.1	
Paint filter test					See Att. G § III.B.2	

**CMSA Comment 6-9: Comments 6 through 9 list typographical errors.**

**Response:** We revised the tentative order to correct the typographical errors.

### U.S. Environmental Protection Agency (U.S. EPA)

**U.S. EPA Comment 1: Revise bypass/blending requirements to address satellite collection systems.** CMSA's Utility Analysis lacks some of the details specified in U.S. EPA's 2005 draft blending guidance. U.S. EPA notes three deficiencies: (1) while the Utility Analysis briefly describes satellite inflow and infiltration reduction projects, it does not evaluate reductions expected from these projects; (2) the Utility Analysis does not evaluate peak flow reductions (and related costs) obtainable through the satellite collection systems' Sewer System Management Plans; and (3) the Utility Analysis does not assess service charges funding the Wet Weather Improvement Program related to the satellite systems. U.S. EPA recommends the final permit requirements should obligate CMSA to ensure that its satellites reduce I&I resulting in blending by CMSA. Furthermore, U.S. EPA recommends revising Table 8 to require CMSA to quantify the costs of satellite agency efforts to reduce inflow and infiltration, and consider together CMSA's and the satellites' abilities to finance costs using U.S. EPA guidance. U.S. EPA says that, in addition to reporting Tasks 2 through 5, CMSA should also provide an annual evaluation to determine if infiltration and inflow reduction efforts are resulting in reduced flows to the Plant, and, when a satellite is not making adequate improvements, CMSA should be required to work with it to ensure that it makes necessary adjustments.

**Response:** We note that U.S. EPA has not formally adopted its 2005 draft blending guidance, so compliance with it is not required. However, we find the document useful

and have tried to be consistent with it to the extent possible. We agree with the theme of U.S. EPA's suggestions and have revised the tentative order to strengthen the requirements. However, CMSA has no legal authority over its satellite, or tributary, collection system agencies to compel specific actions on their part. Moreover, the tributary collection system agencies are not identified as dischargers in the tentative order and cannot, therefore, be held responsible for compliance with the permit. Thus, our revisions would require CMSA to complete actions it cannot feasibly accomplish. It can seek the information U.S. EPA desires and compile any information it receives. It can then evaluate the effectiveness of the tributary collection system agencies' infiltration and inflow reductions based on the information it receives. As shown below, Task 4 would require CMSA to annually identify tributary collection system agencies not making sufficient progress toward reducing the need to blend and work with them to improve their performance.

We revised Table 8, Tasks 4 and 7, as follows:

**4. Describe Status of Capital Improvement Programs of Tributary Collection System Agencies.**

The Discharger shall request information from all tributary collection system agencies regarding existing and future capital improvement activities intended to reduce I/I. The Discharger shall annually report the information it receives. If, based on this information, the Discharger concludes that a tributary collection system agency is not making adequate improvements to reduce the need to blend, the Discharger shall note this conclusion in its annual report and work with that agency to encourage performance improvement. The Discharger shall describe in its reports its efforts to encourage such improvement. The Discharger shall report the capital improvement activities conducted to reduce inflow and infiltration (I/I) based on data collected from tributary collection system agencies, and summarize future plans.

:

**7. Update Capital Master Planning Alternatives Analysis for Blending Reduction.**

The Discharger shall update its capital master planning alternatives analysis for blending reduction to re-evaluate strategies to further reduce blending through capital improvements to the tributary collection system (based on information received under Task 4, above), and at the Facility. The Discharger shall ~~also~~ consider the current status of tributary collection system agency efforts to reduce ~~inflow/infiltration~~ I/I by requesting information from each tributary collection system agency regarding its efforts, including its budgets and expenditures. Based on the information provided, the Discharger ~~The report~~ shall identify a preferred alternative to further reduce blending. Selection shall ~~will~~ be based on factors including, but not necessarily limited to, the need to blend (considering the effectiveness of the existing Wet Weather Improvement Program and the private sewer lateral programs), the alternative's foreseeable impact on the need to blend, and the alternative's estimated cost relative to the Discharger's and tributary collection systems agencies' abilities ~~ability~~ to finance the costs. (One means to assess a community's ability to fund wet weather improvements is to consult U.S. EPA's *CSO Guidance for Financial Capability Assessment and Schedule Development*, EPA Publication Number 832-B-

97-004.) The report shall also include a feasible timeline for steps leading to implementation of the preferred alternative.

**U.S. EPA Comment 2: *Make Utility Analysis available for public comment.*** U.S. EPA believes utility analyses, which provide details about the need to blend, should be made available for public review and comment with draft permits.

**Response:** Utility analyses are and will continue to be available for review and comment with draft permits. As in all our tentative orders, Fact Sheet section VIII.D states that all documents used to prepare this tentative order, including the Utility Analysis, are available to the public for review. The formal notice of the opportunity for public comment also stated, “(a)ll documents related to the tentative permit may be inspected and copied at the Board office.... Contact Vincent Christian at (510) 622-2336, or by e-mail at vchristian@waterboards.ca.gov, if you have any questions.” We swiftly provide any supporting documentation when requested.

**U.S. EPA Comment 3: *The permit should require public notice of blending events.*** U.S. EPA believes the permit should require CMSA to notify the public about blending events within 24 hours of inception, providing the duration and volume at least 48 hours after blending ends.

**Response:** Consistent with the 2005 draft guidance, we added a new task to require development of a public notification protocol for blending events.

We revised Table 8 as follows:

**Table 8. Specific Tasks to Reduce Blending**

Task	Compliance Date
:	
<p><b>8. <u>Prepare No Feasible Alternatives Analysis</u></b>            The Discharger shall conduct a utility analysis if it seeks to continue to bypass peak wet weather flows around the secondary treatment units based on 40 CFR 122.41(m)(4)(i)(A)-(C)....</p>	<p>With Report of Waste Discharge due January 31, 2017</p>
<p><b>9. <u>Develop and Implement Public Notification Protocol.</u></b>  <u>The Discharger shall develop and implement a public notification protocol to alert the public of blending events. The protocol shall provide a mechanism to notify the public within 24 hours of the start of a blending incident and provide an approximate duration and volume for the incident within 48 hours of it ending. The mechanism could involve, for example, website posting or emailing a list of parties who have expressed interest in this information. The Discharger shall submit the protocol to the Regional Water Board.</u></p>	<p><u>September 1, 2012</u></p>

**U.S. EPA Comment 4: *Monitoring requirements during blending should be revised.*** U.S. EPA believes that composite samples should be collected instead of grab samples to ensure consistency in compliance reporting during all operating conditions. Also, bacteria monitoring should occur daily during blending events to ensure proper disinfection.

**Response:** We agree, in part. Bacteria monitoring should be increased to daily during blending events, consistent with Regional Standard Provisions (Attachment G), section III.3.b(6). We revised Table E-5 to mirror those requirements. We modified the sample type to make C-24 or grab optional because the duration of the blending event is often less than 24 hours. For 30 blending events from November 2008 through March 2011 for which we have start and stop times, the duration ranged from 1 to 19 hours, and the average was only 11 hours. During these events, the gates allowing blending may have opened and closed several times. The revisions to Table E-5 are shown in our response to CMSA Comment 1.

**U.S. EPA Comment 5: *Fact Sheet should describe historical blending. U.S. EPA wishes that the Fact Sheet would summarize blending events during the previous permit term and describe anticipated reductions resulting from CMSA’s Wet Weather Improvement Plan.***

**Response:** We agree. We added a summary of blending events for the past permit cycle and explained that recent Plant upgrades are expected to reduce substantially the number of blending days and volumes compared to pre-improvement conditions.

We added Fact Sheet section II.F and Table F-4 as follows:

**F. Blending Summary**

When influent flows are above 30 MGD, the Discharger may bypass secondary treatment for the portion of the flow above 30 MGD and recombine the bypassed flows with the secondary-treated flow, disinfected, and discharged to San Francisco Bay. This process is also known as blending. The Discharger blends approximately 24 times per year. The table below summarizes blending from 2006 through 2010. The Discharger anticipates that the recent Plant upgrades will reduce the average annual number of blending days from 33 to about 11, and the average annual blending volume by 55% over pre-improvement conditions.

**Table F-4. Historical Blending Summary**

<u>Calendar Year</u>	<u>Number of Blending Days</u>	<u>Annual Volume of Primary Portion of Blended Effluent (MG)</u>	<u>Annual Precipitation (inches)</u>
2006	49	159	31
2007	10	23	15
2008	17	118	22
2009	12	112	23
2010	30	196	46
<b>Average</b>	<b>24</b>	<b>122</b>	<b>27</b>

**U.S. EPA Comment 6: *Fact Sheet should strengthen copper antidegradation analysis. Noting that the copper limits are more than three times higher than those in the previous permit, and that the antidegradation analysis concluded that there would be no water quality degradation based primarily on the required Copper Action Plan, U.S. EPA objects to the lack of information about baseline copper concentrations and***

*copper trends in the receiving water. The trends may indicate the effectiveness of the Copper Action Plans already being implemented by other dischargers. U.S. EPA also notes transcription errors in Table F-7.*

**Response:** We agree that the antidegradation analysis could be more robust. Because the permitted flow and treatment provided will not change, and because, with the exception of the copper effluent limits, the effluent limits in the tentative order are all at least as stringent as those in the previous permit, the only pollutant of concern with respect to antidegradation is copper. This tentative order would allow backsliding from the previous permit's copper limits, which were based on the California Toxics Rule, to less stringent limits based on the Basin Plan's newer site-specific objectives. Clean Water Act section 303(d)(4)(B) allows this backsliding because the receiving water is in attainment with existing water quality objectives and because the backsliding is consistent with antidegradation policies, as explained in the Fact Sheet revisions below.

When the Basin Plan was amended to incorporate the copper site-specific objectives, an implementation plan was included that mandated copper action plans in all NPDES permits based on the site-specific objectives. The intent of the requirement was to preclude the need for a detailed antidegradation analysis regarding copper with each permit issuance. To ensure the effectiveness of the copper action plans, they include three-year average copper concentration triggers, which, if exceeded, require additional implementation measures. We evaluate this trigger through the work of the San Francisco Estuary Institute, which has compiled San Francisco Bay copper data for 2008-2010 demonstrating that copper concentrations are below the triggers (<http://www.sfei.org/content/copper-site-specific-objective-3-year-rolling-averages>). Therefore, there has been no degradation of San Francisco Bay water quality despite the fact that nearly all other San Francisco Bay dischargers have received considerably less stringent copper effluent limits based on the copper site-specific objectives.

We revised Fact Sheet section IV.C.7 as follows:

## **7. Antidegradation**

... The permitted discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution 68-16. With the exception of the copper limits (discussed below), this Order continues the status quo with respect to the level of discharge authorized in the previous permit and thus there will be no change in water quality beyond the level authorized in the last permit. The limitations in this Order comply with antidegradation requirements because they hold the Discharger to performance levels that will neither cause nor contribute to water quality impairment, nor further water quality degradation. This is because this Order does not provide for an increase in the permitted design flow, allow for a reduced level of treatment, or increase effluent limitations (with the exception of copper).

The copper limits in this Order are less stringent than those in the previous permit because they were calculated based on site-specific objectives. CWA section 303(d)(4)(B) allows effluent limits to be revised for water bodies that meet water

quality standards if such revisions are consistent with antidegradation policies. In this case, the receiving water (San Francisco Bay) is in attainment with existing copper water quality objectives. The backsliding is consistent with antidegradation policies for the reasons set forth below:

- The water quality baseline for purposes of evaluating the potential for degradation is the water quality resulting from compliance with the previous permit, which was adopted in accordance with antidegradation policies. This quality is represented by recent RMP data collected at the Yerba Buena station, located in Central San Francisco Bay, reasonably close to the discharge location.
- Most other dischargers throughout the San Francisco Bay Region have obtained permits with less stringent copper limits based on the site-specific objectives, and have implemented Copper Action Plans as the Basin Plan requires. During this time, copper concentrations at the Yerba Buena station have remained stable. From January 2000 through December 2010, total copper ranged from 0.72 to 2.5 µg/L and averaged 1.6 µg/L.
- Despite the higher copper limits, there would be no increase in influent copper concentrations and no reduction in treatment effectiveness. The Order allows no relaxation of copper source control or pollution prevention efforts. Likewise, the treatment process employed at the Plant would remain unchanged. The Discharger has neither an incentive nor the capability to modify the Plant's physical or biological treatment processes to increase effluent copper concentrations without risking violations of other permit limitations and provisions.
- To further ensure that effluent copper concentrations could not increase, the Order requires implementation of a Copper Action Plan (Provision VI.C.5.b), as mandated by the Basin Plan. To ensure the Copper Action Plan's effectiveness, it includes a three-year average copper concentration trigger, which, if exceeded, requires additional implementation measures to ensure that effluent copper concentrations do not increase.

~~Central San Francisco Bay meets the copper site-specific objectives, and the site-specific objectives were designed to be protective of beneficial uses. Furthermore, the Basin Plan requires copper action plans for all discharges to the Central San Francisco Bay. Provision VI.C.5.b requires a copper action plan. Therefore, the Bay will not be degraded by copper discharges.~~

~~There~~ Because no increase in copper effluent concentrations is expected, there will be no lowering of water quality beyond the current level authorized in the previous permit, which is the baseline by which to measure whether degradation will occur. Therefore, further analysis in this permit is unnecessary, and findings authorizing degradation are thus unnecessary. The discharge is consistent with 40 CFR 131.12 and State Water Board Resolution No. 68-16....



We revised Fact Sheet section VII.C.5.b as follows:

- b. Copper Action Plan.** This provision is based on Basin Plan section 7.2.1.2. It is necessary to ensure that use of copper site-specific objectives is consistent with antidegradation policies. Data from the San Francisco Estuary Institute compiled for 2008-2010 indicate no degradation of San Francisco Bay water quality with respect to copper (<http://www.sfei.org/content/copper-site-specific-objective-3-year-rolling-averages>).

We also corrected the transcription errors in Table F-8 (formerly Table F-7), as shown in our response to CMSA Comment 1.

**U.S. EPA Comment 7: U.S. EPA requests changes for enterococcus monitoring.** *U.S. EPA believes the Fact Sheet should be clarified to explain why total coliform limits intended to protect the shellfish harvesting beneficial use are based on the water contact recreational use. U.S. EPA proposes quarterly monitoring for the new enterococcus limit. U.S. EPA says both the geometric mean and the daily sample should be reported and the higher of the two values should be used for compliance determination.*

**Response:** We followed the Basin Plan. As explained in Fact Sheet sections IV.B.2.e and IV.B.2.f, the bacteria limits are based on Basin Plan Table 4-2A. This table implements the water quality objectives in Basin Plan 3-1 but does not call for implementing them directly. Basin Plan Table 4-2A requires enterococcus limits for the water contact recreation beneficial use and total coliform limits for the shellfish harvesting beneficial use. For deep water discharges, such as CMSA's, Table 4-2A mandates a daily maximum total coliform limit of 10,000 MPN/100mL and a 5-sample median or geometric mean total coliform limit of 240 MPN/100mL. Table 4-2A calls for lower limits for discharges in the immediate vicinity of public contact or shellfish harvesting, but neither occurs near CMSA's submerged deep-water outfall.

We increased the frequency of the enterococcus monitoring in Table E-3 to quarterly, as recommended. We also revised Table E-4, footnote 2, to clarify that all sample results are to be reported. However, we will use the geometric mean of any replicate samples collected on the same day when we evaluate compliance with the daily maximum effluent limit. To base this evaluation on the highest sample in a particular day would be to reinterpret the maximum daily limit as an instantaneous limit, which would be inconsistent with Basin Plan Table 4-2. These revisions are shown in our response to CMSA Comment 3.

**U.S. EPA Comment 8: U.S. EPA requests changes for chronic toxicity monitoring.** *For sites with few water quality-based effluent limitations, chronic toxicity is the principal method for determining protection for aquatic wildlife. Chronic toxicity monitoring should be consistent with Basin Plan Table 4-5, which sets different trigger levels for Toxicity Reduction Evaluations (TREs) depending on the frequency of monitoring. Also, CMSA should be required to report when a TRE has been triggered. Finally, the monitoring*

*program and Fact Sheet should be updated to describe where the toxicity test sample should be collected.*

**Response:** Consistent with Basin Plan Table 4-5, we revised Monitoring and Reporting section V.B.1.c (2) to trigger accelerated monitoring when a single sample test exceeds 10 TU<sub>c</sub>. We also added a footnote to Table E-4 requiring CMSA to report when a TRE has been triggered. These changes are shown in our response to CMSA Comment 3. The State Water Board is currently developing a policy on chronic toxicity, and we will likely make changes to our procedures when the new policy becomes effective. Monitoring and Reporting Program section IV already indicates the location for the toxicity test sample in the text preceding Table E-4: "...the Discharger shall monitor discharges of treated wastewater from the Plant at Monitoring Location EFF-002 as follows:"

We revised Monitoring and Reporting Program section V.B.1.c as follows:

- c. **Frequency.** The frequency of routine and accelerated chronic toxicity monitoring shall be as specified below.
  - (1) Undertake routine monitoring *quarterly* ~~*semiannually (twice per year)*~~.
  - (2) Accelerate monitoring to *monthly* after exceeding a three-sample median of 10 TU<sub>c</sub><sup>1</sup> or a single sample maximum of 20 TU<sub>c</sub>. The Executive Officer may specify a different frequency for accelerated monitoring based on the TU<sub>c</sub> results.

---

## San Francisco Baykeeper

---

**Baykeeper Comment 1: *An NPDES permit should be issued to the satellite collection systems.*** *The Tentative Order states that inflow and infiltration are from upstream satellite collection systems. Therefore, CMSA may never be able to feasibly eliminate blending. The Board issued a permit to upstream collection systems to the East Bay Municipal Utilities District wastewater treatment plant. Baykeeper believes it should also do so in this case.*

**Response:** We disagree. We named only CMSA in the tentative order because only CMSA, not the satellite sewage collection systems, submitted a permit application, and because CMSA owns and operates the treatment plant that actually discharges to San Francisco Bay. We agree that, by definition, a "treatment works treating domestic sewage" includes the treatment plant and its associated sewage collection system (40 CFR 122.2). Historically, however, only the portion of the system that is owned by the same agency that owns the treatment works has been subject to NPDES permit requirements.

As the State Water Board concluded during the issuance of its statewide General WDRs for Wastewater Collection Systems, the theory that all publically owned

treatment work (POTW) NPDES permits be expanded to include all satellite sewage collection systems (or that owners or operators of these systems be permitted separately under the federal Clean Water Act) is not widely accepted, and U.S. EPA has issued no guidance to do this. Based on this, and the fact that California's Porter-Cologne Water Quality Control Act (Porter-Cologne) has a broader reach than the Clean Water Act to regulate a larger universe of potential discharges from sewage collection systems (for example, discharges to groundwater as well as surface water, potential discharges as well as actual discharges, discharges that do not reach waters, and discharges that do), the State Water Board chose to regulate collection systems under Porter-Cologne. We agree with this approach to regulating collection systems and see no benefit to also regulating them through NPDES permits when the collection systems are not otherwise legally tied to POTW NPDES permits.

We note that, in 2008, U.S. EPA Region I proposed to include numerous separately owned and operated sewage collection systems within an NPDES permit for the Upper Blackstone Water Pollution Abatement District in Massachusetts. U.S. EPA's Environmental Appeals Board, however, determined that the region did not sufficiently articulate the factual and legal basis for including the collection systems and remanded the permit back to the region (*In Re Upper Blackstone Water Pollution Abatement District*, NPDES Appeal Nos. 08-11 to 08-18 & 09-06, *Order Denying Review in Part and Remanding in Part*, Decided May 28, 2010). On remand, the region chose to forego naming the collection systems.

Moreover, we cannot simply "add" parties to a permit without, at a minimum, affording those parties notice and an opportunity to comment.

Finally, the distinction between the East Bay Municipal Utilities District and this case is that the Regional Water Board's NPDES permits for the District's satellites were each independent permits; they were not all dischargers under the District's permit. Also, in that case, the Regional Water Board had determined that the District's satellites were significant contributors to violations by the District of its permitted federal treatment standards, so permits for each satellite were necessary in to form the basis for corrective action measures that the Regional Water Board imposed.

**Baykeeper Comment 2:** *The minimum flow required prior to discharge must be increased above prior permit levels. The Tentative Order proposes blending when flows exceed 30 MGD, yet it discusses a number of improvements put into place during the prior permit period. Yet, the prior permit also permitted blending at 30 MGD. If the recent improvements substantially increased the capacity of the Plant, so too should the flow be increased before blending can occur.*

**Response:** We disagree. CSMA's Wet Weather Improvement program included significant facility improvements over the past permit cycle, but none of the improvements increased CMSA's secondary treatment capacity. It is the secondary treatment capacity that limits the volume of wastewater CMSA can treat without blending. While CMSA expects significant continued reductions in the duration and

volume of blending events because of storage and operational improvements, the flow level that triggers blending will still be 30 MGD. See our response to U.S. EPA Comment 5.

**Baykeeper Comment 3: *The Tentative Order should be recirculated with the Utility Analysis.*** *CMSA submitted a Utility Analysis with its permit application. Baykeeper contends that, without access to review the study, the public cannot know if feasible alternatives to blending exist, and therefore whether the permit should be issued as is.*

**Response:** See our response to U.S. EPA Comment 2.

**Baykeeper Comment 4: *The Tentative Order should require full monitoring during all blending events.*** *Table E-5 requires CMSA to monitor certain parameters during blending, but Baykeeper thinks the monitoring frequency is too relaxed to determine if effluent limits are being met. Baykeeper thinks monitoring for each parameter should be required at least once per day during blending.*

**Response:** We disagree. The monitoring requirements for blending events in Table E-5 (shown in our response to CMSA Comment 1) are the same as those in Attachment G, and the same as those required of all treatment plants that blend in the San Francisco Bay Region. Daily monitoring for all parameters is unnecessary because most blending events are of short duration, and many parameters are actually more dilute due to the addition of infiltration and inflow. Based on data from various dischargers within the Region, the Regional Water Board concluded that total suspended solids is an appropriate surrogate for other possible pollutants. When total suspended solids are below 45 mg/L, discharges were in compliance with other effluent limitations. Total suspended solids concentrations above 45 mg/L could indicate poor treatment and violations of other effluent limitations could potentially occur. Therefore, we require samples to be retained during blending events, and, if the total suspended solids trigger is exceeded, we require monitoring of the retained samples.

Note that we revised the tentative order to require daily bacteria sampling during blending. See our response to U.S. EPA Comment 4.

---

## Staff-Initiated Revisions

---

We revised Table E-4, footnote 4 (formerly footnote 7), to clarify and streamline the continuous chlorine monitoring requirement. See our response to CMSA Comment 3.

We revised Monitoring and Reporting Program section VIII.B.4 as follows:

3. **RL ~~ML~~ and MDL Reporting.** The Discharger shall report with each sample result the Reporting Level (RL) and Method Detection Limit (MDL) as determined by the procedure in 40 CFR 136....

We revised Fact Sheet section IV.C.6.b as follows:

- b. Reasonable Potential Analysis.** The previous permit included chronic toxicity triggers of a single sample maximum of 20 TUc and a 3-sample median of 10 TUc, which would trigger accelerated chronic toxicity testing if exceeded. The Discharger conducted chronic toxicity testing every 6 months during the previous permit term using *Pimephales promelas*. Chronic toxicity testing results from March 2007 through March 2011 indicate the maximum single sample result was 2.9 TUc, and the maximum 3-sample median was <2.9 TUc. These low toxicity values indicate ~~no~~ low reasonable potential for chronic toxicity so there is ~~no~~ only a narrative chronic toxicity limit in this Order.

We added Fact Sheet section VII.C.4.c to provide the basis for Provision VI.C.4.c as follows:

- c. 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. The public agencies that are discharging wastewater into the Facility were required to enroll under the General Order.

The Discharger owns and operates less than one mile of force mains so it is not subject to the General Order. Because the Discharger's force mains are part of the Facility subject to this Order, certain standard provisions apply as specified in Provisions, section VII.C.4. These provisions serve the same functions as those of the General Order.

We revised the Tentative Order section II.B.3 and Fact Sheet section II.A.3 as follows:

- 3. Treatment Description.** Treatment processes consist of screening, grit removal, primary sedimentation, secondary biological treatment, secondary clarification, chlorination, and dechlorination.... The Plant uses an onsite, ~~partially lined~~ compacted-earth storage basin to store up to 7 million gallons of ~~fully treated~~ effluent during wet weather... .