

October 2, 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: Baykeeper Comments on the Proposed NPDES Permit for the Sausalito-Marín City Sanitary District

Dear Mr. Christian:

Thank you for the opportunity to comment on the proposed Tentative Order (“TO” or “Draft Permit”) for the Sausalito-Marín City Sanitary District’s (“Permittee”) Wastewater Treatment Plant and collection system, National Pollutant Discharge Elimination System (“NPDES”) Permit No. CA0038067. San Francisco Baykeeper (“Baykeeper”), a 501(c)(3) nonprofit organization with the mission of protecting and enhancing the San Francisco Bay for the health of its ecosystems and surrounding communities, respectfully submits these comments on behalf of our 2,300 members. Please address the following concerns to ensure that the Draft Permit adequately protects water quality and public health in the Bay Area.

1. The Regional Board Should Make All Utility Analyses Available for Public Review.

According to the Fact Sheet for the Draft Permit, the Permittee’s March 28, 2012 Utility Analysis discusses the Permittee’s plans to upgrade its facility to reduce blended discharges, analyzes of the need for bypasses, and includes a no feasible alternatives analysis. TO, F-10, F-13. However, this Utility Analysis is not included as an attachment to the Draft Permit or available on the San Francisco Bay Regional Water Quality Control Board’s (“Regional Board”) website, making it difficult for the public to have access to valuable, relevant information and provide meaningful comments on the TO. Baykeeper requested the Utility Analysis once we realized that it was necessary for reviewing the Draft Permit, but we did not receive it until the morning of the comment deadline. This practice is contrary to the United States Environmental Protection Agency’s (“EPA”) policy to involve the general public as much as possible to “improve the assessment of various options to minimize peak wet weather flow diversions.”¹ Even more, during the June 13, 2012 Regional Board meeting, several Board members responded to Baykeeper’s comments on the NPDES Permit for the Central Marin Sanitation Agency (Order No. R2-2012-0051, NPDES No. CA0038628) by directing staff to make utility

¹ EPA, NPDES Permit Requirements for Peak Wet Weather Discharges from Publically Owned Treatment Plants Serving Separate Sanitary Sewer Collection Systems (“EPA Blending Policy”), 2, available at http://www.epa.gov/npdes/pubs/proposed_peak_wet_weather_policy.pdf.

analyses readily available for public review. Baykeeper requests that the Utility Analysis for this TO and all future tentative orders for sanitary districts be included as an attachment or posted on the Regional Board's website so the analyses are available at the beginning of comment periods.

2. The Draft Permit Should Require the Permittee to Take Additional Steps to Reduce Blending Events.

The Permittee discharges blended wastewater about 5.25 times a year, resulting in approximately 130,000 gallons of effluent that does not receive secondary treatment during each event. TO, F-9. Unfortunately, blending events have been on the rise over the last permit cycle, with events increasing from 3 to 8 a year. TO, F-10. Table F-6. The Permittee expects to reduce blending events by enhancing storage capacity for peak flows and completing other Plant upgrades,² but these changes will only reduce blending events to about 1.5 times a year. TO, F-14. Also, the improvements gained from these upgrades may be overshadowed by anticipated improvements to satellite collection systems, since reducing bottlenecks would likely lead to increases in peak influent flows to the treatment plant. Utility Analysis (2012), 7. The EPA "strongly discourages reliance on peak wet weather flow diversions around secondary treatment units as a long-term wet weather management approach" and asserts that "such diversions should be minimized to the maximum extent feasible", with the goal of eliminating peak wet weather flow diversions at wastewater treatment plants serving separate sanitary sewer conveyance systems. Therefore, the Permittee should take all feasible steps to reduce blending events beyond 1.5 a year. As an example, the Permittee could explore increasing its storage capacity for excess peak flow wastewater beyond its current plans.

3. The Draft Permit Should Require Additional Monitoring of Blending Events.

According to the Monitoring and Reporting Program ("MRP") in the Draft Permit, the Permittee must monitor several parameters in its blended discharges, but the Permittee only has to collect samples for most of these pollutants once a year. Pursuant to the EPA Blending Policy, utility analyses should "propose[] a protocol for monitoring the recombined flow at least once daily during diversions for all parameters for which the POTW treatment plant has daily effluent limitations." EPA Blending Policy, 6. The Clean Water Act regulations also require monitoring requirements to "yield data which [is] representative of the monitored activity including, when appropriate, continuous monitoring. 40 C.F.R. § 122.48(b). Since the TO sets daily effluent limitations for CBOD, pH, enterococcus bacteria, copper, zinc, and cyanide – but the MRP proposes monitoring all of these pollutants only once a year – and there is a higher risk of violating water quality standards with partially-treated blended discharges, the MRP should be revised to require daily monitoring for these parameters, regardless of the results of daily TSS samples. See TO, Table E-4, fn. 3. The MRP should also require daily monitoring of the other parameters with effluent limitations but not monitoring requirements – total ammonia, bis(2-

² The Permittee may be considering additional feasible alternatives to blending, but Baykeeper is not familiar with these plans since, as explained in our first comment, the Permittee's most recent Utility Analysis was not included as an attachment to the Draft Permit or placed on the Regional Board's website.

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Ethylhexyl)Phthalate, chlorodibromomethane, oil and grease, and dioxin-TEQ – to comply with the EPA’s Blending Policy and regulations. TO, Table E-4. This modified monitoring program would help the Regional Board determine that effluent limits are met with each blending event.

4. The Regional Board Should Fix the Typographical Error on Page F-4 of the Fact Sheet.

Page F-4 of the Fact Sheet states, “On April 2, 2013, the Discharger filed a Report of Waste Discharge and submitted an application for reissuance of its WDRs and NPDES permit.” Please revise this statement to reflect that this Report was filed in April 2012.

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,

A handwritten signature in black ink, appearing to read "Abigail Blodgett", with a long horizontal flourish extending to the right.

Abigail Blodgett
Associate Attorney, San Francisco Baykeeper