March 29, 2013

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

VIA EMAIL: vchristian@waterboards.ca.gov

Subject: Comments on Tentative Order Issued to the West County Agency, West County Wastewater District, City of Richmond, and Richmond Municipal Sewer District No. 1

Dear Mr. Christian:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to comment on the Tentative Order issued to the West County Agency (WCA), West County Wastewater District, City of Richmond, and Richmond Municipal Sewer District No. 1, collectively referred to in this letter as West County. BACWA is a joint powers agency whose members own and operate publicly-owned treatment works (POTWs) and sanitary sewer systems that collectively provide sanitary services to over 6.5 million people in the nine-county San Francisco Bay Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health.

On behalf of its member agencies, BACWA requests that the San Francisco Bay Regional Water Quality Control Board (Water Board) consider the following comments on the Tentative Order's ammonia limits, and hopes that changes will be made prior to issuance of the final Order for West County.

Prior to the issuance of the Tentative Order, West County submitted a dilution study technical memorandum, "Near-Field Dilution Modeling – WCA Discharges to San Francisco Bay", dated September 17, 2012. The study used the peak wet weather design flow (41 MGD), which resulted in a dilution factor of 117:1 for acute conditions, and the dry weather design flow (28.5 MGD), which resulted in a dilution factor of 164:1 for chronic conditions. In comparison, the previous permit developed ammonia limits using a dilution factor of 25:1, which was based on a dilution study performed in 1977. The updated dilution factors resulted in a calculation of water quality-based effluent limits (WQBELs) for ammonia of 210 mg/L (AMEL) and 550 mg/L (MDEL). However, the Tentative Order states, "The limits in the previous order (AMEL of 32 mg/L and MDEL of 59 mg/L) are more stringent than the newly-calculated limits and are retained to avoid backsliding."

BACWA is concerned that if a precedent is set where true dilution isn't allowed for ammonia WQBEL calculations, then some of our member agencies will experience difficulties with future compliance. Water conservation, a high priority for most Bay Area communities, results in lower volume of wastewater requiring treatment but does not result in significant changes to ammonia loading to wastewater treatment plants. This dynamic is manifested in higher ammonia concentrations in wastewater but not higher ammonia loadings. Regulating ammonia with restrictive concentration limits can put Bay Area wastewater agencies serving communities with successful water conservation programs at risk of non-compliance.

More specifically, WCA is a joint powers authority that operates an outfall that discharges combined effluent from the Richmond Municipal Sewer District Water Pollution Control Plant (Richmond Plant) and the West County Wastewater District Water Pollution Control Plant (West County Plant). The effluent from the Richmond Plant has higher ammonia concentrations than effluent from the West County Plant. Since the West County Wastewater District plans to recycle more of its effluent in the future, concentrations of ammonia in the WCA outfall will increase, even as the loads decrease.

BACWA understands that the Water Board seeks to limit nutrient loading into the Bay as part of the San Francisco Bay Nutrient Strategy (Nutrient Strategy). Increasing West County's ammonia WQBELs in accordance with their new dilution study would appear to permit them to increase their nutrient loads, which is contrary to the spirit of the Nutrient Strategy efforts. We propose that instead of limiting ammonia WQBELs, the Water Board caps ammonia load based on current performance to prevent the increase of nutrient loads.

The ammonia control strategy employed in Central Contra Cost Sanitary District's permit (R2-2012-0016) makes sense for West County. In that permit, ammonia WQBELs were calculated based on the dilution factor determined by a modeling study. A daily ammonia load cap was also established that was calculated from the plant's permitted dry weather flow and its past performance, measured by the 95^{th} percentile of the concentration in its effluent. Thus, although the effluent limit concentration was appropriately based on total dilution, the total loading was not allowed to increase since it was controlled by the load cap. If this strategy is employed for the West County permit, the Water Board can restrict an increase in ammonia loading without penalizing water recycling or conservation efforts.

The Clean Water Act grants exceptions to anti-backsliding if "…information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance" (§402(o)(2)(B)(i)). Submission of a new dilution study meets the criteria necessary to obtain an exception from anti-backsliding.

BACWA appreciates the opportunity to comment on this Tentative Order and thanks you for considering our concerns.

Respectfully Submitted,

David R. Williams

David Williams
Executive Director
Bay Area Clean Water Agencies

cc: BACWA Board
E.J. Shalaby, West County Agency General Manager